

COMMENT LETTERS RECEIVED

Public Comments Received as of May 23, 2011
on the
2011 Basin Plan Triennial Review

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has received the following comment letters. The comment letters are provided in the order received. San Diego Water Board staff will provide written responses to these comments with the supplemental agenda package.¹

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1	Sheri McPherson, Land Use Environmental Planner, County of San Diego, on behalf of the San Diego Integrated Regional Water Management (IRWM) Program	2
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Comment letters will be posted to the San Diego Water Board's website:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tri_review.shtml

¹ The public comment period will remain open through the public hearing on June 8, 2011. Written comments were requested by May 23, 2011. Staff will respond to comments received after May 23 at the June 8 meeting.

S, Woodward



SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

2011 APR -4 A 10:32

April 1, 2011

Ms. Deborah Woodward
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Triennial Review Advisory Committee

Dear Ms. Woodward,

The San Diego Regional Water Management Group (RWMG), representing the San Diego Integrated Regional Water Management (IRWM) program, sincerely thanks the San Diego Regional Water Quality Control Board (Regional Board) for your recent establishment of the Triennial Review Advisory Committee (TRAC). We sincerely appreciate the Regional Board's efforts to enhance participation and solicit input from the regulated community.

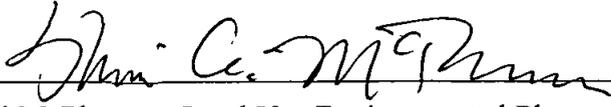
The San Diego IRWM program is comprised of stakeholders involved in water supply, wastewater, recycling, stormwater, flood management, and habitat protection efforts. Our mission is to "*guide the San Diego Region toward protecting, managing, and developing reliable and sustainable water resources.*" In doing so, we support the Regional Board's efforts to review and consider improvements to the Water Quality Control Plan for the San Diego Basin that defines water quality standards for our region's surface and groundwaters. We also encourage use of the San Diego IRWM Plan (2007) to help define issues and priorities for the Triennial Review process.

We commend the Regional Board in establishing the TRAC to develop a consensus-based draft list of Triennial Review priorities for adoption by the Board. We felt the TRAC decision process was useful and productive. In the next TRAC round, we also recommend providing additional source and background data on each of the issue statements for member review.

Again, we applaud the Regional Board for using a consensus-based stakeholder process to help define priorities for the Triennial Review process and hope to be invited to participate again in the next round.

Sincerely,

San Diego Regional Water Management Group



Sheri McPherson, Land Use Environmental Planner III

County of San Diego

Cc:

San Diego Regional Advisory Committee

Regional Water Management Group

- Kathleen Flannery, LUEG Finance and HR Director, County of San Diego (chair)
- Marsi Steirer, Deputy Director of Water Policy and Strategic Planning, City of San Diego
- Ken Weinberg, Director of Water Resources, San Diego County Water Authority

Retail Water Entities

- Michael Bardin, General Manager, Santa Fe Irrigation District
- Linden Burzell, General Manager, Yuima Municipal Water District
- Mark Rogers, General Manager, Sweetwater Authority
- Mark Weston, General Manager, Helix Water District
- Lori Vereker, Director of Utilities, City of Escondido

Water Quality

- Neal Brown, Director of Engineering and Planning, Padre Dam Municipal Water District
- Mike Thornton, General Manager, San Elijo Joint Powers Authority
- Kirk Ammerman, Principal Civil Engineer, City of Chula Vista
- Anne Bamford, Industrial Environment Association

Natural Resources and Watersheds

- Craig Adams, Executive Director, San Dieguito River Valley Conservancy
- Doug Gibson, Executive Director, San Elijo Lagoon Conservancy
- Rob Hutsel, Executive Director, San Diego River Park Foundation
- Megan Johnson, Project Manager, California Coastal Conservancy
- Judy Mitchell, District Coordinator, Mission Resource Conservation District
- Kathy Viatella, Senior Project Director, The Nature Conservancy

Members At Large

- Linda Flournoy, Sustainability Consultant, Planning & Engineering for Sustainability
- Gabriel Solmer, Legal Director, San Diego CoastKeeper
- Lisa Gover, Campo Kumeyaay Nation
- Dave Harvey, Rural Community Assistance Association

- Eric Larson, Executive Director, Farm Bureau of San Diego County
- Richard Pyle, San Diego Regional Chamber of Commerce
- Shelby Tucker, Regional Planner, San Diego Association of Governments
- George Loveland, Board Member, SD Regional Water Quality Control Board
- Jeremy Jungreis, U.S. Department of the Navy
- Iovanka Todt, Floodplain Management Association

Non-Voting Members

- Laurie Walsh, SD Regional Water Quality Control Board
- Greg Krzys, U.S. Bureau of Reclamation
- Perry Louck, Rancho California Water District (Tri-County FACC)
- Marilyn Thoms, County of Orange (Tri-County FACC)



Helix Water District

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EO Summary Report
Item 9
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May 13, 2011

Ms. Deborah Woodward
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Basin Plan Triennial Review

2011 MAY 17 A 11:40
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

Dear Ms. Woodward:

