

**Chiu, Wayne@Waterboards**

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**From:** Arias, Christina@Waterboards  
**Sent:** Tuesday, March 03, 2015 1:22 PM  
**To:** Kolb, Ruth (RKolb@sandiego.gov); Stroud, Heather (HStroud@sandiego.gov); Lin, Cindy (Lin.Cindy@epa.gov)  
**Cc:** Chiu, Wayne@Waterboards; Haas, Jeremy@Waterboards; Becker, Eric@Waterboards  
**Subject:** Sediment TMDL proposed revisions  
**Attachments:** 2015-0303 Sed TMDL proposed revisions.docx

Good afternoon ladies and gents,

Thank you for a productive meeting this morning. I'm attaching the proposed changes that we discussed. Hopefully this addresses the City of San Diego's concern with preserving the intent of the basin plan amendment. If I don't hear back from anyone, we will proceed forward with this language during the reissuance of the MS4 permit to the Riverside Copermittees.

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## 7. Total Maximum Daily Loads for Sediment in Los Peñasquitos Lagoon

### a. APPLICABILITY

- (1) TMDL Basin Plan Amendment: Resolution No. R9-2012-0033
- (2) TMDL Adoption and Approval Dates:

San Diego Water Board Adoption Date:	June 13, 2012
State Water Board Approval Date:	January 21, 2014
Office of Administrative Law Approval Date:	July 14, 2014
US EPA Approval Date:	October 30, 2014
- (3) TMDL Effective Date: July 14, 2014
- (4) Watershed Management Area: Los Peñasquitos
- (5) Water Body: Los Peñasquitos Lagoon
- (6) Responsible Copermittees: County of San Diego, City of San Diego, City of Del Mar, and City of Poway

### b. FINAL TMDL COMPLIANCE REQUIREMENTS

The final sediment TMDL compliance requirements for Los Peñasquitos Lagoon consist of the following:

- (1) Final TMDL Compliance Date

The Responsible Copermittees must be in compliance with the final TMDL compliance requirements by December 31, 2034.

- (2) Final Water Quality Based Effluent Limitations

- (a) Final Receiving Water Limitations

Discharges from the MS4s must not prohibit the sustainable restoration of tidal and non-tidal saltmarsh vegetation of at least 346 acres.

- (b) Final Effluent Limitations

Discharges from the MS4s containing pollutant loads that do not exceed the following effluent limitations by the compliance date under Provision 7.b(1) will not cause or contribute to a failure of the receiving water condition specified under Specific Provision 7.b.(2)(a):

**Table 7.1**

*Final Effluent Limitations as Expressed as Wet Season Loads in MS4 Discharges to Los Peñasquitos Lagoon\**

Constituent	Effluent Limitation
Sediment	2,580 tons/wet season

\*Final effluent limitations are to be achieved by the following Responsible Parties: County of San Diego, City of San Diego, City of Del Mar, City of Poway, Phase II MS4 permittees, Caltrans, general construction storm water NPDES permittees, and general industrial storm water NPDES permittees.

(c) Best Management Practices

- (i) The Water Quality Improvement Plan for the Los Peñasquitos Watershed Management Area must incorporate the Sediment Load Reduction Plan required to be developed pursuant to Resolution No. R9-2012-0033.
- (ii) The Responsible Copermittees must implement BMPs to achieve the receiving water limitations under Specific Provision 7.b.(2)(a) and/or the Copermittee's portion of the effluent limitations under Specific Provision 7.b.(2)(b) for Los Peñasquitos Lagoon.

(3) Final TMDL Compliance Determination

Compliance determination with the final WQBELs, on or after the final TMDL compliance date, may be demonstrated via one of the following methods:

- (a) Successful restoration of 80 percent of the 1973 acreage of tidal and non-tidal lagoon salt marsh (346 acres) as described in Attachment A of Resolution No. R9-2010-0033; OR
- (b) The Responsible Copermittees develop and implement the Water Quality Improvement Plan as follows:
  - (i) Incorporate the BMPs required under Specific Provision 7.b.(2)(c)(ii) and/or other implementation actions to achieve compliance with Specific Provision 7.b.(3)(a) as part of the Water Quality Improvement Plan,
  - (ii) Include an analysis in the Water Quality Improvement Plan, utilizing a watershed model or other watershed analytical tools, to demonstrate that the implementation of the BMPs required under Provision 7.b.(2)(c)(ii) or other implementation actions to achieve compliance with Specific Provision 7.b.(3)(a),
  - (iii) The results of the analysis must be accepted by the San Diego Water Board as part of the Water Quality Improvement Plan,
  - (iv) The Responsible Copermittees continue to implement the BMPs

required under Specific Provision 7.b.(2)(c)(ii) or other implementation actions, AND

- (v) The Responsible Copermittees continue to perform the specific monitoring and assessments specified in Specific Provision 7.d to demonstrate compliance with Specific Provision 7.b.(3)(a).

