

Final Errata Sheet Approved June 13, 2012 for
Resolution No. R9-2012-0033
Basin Plan Amendment (Attachment A)
Staff Report (Attachment 3)

This single Errata Sheet documents all of the final changes adopted by the San Diego Water Board on June 13, 2012 to tentative Resolution R9-2012-0033, the Basin Plan Amendment (Attachment A to the Resolution), and the supporting Staff Report. During the hearing, the Water Board called a recess to allow staff and third party stakeholders an opportunity to discuss and reach agreement on a number of changes proposed in a June 13, 2012 comment letter presented by Dr. Cindy Lin of USEPA¹ at the hearing. This final single Errata Sheet is the result of that sequester and represents a combination of staff's Errata Sheet dated June 13, 2012² and many of the changes recommended by Cindy Lin in her June 13, 2012 letter.

A. Tentative Resolution No. R9-2012-0033

1. Revise Finding No. 5 as follows:

5. Water Quality Impairment of Los Peñasquitos Lagoon: As required by CWA section 303(d), the Los Peñasquitos Lagoon (Lagoon) was placed on the 1996 List of Water Quality Limited Segments due to sedimentation and siltation loads that exceeded water quality objectives. The beneficial uses that are most sensitive to increased sedimentation are estuarine habitat and preservation of biological habitats of special significance. Deposition of watershed sediment contributes to elevation increases within the Lagoon, which is a critical variable that determines the productivity and stability of these uses. Legacy sediments from construction activities within the lagoon (e.g., construction of the railway berms and construction and operation of access roads) also play a role in the Lagoon's sedimentation impairment.

Other beneficial uses listed in the Basin Plan for the Lagoon include contact water recreation, non-contact water recreation, wildlife habitat, rare, threatened or endangered species, marine habitat, migration of aquatic organisms, spawning, reproduction and/or early development, and shellfish harvesting.

Other impacts associated with increased and rapid sedimentation include: reduced tidal mixing within Lagoon channels, increased vulnerability to flooding for surrounding urban and industrial developments, increased turbidity associated with siltation in Lagoon channels, and constricted wildlife corridors.

2. FINAL COMPLIANCE TARGET

On page 3, make the following changes to Finding No. 7:

Delete the second alternative and replace with "2. Demonstrate that implementation actions are active on and/or affecting 346 acres with continued monitoring to ensure 80 percent target achievement."

3. On page 7, make the following changes to Finding No. 17:

CEQA Findings: The proposed Basin Plan amendment could have a potentially significant adverse effect on historical, archaeological, and paleontological resources. There are ~~feasible alternatives,~~ feasible mitigation measures, ~~or both,~~ that if employed, would

¹ USEPA comment letter dated June 13, 2012 with proposed changes (in the Administrative Record)

² Supporting Document No. 7 of the agenda package dated June 13, 2012

substantially lessen the potentially-significant adverse impacts identified in the substitute environmental documents; however such ~~alternative or~~ mitigation measures are within the responsibility and jurisdiction of other public agencies, not the San Diego Water Board. When the parties responsible for implementing this TMDL determine how they will proceed, the parties responsible for those parts of the project can and should incorporate such ~~alternatives and~~ mitigation into any subsequent projects or project approvals as part of the environmental review process. These ~~feasible alternatives and~~ mitigation measures are described in more detail in the substitute environmental documents included as Attachment 3 of the Staff Report and incorporated herein to this Resolution (14 CCR 15091(a)(2)). Where any subsequent project requires approval by the San Diego Water Board, the San Diego Water Board will include sufficient mitigation measures to substantially lessen the potentially significant adverse impacts.

B. Attachment A – Basin Plan Amendment

4. FINAL COMPLIANCE TARGET

On page A-16, and A-19 (footnote), make the following changes:

Delete the second alternative and replace with “2. Demonstrate that implementation actions are active on and/or affecting 346 acres with continued monitoring to ensure 80 percent target achievement.”

5. FINAL COMPLIANCE RESPONSIBLE PARTIES in Basin Plan Attachment A Table, item 12

On page A-19, make the following changes:

Revise the language of Responsible Parties to read: All Phase I, Phase II MS4, Caltrans, and general construction and industrial NPDES enrollees, and other WDR and NPDES permittees in the watershed. Add a footnote: for general construction and industrial permittees and other NPDES/WDR permittees, this applies to those facilities that have potential for long-term loadings into the watershed.