Helix Water District (District) commends you and your associates at the San Diego Regional Water Quality Control Board (Regional Board) for the use of the Technical Review Advisory Committee (TRAC) process and solicitation of input from all stakeholders influenced by the Basin Plan. The process was open and fair in that all interested parties were given the opportunity to participate. The Regional Board staff has grouped the highest ranked projects into two tiers with only the Tier 1 projects receiving time allocation from the two full time positions currently budgeted. In the proposed grouping, plan revision R-22, related to Indirect Potable Reuse (IPR), has been placed in Tier 2. For the reasons presented in the following paragraphs, District staff believes that this designation and staff time allocation is inappropriate for such a critical water quality and supply issue. The District would like to suggest that the proposed Tier 2 revisions be classified as Tier 1 and an appropriate amount of staff time be allocated to the IPR Basin Plan revision.

The State Water Resources Control Board (State Board) has clearly identified the need to increase the use of recycled water throughout the State. They have established in the January 2009 draft Recycled Water Policy, an aggressive goal to increase the use of recycled water by 1,000,000 AF over 2002 levels by the year 2020. This increase equates to statewide use of recycled water of approximately 1,525,000 AF. The estimated use as of 2009 was about 724,000 AF, less than half of the 2020 goal.

It is also important to note the rate at which the State is increasing recycled water use. According to survey data presented on the State Board's website, recycled water use increased on average 20,000 and 30,000 AF per year since 2001. At this rate, the State will fall far short of the 2020 goal. This goal is particularly challenging considering increasing limitation of capital funding and the timeline required to plan, permit, design, and construct recycled water infrastructure.



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The District firmly believes that the best opportunity the State has to achieve the recycled water goal is through IPR projects. These projects, whether in a surface water reservoir or ground-water basin, have the potential to provide numerous benefits to the region.

- The IPR projects being considered in San Diego County include advanced water treatment processes such as microfiltration and reverse osmosis. In every measurable way the quality is superior to any of our existing water supplies, local or imported. The quality of any surface water or groundwater would be substantially improved by the addition of IPR water.
- IPR would provide a substantial improvement in the area of salinity management. IPR water contains a fraction of the soluble salts found in the imported or local sources. This would not only benefit the surface waters and groundwaters to which it is discharged, but also downstream uses by reducing salts and contaminants in the current municipal supplies used for irrigation. This in turn will improve the quality of recycled wastewater used for irrigation.
- IPR provides a means to reduce the volume of wastewater discharged to the ocean and inland waters.
- IPR reduces and offsets energy consumption and environmental impacts associated with diverting and transporting imported water into Southern California.
- IPR provides a sustainable, local, high-quality source of potable water as the region faces an increasing loss of our historically imported water supplies.

Even with these numerous environmental and regional benefits, IPR projects are still difficult to implement. They require an effective educational and public outreach program, considerable capital investment and a time-consuming and burdensome permitting process through the Regional Board and California Department of Public Health. It is our hope that the Regional Board and other regulatory jurisdictions take every opportunity possible to simplify and expedite these projects. Rather than wait until the next triennial review period, we would encourage the Regional Board to move IPR to a Tier 1 priority and allocate the requisite person years to update the Basin Plan.

Sincerely,



Mark S. Weston
General Manager, Helix Water District





Geotechnical
Environmental
Water Resources
Ecological

May 17, 2011

Ms. Deborah Woodward
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Response to Notice of Public Hearing on the Water Quality Control Plan for the San Diego Basin (Basin Plan)

Dear Ms. Woodward:

Thank you for the opportunity to provide these comments as part of the public hearing process for the Water Quality Control Plan for the San Diego Basin (Basin Plan). GEI Consultants, Inc. (GEI) is providing these comments on behalf of the International Copper Association and Copper Development Association (ICA/CDA). ICA/CDA played a significant role in sponsoring scientific research used in development of the freshwater Biotic Ligand Model (BLM) for copper, which was adopted by the United States Environmental Protection Agency (EPA) in its latest national ambient water quality criteria for freshwater (EPA 2007). CDA is now encouraging efforts by states and tribes to incorporate these latest recommended EPA national criteria for copper into their water quality standards programs.

In your *Revised Staff Report for the 2011 Review of the Basin Plan* (dated May 3, 2011), we were pleased to see that site-specific water quality objectives for metals are being considered as part of your Tier 2 items to work on if staff resources allow. This report further states that such a process would “Establish site-specific objectives for copper (and other metals such as nickel and zinc) for use instead of those in the California Toxics Rule.” We agree with statements made by American Chemet and the City of San Diego that the default California Toxics Rule (CTR) criteria for copper can be too stringent, and that EPA methods such as the BLM or water-effect ratios (WERs) can be used to derive scientifically defensible criteria that provide the same levels of aquatic life protection afforded by the default CTR criteria. Overly stringent aquatic life criteria can lead to the expenditure of significant resources by the regulated community, as well as the Regional Board, by development of TMDLs or overly stringent permits that do little to further protect aquatic life. Therefore, use of site-specific water quality objectives is a technically sound approach for ensuring aquatic life protection at the most reasonable cost.