**c. INTERIM TMDL COMPLIANCE REQUIREMENTS**

The interim sediment TMDL compliance requirements for Los Penasquitos Lagoon consist of the following:

(1) Interim Compliance Dates and WQBELs

The Responsible Copermittees must comply with the interim WQBELs, expressed as wet season loads, by December 31 of the interim compliance year set forth in Table 7.2.

**Table 7.2**

*Interim Water Quality Based Effluent Limitations Expressed as Wet Season Loads in MS4 Discharges\**

Interim Compliance Date	Interim Effluent Limitations (tons/wet season)
December 31, 2019	6,691
December 31, 2023	5,663
December 31, 2027	4,636
December 31, 2029	3,608

\*Interim effluent limitations are to be achieved by the following Responsible Parties: County of San Diego, City of San Diego, City of Del Mar, City of Poway, Phase II MS4 permittees, Caltrans, general construction storm water NPDES permittees, and general industrial storm water NPDES permittees.

(2) Interim TMDL Compliance Determination

Compliance with interim WQBELs, on or after the interim TMDL compliance dates, may be demonstrated via one of the following methods:

- (a) There is no direct or indirect discharge from the Responsible Copermittee’s MS4s to the receiving water; OR
- (b) The final receiving water limitation under Specific Provision 7.b.(2)(a) is met; OR
- (c) There are no exceedances of the Copermittee’s portion of interim effluent limitations under Table 7.2 at the Responsible Copermittee’s MS4 outfalls; OR
- (d) The Responsible Copermittees have submitted and is fully implementing a Water Quality Improvement Plan, accepted by the San Diego Water Board,

which provides reasonable assurance that the Copermittee's portion of the interim TMDL compliance requirements described in Attachment A of Resolution No. R9-2010-0033 will be achieved by the interim compliance date.

**d. SPECIFIC MONITORING AND ASSESSMENT REQUIREMENTS**

(1) Watershed Monitoring

The Responsible Copermittees must conduct suspended sediment, bed load, and flow monitoring to calculate total sediment loading to the Los Peñasquitos Lagoon for each wet season (October 1 thru April 30) as set forth below:

- (a) The Responsible Copermittees must monitor enough storm events throughout the season to quantify sediment loading over each wet season, and
- (b) The Responsible Copermittees must monitor at least 3 stations to quantify cumulative sediment loading into Los Peñasquitos Lagoon. Stations must be located within the Los Peñasquitos, Carroll Canyon, and Carmel Creek tributaries prior to discharging into Los Peñasquitos Lagoon.

(2) Lagoon Monitoring

The Responsible Copermittees must monitor Los Peñasquitos Lagoon each Fall for changes in the extent of the vegetation types as set forth below:

- (a) The Responsible Copermittees must acquire aerial photos of Los Peñasquitos Lagoon and digitize them at an approximate scale of 1:2,500,
- (b) The Responsible Copermittees must appropriately interpret the vegetation and classify the various types as saltmarsh, non-tidal saltmarsh, freshwater marsh, non-tidal saltmarsh –*Lolium perrene* infested, southern willow scrub/mulefat scrub, herbaceous wetland, or upland land cover.

(3) Assessment and Reporting Requirements

- (a) The Responsible Copermittees must analyze the monitoring data collected under Specific Provision 7.d(1) and 7.d(2) to assess whether the interim and final WQBELs have been achieved.
- (b) For assessing and determining compliance with the final receiving water limitations under Specific Provision 7.b.(2)(a), the Responsible Copermittees must use the data acquired under Specific Provision 7.d.(2) to estimate the acreage of tidal and non-tidal saltmarsh actually restored.

- (c) For assessing and determining compliance with the final effluent limitations under Specific Provision 7.b.(2)(b), the Responsible Copermittees must use the data acquired under Specific Provision 7.d.(1) to estimate sediment loading into Los Peñasquitos Lagoon. Sediment loading must be evaluated using a 3-year, weighted rolling average. The first reported average shall be calculated using data collected in the year, 2015-2016, 2016-2017, and 2017-2018 wet seasons.
- (d) The monitoring and assessment results must be submitted as part of the Water Quality Improvement Plan Annual Reports required under Provision F.3.b of this Order.