



City of Del Mar



November 19, 2014

Ms. Laurie Walsh
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108

SUBJECT: Comment – Tentative Order No. R9-2015-0001, Place ID:658010LWalsh

Dear Ms. Walsh:

The City of Del Mar (City) appreciates the process and effort the Regional Water Quality Control Board staff has made to facilitate stakeholder participation in the development of the Tentative Order. The City is providing specific comments to ensure Attachment E accurately reflects the Basin Plan Amendment to incorporate the Total Maximum Daily Load (TMDL) for Sedimentation in Los Peñasquitos Lagoon (Resolution No. R9-2012-0033).

The City participated in the three-year collaborative third party effort to develop the TMDL for Sediment in Los Peñasquitos Lagoon. At the request of the Regional Board, the City of San Diego led and funded the effort, with input from other Responsible Parties, and guidance from the Regional Board, US Environmental Protection Agency, and other stakeholders. The Responsible Parties (City of San Diego, County of San Diego, City of Poway, Caltrans, and the City of Del Mar) dedicated staff time to the development of the TMDL by preparing and reviewing documents and attending frequent meetings. The City of Del Mar generally supported the adoption of the Basin Plan Amendment and would like to ensure the language remains consistent.

Attachment E – 7. Total Maximum Daily Loads for Sediment in Los Peñasquitos Lagoon

The City requests the following revisions to make the language in Attachment E consistent with the language in the Basin Plan Amendment to incorporate the TMDL for Sedimentation in the Los Peñasquitos Lagoon and consistent with other TMDLs incorporated into the MS4 Permit Attachment E. The strikethrough text represents recommended deletions and the underlined bolded text represents recommended additions.

The City requests the following language, similar to adopted Resolution No. R9-2012-0033 page 3, be added to Attachment E on page E-53 section 7.b.(2)(a). Final Water Quality Based Effluent Limitations:

(a) Final Receiving Water Limitations

Discharges from the MS4s must not prohibit the sustainable restoration of **80 percent of the 1973 acreage of the lagoon (tidal and non-tidal)** saltmarsh **habitat** ~~vegetation of at least (346 acres)~~ **OR**

(b) Demonstrate that implementation actions are active on and/or affecting 346 acres with continued monitoring to ensure 80 percent target achievement.



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The City also requests the following language, similar to adopted Resolution No. R9-2012-0033 page 3 and other TMDLs included in Attachment E, be added to Attachment E on page E-54 section 7.b.(3):

- (a) Successful restoration of 80 percent of the 1973 acreage of lagoon (tidal and non-tidal) salt marsh habitat (346 acres) ~~346 total acres of tidal and non tidal saltmarsh vegetation in Los Peñasquitos Lagoon;~~ OR
- (b) Demonstrate that implementation actions are active on and/or affecting 346 acres with continued monitoring to ensure 80 percent target achievement; OR
- (c) There is no direct or indirect discharge from the Responsible Copermittee's MS4 to the receiving water; OR
- (d) The final receiving water limitation under Specific Provision 7.b.(2)(a) is met.

The City also requests the following language for interim compliance options be included to be consistent with other TMDLs incorporated into the MS4 Permit in Attachment E on page E-55 Section 7.c. Interim TMDL Compliance Requirements:

- (b) There is no direct or indirect discharge from the Responsible Copermittee's MS4 to the receiving water; OR
- (c) The final receiving water limitation under Specific Provision 7.b.(2)(a) is met; OR
- (d) ~~The Responsible Copermittees must comply with the interim WQBELs, expressed as annual loads, by December 31 of the interim compliance year set forth in Table 7.2.~~ There are no exceedances of the Copermittee portion of interim effluent limitations under Table 7.2 at the Responsible Copermittee's MS4 outfalls; OR
- (e) The Responsible Copermittee has submitted and is fully implementing a Water Quality Improvement Plan, accepted by the Regional Board, which provides reasonable assurance that the Copermittee portion of interim TMDL compliance requirements will be achieved by the interim compliance date.

The City requests that the heading on column 2 of Table 7.2 in section 7.c on page E-55 be revised to accurately reflect the TMDL Basin Plan Amendment. It should be changed to "Interim Effluent Limitations (tons/year wet season)"

The City also requests the addition of a footnote to Table 7.2 on page E-55 to acknowledge the sediment load contributions of other Responsible Parties listed in the TMDL Basin Plan Amendment:

Responsible Parties include the following: Phase I Municipal Separate Storm Sewer Systems (MS4s) Copermittees (the County of San Diego, City of San Diego, City of Del Mar, and the City of Poway), Phase II MS4 permittees, and general construction storm water NPDES permittees, and general industrial storm water NPDES permittees as presented in Resolution No. R9-2012-0033 Attachment A, page A-5.

The Assessment and Reporting Requirements on page E-56 Section 7.d(3)(c) needs to be revised to require monitoring to start the first full wet season after the WQIP is accepted by the Regional Board:

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(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 3 years ~~2014-15, 2015-2016, and 2016-2017 wet seasons~~ **following Regional Board acceptance of the WQIP.**

The City looks forward to continuing our dialog with Regional Water Quality Control Board staff during the next phases of the permit reissuance process. If you have any questions, please contact me at (619) 994-7074.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mikhail Ogawa', followed by a long horizontal flourish.

Mikhail Ogawa, P.E.
Clean Water Manager

c: Kathleen A. Garcia, Planning and Community Development Director
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