6. PROPOSED LANGUAGE FOR CLARIFICATION OF LOAD ALLOCATION

On page A-5, make the following changes:

There are two broad categories of sediment sources to the Lagoon: 1) watershed sources, and 2) the Pacific Ocean. The watershed sources consist of all of point and non-point sources of sediment in the watershed area draining to Los Peñasquitos Lagoon. The total sediment contribution from all watershed sources, currently, is presented as the total wasteload allocation (WLA). The watershed sources of sediment due to past historical activities that have resulted in accumulated sediment in the Lagoon over time are presented as the Watershed Load Allocation (LA). This source also includes, but is not limited to, in-Lagoon erosion and scouring. Since this loading could not be estimated given the limited data, the Lagoon numeric target is set as the compliance point for meeting this Watershed Load Allocation. The sediment contributions from the Pacific Ocean are considered a background source and are presented as the Load Allocation from the Ocean (LA). Hence, the responsible parties were assigned the total WLA and are jointly responsible for meeting the wasteload reductions required in this TMDL project.

7. On page A-6, make the following changes:

Watershed Load Allocations to Lagoon

Past historical watershed loading has led to accumulated sediment, erosion, and scouring in the Lagoon causing impairment to the Lagoon habitats. The Lagoon numeric target is set as the compliance for this LA: maintain at least 346 acres of tidal and non-tidal saltmarsh, represents 80 percent of the total acreage of tidal and non-tidal saltmarsh present in 1973.

8. PROPOSED LANGUAGE FOR RESPONSIBLE PARTIES AND ACTIONS

On page A-8, make the following changes:

The San Diego Water Board encourages cooperation among all the responsible parties. ~~While A~~all the responsible parties in the Los Peñasquitos watershed must reduce their collective sediment load. Responsible parties include, but are not limited to, specific identification of general construction and industrial stormwater permittees, such as sand and gravel operation facilities in the watershed that have capacity for long-term potential loadings into the watershed. ~~the Phase I MS4 systems collect and drain virtually the entire watershed. As such, the Phase I MS4 copermitees represent the ultimate point source conveyor of sediment to the Lagoon. Therefore, it is the responsibility of the Phase I MS4 copermitees to assume the lead role in coordinating and carrying out the necessary actions, compliance monitoring requirements, and successful implementation of the adaptive management framework required as part of this TMDL.~~

The San Diego Water Board recommends all parties enter into a Memorandum of Understanding (MOU), or a similar formal joint effort, to collaboratively and more successfully implement the adaptive management framework.

All responsible entities identified must submit a Comprehensive Load Reduction Plan (CLRP) or SWPPP as appropriate and are strongly encouraged to jointly submit a CLRP to the San Diego Water Board within 18 months of the effective date of the TMDL.

The San Diego Water Board expects responsible parties to cooperate in TMDL implementation (e.g., load reduction, lagoon monitoring, lagoon restoration) as necessary to achieve compliance with this TMDL. Responsible Parties that have or are likely to cause or contribute to the CWA Section 303(d) listed impairment for sediment, and are not participating in TMDL implementation, shall be compelled to meet their compliance obligations through other regulatory authorities of the San Diego Water Board.

Any Responsible Party identified is required to develop pollutant reduction plan that includes description and schedule for implementing BMPs to reduce sediments from being discharged from their facility, property, etc. The plan must describe how the facility plans to meet the water quality objectives and pollutant reductions set forth in the TMDL.

Any Responsible Party as identified for this TMDL shall contribute information regarding the amount of sediments/sedimentation from their facility/entity. This may be produced from existing monitoring plans or by developing a monitoring plan for those entities that currently do not have any discharge monitoring on site. The TMDL has identified a "collective" wasteload allocation that includes several sources of sediments into the watershed. By developing individual site/permittee monitoring plans for flow and TSS discharges, it will be feasible to estimate individual site contributions in the future. Monitoring should address, at minimum, representative values of flow rates and TSS concentrations from the individual permittee's site(s) whenever long-term discharges occur.

C. Staff Report

9. On page 40, remove SDG&E's facility located on Consolidated Way from Table 4 (List of Industrial Facilities) and other references as this facility is not located within the Los Penasquitos watershed. The site drains south to the Rose Canyon.

D. Attachment 3 to Staff Report

10. On page 3-67, make the following changes:

Foreseeable environmental impacts from methods of compliance, as discussed in Section 3.6, are well known and explored throughout the contents of this document. Potential adverse impacts to the environment stem principally from the installation, operation, and maintenance of structural BMPs. This document analyzes these impacts and concludes that installation of implementation projects are relatively short duration and small scale construction and maintenance activities that will result in less than significant environmental impacts. It also concludes that the benefits of the program outweigh any potentially less ~~than~~ significant adverse environmental effects.

11. On page 3-74, make the following changes:

Implementation of the TMDL is both necessary and beneficial. To the extent that the ~~alternatives~~, mitigation measures, ~~or both~~, that are examined in this analysis are not deemed feasible by responsible agencies, the necessity of implementing the federally required TMDL and removing the sediment impairment from the Lagoon (an action required to achieve the express, national policy of the Clean Water Act) remains.