Site-Specific Aquatic Life Criteria

The national Ambient Water Quality Criteria (AWQC, or “criteria”) that form the basis of CTR criteria set maximum threshold concentrations of inorganic and organic contaminants for both freshwater and marine environments. One main difficulty in applying AWQC to surface waters across broad geographic areas is that these values have been derived mainly from standardized toxicity tests (i.e., uniform types of water and laboratory exposure conditions) using aquatic species that may not be representative of local biotic assemblages, particularly in streams located in the western US (Chadwick Ecological Consultants et al. 2006, Gensemer et al. 2008a).

There are three main reasons why default state or national criteria need to be adjusted on a site-specific basis. First, local physical, chemical, or hydrological conditions of a surface water such as pH, hardness, and other factors control the biological availability or toxicity of a pollutant through complexation, competition, and chemical speciation, especially for metals (Campbell 1995, Di Toro et al. 2000, Di Toro et al. 2001, Paquin et al. 2002). Second, the sensitivity of resident aquatic organisms to a pollutant in a particular water body can differ from the sensitivity of the species used to derive the generic numeric water quality criteria intended to protect aquatic life (Gensemer 2008, Gensemer et al. 2008b). Third, resident aquatic organisms that occur in specific locations often represent a more limited pool of aquatic species than those in the dataset used by EPA to derive numeric water quality criteria (Chadwick Ecological Consultants et al. 2006). Recognition of these three factors is needed to allow flexibility in adjusting certain generic numeric criteria so that the intended levels of protection are achieved for local aquatic life populations, and so that numeric criteria are neither over- or under-protective.

The EPA has long recognized the need for site-specific criteria modification, and has issued several important guidance documents for deriving site-specific water quality criteria. These include the Water Effect Ratio (WER), the Recalculation Procedure, and the Resident Species Procedure (EPA 1994, 2001). A number of other states recognize this guidance and have modified their standards to allow for use of site-specific modification procedures, for example, Idaho, Colorado, Arizona, and Washington. As outlined further below, the most recent freshwater copper criteria that use the BLM as its computational basis provides an additional tool for derivation of criteria on a site-specific basis.

Freshwater Copper BLM

The current aquatic life criteria in the CTR used to derive freshwater copper standards, like most states’ criteria, only take into account hardness as a factor that modifies toxicity. Using only hardness as a modifying factor for metals criteria is an outdated approach that excludes a substantial body of peer-reviewed scientific

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San Diego Regional Board

literature demonstrating that additional modifying factors can and should be incorporated into regulatory benchmarks or standards, while providing the same levels of aquatic life protection required under the Clean Water Act (EPA 1985, 1994, 2001, 2007). Copper toxicity is a function of its bioavailability, which in addition to being controlled by hardness, is also strongly related to other important factors such as dissolved organic carbon (DOC), alkalinity, pH, and temperature. The key strength of the BLM is that it accounts for multiple factors—in addition to hardness—that mitigate or exacerbate copper's toxic effect on aquatic life. There also are practical advantages for using the BLM: it is a cost-effective regulatory tool compared to other site-specific toxicity test procedures (e.g., water-effect ratios), and the BLM software is publicly available, sanctioned by EPA, and requires only brief training to generate rapid and useable output. Therefore, BLM-based criteria provide a practical means of deriving demonstrably more accurate levels of aquatic life protection across a broad range of water quality conditions on a site-specific basis.

Concluding Remarks

Please let us know how we can assist the San Diego Regional Board in its consideration of the BLM as a tool for deriving site-specific freshwater copper criteria during the upcoming Basin Plan review. We recognize that staff resources are limited and that, as a Tier 2 priority, this would only be considered over the next three years if resources are sufficient. Therefore, GEI or CDA could help in a variety of ways, including preparation of written or oral testimony supporting the technical basis of the BLM, providing general guidance on application of the BLM to water quality criteria, and providing guidance on what type of implementation approach would best fit your available water quality data. CDA has also sponsored BLM training sessions over the past several years, and they have been well-attended by both regulators and the regulated community. If desired, it may be possible to provide this course or related education materials if you would find that helpful as a means of helping inform the public and stakeholders as to the basis and application of the BLM. In addition, we would be interested in assisting with analysis of the San Diego Regional Board's water quality database to determine how much data are currently available for use in the BLM and how to best use the available data.

We appreciate the opportunity to provide you with this proposal to consider updating the CTR freshwater quality criteria for copper. We also understand that American Chemet and the City of San Diego have been interested in pursuing BLM approaches for saltwater copper criteria, even though the EPA has yet to release national recommended saltwater criteria using the BLM. However, national freshwater BLM copper criteria already exist (EPA 2007), and so could be more easily incorporated into water quality standards, and give the San Diego Regional Board experience with the model that would assist with implementation of saltwater criteria in the future.

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Ms. Deborah Woodward
San Diego Regional Board

Please let me know if you have any questions. We look forward to discussing this with you further.

Sincerely,

GEI CONSULTANTS, INC.



