



April 17, 2007

John Robertus  
Executive Director  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court Suite 100  
San Diego, CA 92123-4340

**SUBJECT:** TMDLs for Indicator Bacteria Project I – Beaches and Creeks of the San Diego Region (Revised Draft Technical Report). **WQS: 79-0056.06: carias**

Dear Mr. Robertus:

This letter is submitted as a supplement to our previous comment letter dated September 15, 2006, in response to the solicitation for comments to the revised Technical Report for *Total Maximum Daily Loads for Indicator Bacteria Project I – Beaches and Creeks in the San Diego Region* (revised Draft Technical Report) last issued on March 9, 2007 by the San Diego Regional Water Quality Control Board (Regional Board).

The City of Del Mar (Del Mar) has been diligent in implementing the Municipal Stormwater Permit requirements (Order No. 2001-01) and is in the process of revising the City's Jurisdictional Urban Runoff Management Plan to comply with Order No. 2007-0001. The City has participated in the development of the revised Draft Technical Report and raised the issues presented in this supplemental comment letter at the Technical Advisory Group (TAG) meeting held on March 29, 2007. Our comments are as follows:

**1. Del Mar requests that Torrey Pines State Beach at Del Mar (Anderson Canyon) be removed from the Bacteria TMDL Project I**

The most recent water quality impaired list or 303(d) listing, dated October 25, 2006, should be the basis for including the beach segments in this Bacterial TMDL project. The listing was last approved by the State Water Resources Control Board to reflect new data and information in accordance with the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy). The fact sheet for the Pacific Ocean Shoreline at Miramar Reservoir HA (Attachment A) recommended the **delisting** of the segment using the weight of evidence and in compliance with the Listing Policy. Del Mar asserts



that the Bacteria TMDL Project I Draft Technical Report must be amended to show this segment has been removed and no longer requires a TMDL. This action is necessary in order to provide consistency and clear priorities, for both the RWQCB and dischargers, in the development and implementation of TMDLs.

**2. Del Mar requests that Table 1-1. *Bacteria-Impaired Water Quality Limited Segments Addressed in this Analysis* be modified**

Table 1-1 *Bacteria-Impaired Water Quality Limited Segments Addressed in this Analysis* should be modified and the segment for Miramar Reservoir HA removed to reflect the delisting of this area as of October 25, 2006 and to make it consistent with the Listing Policy.

**3. Del Mar requests removal from the obligation to prepare a Bacteria Load Reduction Plan and comply with reporting requirements.**

Removing the Miramar Reservoir at Anderson Canyon segment from the Bacteria TMDL Project I effectively eliminates the requirement to develop and implement the Bacteria Load Reduction Plan required per Section 1.6 of the Technical Report. Del Mar believes that the language in Section 1.6 is too vague and may require unnecessary plans and reports for a water segment that has been delisted by the SWRCB and approved by EPA. Removing the segment from the TMDL project effectively eliminates the City's (and other parties) obligation to comply with these requirements. Limiting this project to the 303(d) listings complies with the State's policies and allows the City to focus resources on high priority water impairments and future TMDLs, rather than on a segment that has effectively shown attainment with water quality objectives.

**4. Del Mar requests changes to Table 11-2 *Responsible Municipalities and Lead Jurisdictions***

Del Mar urges that the Miramar Reservoir HA (906.10) Torrey Pines State Beach at Del Mar (Anderson Canyon) segment be removed from Table 11-2 for the same reasons noted previously.

**5. Del Mar requests changes to Table 11-3 *Prioritized List of Impaired Waters for TMDL Implementation***

Del Mar urges that Miramar Reservoir HA (906.10) watershed be removed from Table 11-3 for the same reasons noted previously.