Robert W. Gensemer, Ph.D.
Vice President

RWG

cc: Joe Gorsuch, CDA
Steven Canton, GEI
Stephanie Baker, GEI

References

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Ms. Deborah Woodward
San Diego Regional Board

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THE CITY OF SAN DIEGO

May 20, 2011

Electronic Submission to: dwoodward@waterboards.ca.gov

Ms. Deborah Woodward
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Dear Ms. Woodward:

Subject: City of San Diego Comments Regarding the Review of the Water Quality Control Plan for the San Diego Region (Basin Plan)

The City of San Diego would like to thank you for the opportunity for Storm Water staff to participate as a member of the Technical Review Advisory Committee. This opportunity allowed the City to assist in the development of the Basin Plan priorities. We attended all committee meetings and provided input to the project lists, and updated the process procedures.

We recommend a housekeeping (H-List) correction. The California Water Code, Porter Cologne, Section 13241(a), states "Past, present, and probable future beneficial uses of water." We recommend that the Basin Plan references to "potential" beneficial uses, particularly in Chapter 2, be modified to "probable" to conform to Porter-Cologne.

We applaud the Regional Board for expanding the process to include any interested party. If you have any questions regarding this matter, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sandiego.gov.

Sincerely,

Kris McFadden
Deputy Director

KM/rk

cc: File
Almis Udry, Office of the Mayor
Garth K. Sturdevan, Interim Director
Ruth Kolb, Program Manager



Transportation & Storm Water Department

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- City of Tustin
- City of Westminster
- Yorba Linda Water District

May 23, 2011

Sent via email

Deborah L. Woodward
Water Quality Standards Unit
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

SUBJECT: MWDOC COMMENT LETTER FOR BASIN PLAN TRIENNIAL REVIEW

The Municipal Water District of Orange County appreciates the opportunity to comment on the revised draft staff report for the 2011 Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan)

Summary and Request to the Board. Municipal Water District of Orange County, (MWDOC) was represented on the triennial review stakeholder group by Mary Jane Foley. We presented a recommendation for the re-designation of the municipal beneficial use, MUN in San Juan Creek Groundwater Basin from Pacific Coast Highway (PCH) to the Ocean. The MUN request along with a request for the MUN in the San Diego Formation ranked #2 in importance in the final vote in the protective category. However, staff ranked this stakeholder voted, high prioritized, "MUN and Domestic Beneficial Use in Specific Ground Waters" recommendation, into Tier 2 instead of Tier 1.

MWDOC requests that the subject MUN designation be redirected to Tier 1 with 0.1 PY's and a footnote added that more staff work would be allocated if more resources become available. MWDOC joins the San Diego County Water Authority, City of San Diego and Helix Water District in requesting that Tier 2 be eliminated and the items on the Tier 2 Short List be moved to Tier 1 to assure they are incorporated into the Basin Plan amendment approved process. There is a long-term need for supported beneficial use designation to provide foundational protection of groundwater for the planned South Orange Coastal Ocean Desalination Project (SOCOD Project).

SOCOD Project Background. This project is pioneering the use of environmentally friendly slant beach well intakes for feedwater supply for the SOCOD Project. The development of the SOCOD Project is being managed and led by MWDOC and by five participating agencies (South Coast Water District, Laguna Beach County Water District, Moulton Niguel Water District, the City of San Clemente and the City of San Juan Capistrano) with financial support from Metropolitan Water District of

Deborah L. Woodward
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Southern California (MET) and grants from California Department of Water Resources, U.S. Bureau of Reclamation and the U.S. Environmental Protection Agency. The project enjoys widespread public support as well as the support of the California Department of Parks and Recreation, California Coastal Commission, other State and Federal Agencies, and NGO's including Surfrider Foundation, CoastKeeper, Trout Unlimited, and other environmental organizations.

MWDOC's Urban Water Management Plan, the South Orange County Integrated Watershed Management Plan, MET's Integrated Resources Plan (IRP), and is broadly included within the most recent update to DWR's California Water Plan. When operational, now planned for 2017, this project will provide critical new local potable water supply to the South Orange County area that is heavily dependent on imported water.

The use of a slant well intake system in this location has been determined to be the most cost-effective and environmentally protective approach for feedwater supply for the SOCOD Project. This approach avoids both entrainment/impingement impacts to marine organisms and construction-related impacts associated with conventional ocean desalination intakes. The slant wells would be constructed within Doheny State Beach out under the ocean tapping the marine groundwater extension of San Juan Creek valley. The offshore marine groundwater unit is in continuity with the Lower San Juan Creek Hydrologic Unit (HAS 1.27). Groundwater modeling indicates that the project would produce about 95% of its water from the ocean source and 5% from the inland groundwater source.

An extensive and comprehensive hydrogeologic investigation, including test borings, installation of monitoring wells, construction of the first full-scale demonstration slant beach well intake, extended pump testing, water quality characterization, and groundwater-surface water model development has been ongoing since 2004 for the SOCOD Project.

The alluvial valley from PCH to the shoreline is situated entirely within Doheny State Beach. We have an excellent working relationship with the California Department of Parks and Recreation as they recognize the importance of this project to the South Orange County area and region. This type of intake facility avoids impingement and entrainment impacts to marine organisms and is preferred by the Coastal Commission and other State and Federal agencies where conditions are suitable, as they are in San Juan Creek.

Our Concern. Our concern in this matter is providing the foundational water quality control plan protection to augment the Regional Board regulatory tools to assure protection for the \$200 Million SOCOD Project. We see three primary areas where the MUN supported beneficial use designation will add legal protection to this new water supply project:

Deborah L. Woodward
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- (1) Existing clean-up efforts prove unsuccessful or encounter other legal challenges/difficulties,
- (2) Future leaking underground storage tanks, considering that the current gasoline station owners are retail outlets and do not appear to have the financial nor technical capability of the oil company's, and
- (3) Spills or leaks of hazardous liquids.

Efforts have been ongoing to clean-up these sites and their off-site contaminated groundwater plumes for several years. In our project area, these clean-up efforts are being required by Orange County Health Care Agency. OCHCA has been doing an excellent job and we work closely with them.

Since the original Basin Plan MUN designation was removed from the lower reach of San Juan Creek from PCH to the Ocean in 1978 there have been several leaking underground storage tanks (LUSTs) at gasoline stations situated along PCH and other nearby sites overlying the San Juan Creek alluvial stream valley. The LUSTs have caused groundwater contamination. These gasoline stations pose significant long-term risks for groundwater recovery and ocean desalination projects such as the SOCOD Project. The re-designation to the original Basin Plan MUN is necessary for lower San Juan Creek from PCH to the Ocean to provide the same level of protection that is accorded to it upstream of PCH. The planned use of slant wells for an ocean desalination feedwater supply was not known in 1978.

Summary. MWDOC requests that the MUN designation in San Juan Creek from PCH to the Ocean be moved from Tier 2 to Tier 1 with a 0.1 PY allocated to this effort. The 0.1 PY should allow staff to meet with the proponents of MUN and determine the studies or data needed for readiness to proceed for a basin plan amendment. It is anticipated that we and the other MUN proponents will obtain the resources to develop this basin plan amendment.

We commend the Basin Plan Amendment "inclusive stakeholder" process and your staff for their exemplary work on this challenging effort. We stand ready to assist in this important matter to restore the MUN designation of the San Juan Creek groundwater unit from PCH to the Ocean because of the development of the SOCOD Project and its planned reliance on slant well intake technology.

If you should have any questions, or need additional information please do not hesitate to contact the undersigned at (714) 593-5003 or via email at rbell@mwdoc.com.

Sincerely,



Richard B. Bell, PE
Principal Engineer/Project Manager

cc: David Gibson, Executive Officer
Regional Board Members

May 23, 2011

To: Deborah Woodward
From: Mary Jane Foley, TRAC Member for Municipal Water District of Orange County
Re: Comment on Staff Report for the 2011 Basin Plan Review

Thank you for the opportunity to comment on the draft staff report for the 2011 Triennial Review of the Basin Plan. I appreciated the ability to serve as a TRAC stakeholder representing the Municipal Water District of Orange County, (MWDOC). I support the comment letter of MWDOC requesting that MUN for the San Juan Creek Groundwater Basin PCH to the Ocean be re-designated as MUN. I support the explanation of the protective significance for the need of a basin plan amendment to restore the protective MUN beneficial use, given the \$200 million seawater desalination project that is in Phase 3 of research and the leaking underground petroleum plumes in the vicinity of the project.

As a former member of the San Diego Regional Water Board and the Public Member of the State Water Resources Control Board, I am very aware of the significance of the Basin Plan as the critical foundation of all the work of the Board and the staff. In light of my 20 years' experience with Basin Planning I have some recommendations for additions to the formal document that is to be approved by the Board.

Please add in the formal approved Basin Plan revisions footnotes that reference the following protective language that already exists in areas of the basin plan or other documents that are protective and would be valuable to be referenced in the Basin Plan Amendment document.

Groundwater Protective Uses:

Res. No. 92-49: all petroleum releases must be cleaned up to a level that protects human health and wildlife.

Res. No. 68-16, Anti-Degradation Policy: The Regional Board will issue waste discharge requirements and enforcement orders in the basins in conformance with terms and conditions of State Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality Waters in California.

For some reason, many coastal groundwater basins had MUN removed in the 1978 Basin Plan Amendment. At that time there was not the knowledge that one day these basins would be utilized as part of an integrated local watershed and regional water supply management program. Desalination technology has advanced significantly over the years making groundwater recovery from brackish groundwater and related ocean desalination sources feasible. Today, given the restrictions on imports and need for improved system reliability, the need for localized water supply development is vital.

Staff has given the assurance that if a MUN use is actually occurring or will occur, they must take water quality control actions to ensure groundwater quality would support a MUN use. Stating this formally in writing, in the adoption of this resolution for 2011, would be powerful. Siting elements of Chapter 2 of the Basin Plan and Res. No. 92-49 in the formal adoption of these 2011 Basin Plan Revisions would be very beneficial to the request for those seeking basin plan amendments to re-designate groundwater basins for MUN to protect the areas from current or further contamination. Currently, the San Juan Creek Groundwater Basin is designated MUN to PCH, but not to the Ocean.

In summary in concert with MWDOC, I request the MUN for San Juan Creek Groundwater Basin, PCH to the Ocean be in Tier 1 with O.1PY to assist with staff guidance for the basin plan development and the formal inclusion of the resolutions and language sited above.