If the revisions requested by Del Mar are not incorporated, the end result for this and future TMDLs will be unpredictable and unjustifiable expenditures of limited resources. Del Mar seeks consistency throughout the region and the State so

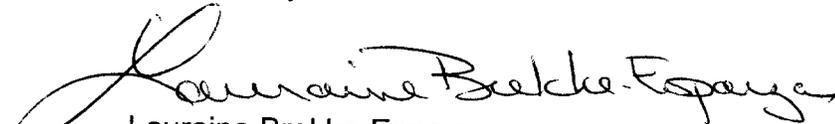
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that an "even playing field" is set as originally intended by the SWRCB and the Delisting Policy. If the implementation of the Bacteria TMDL Project I continues as described in the Draft Technical Report, the Regional Board will be deviating from the SWRCB Listing Policy and defying its purpose. Del Mar believes the revisions to the delisting shown in the 303(d) List for 2006 should occur prior to approval of the Bacterial TMDL Project I.

We believe that our position is consistent with what we have heard you say on numerous occasions.....that agencies need to be strategic in what they attempt to do in order to leverage limited resources in the most cost-effective ways.

We appreciate the time you have taken to consider our concerns and comments on this very important issue for the City of Del Mar. If you need additional information please contact me at (858) 755-9313 or Ms. Rosanna Lacarra at (760) 479-2937.

Respectfully,



Lauraine Brekke-Esparza  
City Manager

cc: Carmen Kasner, City Engineer  
Rosanna Lacarra, Storm Water Quality Manager

Attachment

## Region 9

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**Water Segment:** Pacific Ocean Shoreline, Miramar Reservoir HA

**Pollutant:** Indicator Bacteria

**Decision:** Delist

**Weight of Evidence:** This pollutant is being considered for removal from the section 303(d) list under section 4.3 of the Listing Policy. Under section 4.3 a single line of evidence is necessary to assess delisting status.

One line of evidence is available in the administrative record to assess this pollutant. There was only one exceedance of total coliform, fecal coliform and enterococcus bacteriological standards recorded.

Based on the readily available data and information, the weight of evidence indicates that there is sufficient justification in favor of removing this water segment-pollutant combination from the section 303(d) list.

This conclusion is based on the staff findings that:

1. The data used may satisfy the data quality requirements of section 6.1.4 of the Policy.
2. The data used satisfies the data quantity requirements of section 6.1.5 of the Policy.
3. One of 180 samples exceeded the bacteriological standards for all three indicators and these do not exceed the allowable frequency listed in Table 4.1 of the Listing Policy.
4. Pursuant to section 4.11 of the Listing Policy, no additional data and information are available indicating that standards are met.

**SWRCB Staff Recommendation:**

After review of the available data and information, SWRCB staff concludes that the water body-pollutant combination should be removed from the section 303(d) list because applicable bacteriological water quality standards are not exceeded.

**Lines of Evidence:**

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**Line of Evidence**

Pollutant-Water

**Beneficial Use**

R1 - Water Contact Recreation, R2 - Non-Contact Recreation

**Non-Numeric Objective:**

The objective is numeric.

**Evaluation Guideline:**

From AB411: Enterococcus: 35"per 100 ml for 30-day average", single sample: 104 per 100 ml. Fecal coliform: 30-day average- 200 colonies/100 mL. Single sample- 400 colonies/100mL. Total coliform: 30-day average: 1,000 colonies/100 mL, single sample: If FC/TC ratio is < 0.1, 10,000 colonies/100 mL, if FC/TC ratio is > 0.1, 1,000 colonies/100mL.

**Data Used to Assess Water**

A total of 180 analyses were performed from 1999 through 2003. Of

*Quality:* these, there was only one exceedance of the bacterial standards for all three indicators: The Enterococcus standard of 104 MPN/100mL was exceeded in 10/2002 (City of San Diego, 2004).

*Spatial Representation:* Two stations were monitored at Anderson Canyon during this time: one at the sampling site and one 75 feet to the left of the site.

*Temporal Representation:* Data were available for this assessment from 01/2002 through 10/2004. The majority of samples were taken during the dry season, but samples were also taken during the wet season.

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