THE CITY OF SAN DIEGO

May 23, 2011

Ms. Deborah Woodward
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

RE: 2011 Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan) and
Draft Staff Report dated May 3, 2011

Dear Ms. Woodward:

The City of San Diego genuinely appreciates the work that has gone into developing the 2011 Review of the Basin Plan.

Executive Officer Dave Gibson's insight to form a Triennial Review Advisory Committee (TRAC) was a major step forward in bringing stakeholder involvement to bear on crafting the list of Suggested Basin Plan Revisions. We fully support using a TRAC for future Basin Plan Reviews and encourage the Regional Board to consider actively partnering with San Diego's Integrated Regional Water Management (IRWM) Program as a forum for ongoing stakeholder involvement between Triennial Reviews and grant funding of water quality improvement initiatives.

The Short List of Suggested Basin Plan Revisions [Table 1 in the staff report] has Tier 1 and Tier 2 groupings. We recommend doing away with the two tiers. Given the limited staff resources allocated to work on Basin Plan Revisions, and the relatively small number of suggested revisions, we see no value in the tiers.

We offer the following recommendations for future triennial reviews of the Basin Plan.

- We strongly agree with the recommendation in the staff report [p.7, first bullet] "*... ensure that submittals state specifically why a suggested revision is needed and what benefit would be gained. Such information was not consistently available for all suggestions during the current review.*"



Public Utilities Department

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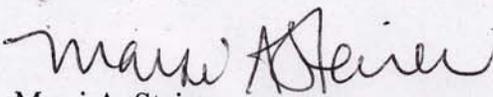


Page 2
Ms. Deborah Woodward
May 23, 2011

- In future Basin Plan review efforts, we would find it helpful if Suggested Basin Plan Revisions were required to include a brief abstract summarizing the proposed action, purpose, geographic locations, and benefits of amendment recommendations. Without this contextual information, we found the Suggested Basin Plan Revisions difficult to understand and prioritize. Perhaps the Regional Board could develop a template for the submission of this information in future Basin Plan updates. We further recommend that the abstracts be prepared by a single third party or by designated Board staff, utilize a standardized format, and have consistent content and quality. The abstracts should be available before any significant review or prioritization. In this way, Suggested Basin Plan Revisions could be better judged by its merit, rather than by the skill or persistence of the submitter.
- We recommend that a small workgroup of diverse stakeholders be empowered to evaluate the entire list of recommendations and suggest to the TRAC opportunities for enhancing the list via-consolidation of similar recommendations, removal of nonviable recommendations and integration of upstream/downstream initiatives where applicable. San Diego's IRWM program has successfully employed this approach when selecting projects for regional grant funding.
- Another lesson learned from the San Diego IRWM program that we urge the Board to consider adding to future TRAC efforts is the employment of a professional facilitator who can guide the technical review process. We have found that the investments in facilitation and review time pay dividends in the end results of stakeholder acceptance and ownership of the program.

Should you have any questions or concerns related to our comments, please feel free to contact Cathleen Pieroni at (619) 533-6612 or cpieroni@sandiego.gov; or contact me at (619)533-4112.

Sincerely,



Marsi A. Steirer
Deputy Public Utilities Director
Long Range Planning & Water Resources Division

Ms. Woodward:

Attached are Camp Pendleton's comments on the May 3, 2011 Revised Draft Staff Report.

Mark Bonsavage, PE
Environmental Engineering Division Head
Environmental Security
Marine Corps Base Camp Pendleton, California
(760) 725-9753
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2011 REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) REVISED DRAFT STAFF REPORT May 3, 2011

Comments

Section 2, The Shortlist -

Concur with the Category R shortlist that includes 1) Refinements to the Contact Water Recreation Beneficial Use; 2) Nutrient Water Quality Objectives in Surface Waters as the top two "R" measures as staff recommends. The person-year amount of 2.4 for item 1) and 0.1 for item 2) dedicates the majority of resources to the first item. This does not reflect the TRAC weighted scores. The person-year resources should be distributed to reflect the priorities and scoring of the committee. More resources should be dedicated to item 2).

The top ranked item for category P is listed as the Comprehensive Policy for Streams, Wetlands & Riparian Areas. As explained in Section F, this item includes the four elements that are a combination of individual suggestions drawn from the TRAC top five P category. Section 2, The Shortlist, recommends 2.3 person-years to complete the top ranked task. Table 1 appears to give Mitigation Guidance (P-18) TRAC Rank 5 priority over Dry Weather Discharge Diversion (P-22) TRAC Rank 1. Mitigation Guidance and a Comprehensive Policy is an effort best left to the State Water Board proposed Wetland and Riparian Area Protection Policy (WRAPP). Regional Board efforts may be superseded by the forthcoming actions of the State Water Board. The comprehensive policy also includes items that were ranked low by the committee (P-9, P-3). Resources for category P should reflect the TRAC ranking by individually listing the top ranked items rather than combining them into a Comprehensive Policy that includes low priority items.



May 23, 2011

Ms. Deborah Woodward
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

**Re: Comments on 2011 Basin Plan Revised
Draft Staff Report May 3, 2011**

Dear Ms. Woodward:

Thank you once again to you and the staff of the San Diego Regional Water Quality Control Board for your leadership in updating the Basin Plan and for establishing the Technical Review Advisory Committee (TRAC). The Industrial Environmental Association (IEA) was very pleased to serve on the TRAC. The TRAC process not only served as a valuable information forum on outstanding issues in the Basin Planning process but also provided a valuable and transparent public participation opportunity whereby numerous stakeholders could provide their input. This approach to the Basin Plan Update is a significant improvement over previous efforts.

IEA has reviewed the draft staff report dated May 3, 2011, and would like to submit the following comments:

- **“P” or Protective Category; #1 Priority—Comprehensive Policy for Streams, Wetlands and Riparian Areas:**

We certainly recognize the limited staffing and resources available to update the Basin Plan and strongly support the prioritization system. There is concern, however, that the combination of 11 elements as the top priority is too broad. Further, a number of the elements included in this priority were not highly ranked through the TRAC process. We understand there will be a scoping process as the Basin Plan work proceeds; however, we feel before this combination of 11 elements is selected as the top priority, it would be helpful for the regional board staff to at least preliminarily review the status of policies and guidelines already in place, work already completed or efforts in progress in these same areas by the State Water Board, U.S. EPA or other agencies to ensure there is not duplication of effort. As an example, we believe there is already significant and extensive guidance on Clean Water Act 401 certifications. We

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would recommend the TRAC be reconvened during this scoping process to further review and possibly refine the #1 priority rankings.

- **“P” or Protective Category; #2 and #3 Priorities – Water Quality Objective for Trash and Seawater Desalination Policy:**

IEA supports the Category “P” second and third priorities “Water Quality Objective for Trash” and “Seawater Desalination Policy,” providing regional support to ongoing State Water Board efforts. San Diego, in particular, is in the forefront with an already permitted desalination facility and has more experience than any other region to coordinate with the state board in developing their statewide desalination policy. In addition, we believe there should be a priority on any issue that supports development of new water resources or supports water reliability.

- **“R” Restrictive Category Priorities:**

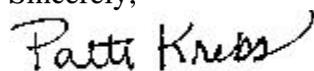
In the “R” category, we do not have objection to the Tier 1 priorities; however, we urge the regional board to instead consider the “Tier 2” priorities be reversed with the Tier 1 priorities. Indirect Potable Reuse has tremendous potential to address the cost and reliability of this region’s water supply, and even though the drought is over for the time being, changing over to indirect potable reuse will take many years. This effort should be pursued immediately and supported by the regional board. We would also like to see the “Site Specific Objectives for Metals” moved to Tier 1 as localized water quality impacts need to be developed to enhance the value of this program.

- **Privately-Funded Research:**

During both this Basin Planning process and the ongoing work of the regional board, IEA supports the establishment of privately-funded scientific research and data collection. In the past, a number of very significant privately-conducted and funded studies have not been seriously reviewed and considered by the regional board. We would urge the regional board to develop a collaboration model between staff and private parties to guide, conduct, report and peer review any proposals for privately-funded support for Basin Plan issues.

Thank you once again for including IEA in this important process, and we look forward to a continued commitment to be active in this update of the Basin Plan.

Sincerely,



Patti Krebs
Executive Director



San Diego County Water Authority

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May 23, 2011

MEMBER AGENCIES

- Carlsbad
Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallbrook
Public Utility District
- Helix Water District
- Lakeside Water District
- Oliverain
Municipal Water District
- Olay Water District
- Padre Dam
Municipal Water District
- Camp Pendleton
Marine Corps Base
- Rainbow
Municipal Water District
- Ramona
Municipal Water District
- Rincon del Diabolo
Municipal Water District
- San Dieguito Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
- Vallecitos Water District
- Valley Center
Municipal Water District
- Vista Irrigation District
- Yuima
Municipal Water District

OTHER REPRESENTATIVE

County of San Diego

Deborah Woodward

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

RE: Comment Letter on the Triennial Review Draft Tentative Resolution and Staff Report

Dr. Woodward,

The San Diego County Water Authority is the regional wholesale water agency within San Diego County with twenty-four member retail agencies. The Water Authority participated in the San Diego Water Board's Triennial Review process as a representative on the Triennial Review Advisory Committee (TRAC), on behalf of the Water Authority and its member agencies. We appreciate the opportunity to provide comments on the May 3, 2011 draft Staff Report and Tentative Resolution, and the new TRAC process.

TRAC Process

The Water Authority is very supportive of the new stakeholder-involved TRAC process. It allows for greater transparency and public participation than in years past. The approach used to categorize suggestions into "reasonable" and "protective" categories is innovative and consistent with the Porter-Cologne Water Quality Control Act. We would like to commend staff for their efforts to develop a consensus-based process. While there are refinements that can be made to improve the approach, we recommend a similar process for prioritizing future basin plan updates.

The staff recommendation proposed two tiers for TRAC recommended updates based on availability of funding. Some high priority items, such as indirect potable reuse (IPR) and municipal designation of groundwater basins, would appear to have a lower priority. Therefore, we recommend referring to all of the items on the short list as "Tier 1," including those not currently allocated funding. Tier 2 would refer to items received during the public solicitation period, but not ranked highly enough to be included on the short list.

A public agency providing a safe and reliable water supply to the San Diego region

Deborah Woodward
May 23, 2011
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Prioritization of "Reasonable" Category

We support the San Diego Water Board's first priority under the reasonable category on short list, Refinements to the Contact Water Recreation Beneficial Use (REC-1). This was also a top priority for the TRAC.

There were a number of items on the staff short list that are also a high priority for the Water Authority and its member agencies, but were not allocated resources. We suggest that resources be allocated to these items if they are available. These are: Indirect Potable Reuse and Municipal Reservoirs (R-22); Nutrients Objectives in Surface Waters (R-16); Municipal and Domestic Supply Beneficial Use for Specific Groundwaters (P-1/P-2) and Nutrients Objectives in Surface Waters (R-16). Please note that, while monitoring of the State's nutrient process is important, to complete this proposed priority would require specifically addressing nutrients in the Santa Margarita River watershed. There are a number of monitoring efforts being proposed in the Santa Margarita River, including a proposed study selected as an Integrated Regional Water Management Plan that may provide a basis for a basin plan update.

We support staff participation in the State Water Board process related to development of a seawater desalination policy as this is a very important issue for the San Diego Region. We ask that staff engage in the process without a preconceived notion about the potential impact of desalination on the coastal environment. Along these lines, we are concerned that the sentence, "Desalination intakes and discharges represent a significant new threat to coastal waters" is unsupported and fails to acknowledge the importance of desalination as a new high-quality, locally-controlled, drought-proof municipal water supply. Additionally, this statement fails to take into account the San Diego Water Board's successful track record of permitting desalination plants in the San Diego Region that were the subject of extensive environmental analysis and public review. We ask that the San Diego Water Board staff participation in the development of the Ocean Plan desalination policy reflect the spirit of the Porter-Cologne Water Quality Control Act; specifically California Water Code Section 13000 which provides that "activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." To this end, we urge the San Diego Water Board to strive to balance the competing need for water quality protection with the equally important need to beneficially use sources of brackish water and seawater to meet well documented municipal water demand.

Deborah Woodward
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“Protective” Category: Comprehensive Policy for Streams, Wetlands and Riparian Areas

We agree with the staff that having a cohesive and comprehensive policy for streams, wetlands and riparian areas is an important goal. However, we recommend narrowing the scope of the proposed “Comprehensive Policy for Streams, Wetlands and Riparian Areas,” which is the San Diego Water Board’s first priority under the protective category. The proposed policy overlaps with similar efforts underway at the State and Federal level, and is overly broad.

Resources should be limited on issues addressed at the State and Federal levels

The Regional Board should not focus the region’s limited Basin Planning resources on developing basin plan updates for issues already being addressed at the State and Federal level. This would avoid duplication of effort and allow for the most efficient use of limited resources. It would also reduce future work needed to align regional with State or Federal policies or guidance. We are supportive of a minor allocation of resources to track/participate in statewide issues identified under the proposed policy.

The proposed policy has significant overlap with efforts underway at the State and Federal level. For example, Mitigation Guidance (P-18), Clean Water Act §401 Certification (P-19), and Addition of Wetlands Beneficial Uses (P-3) are being addressed under the State Water Board proposed Wetland Area Protection Policy and Dredge and Fill Regulations (WRAPP). In addition, Development of Biological Objectives (P-9) is related to a State effort to develop biological objectives for freshwater streams and rivers in California. All of these efforts will be directly related to the newly proposed Environmental Protection Agency’s definition of waters of the U.S. subject to the Clean Water Act. Finally, Dry Weather Discharge Diversion & In-stream Treatment (P-22) would be more appropriately addressed at a later date, nearer to completion of the related State effort on the WRAPP.

Proposed policy should be narrowed in focus

The proposed policy encompasses too many complex issues to be addressed using the limited Basin Planning resources available. It includes a number of different issues identified for scoping: Water Quality Objectives for Flow (P-10), Control of Invasive Species (P-13), Discharge Prohibition for Vernal Pools (P-14), Maintenance of Natural Floodplain Function (P-17), and Constructed Wetlands Policy (R-32). Consideration of all of these different issues is likely to use up all available resources without resulting in measurable progress related to a Basin Plan amendment. We recommend that the limited staff resources be focused on one or two issues aligned with the TRAC priorities. As an example, the Lagoon Mouth Opening (P-21) policy was identified by both San Diego Water Board staff and the TRAC as a high priority regional issue.

Deborah Woodward
May 23, 2011
Page 4

Between now and the next basin plan update, staff should prioritize the numerous related items, taking into consideration the outcome of State and Federal policies, for development of a comprehensive approach for the San Diego Region. As part of that process, we ask that any proposed policy include coordination and streamlining of responsibilities among the different regulatory agencies, namely the San Diego Water Board, the US Fish and Wildlife Service, the California Department of Fish and Game, and the US Army Corps of Engineers, to reduce the potential for regulatory overlap. This will result in better wetlands management and help provide greater certainty for the regulated community.

Priorities not included on the staff short list

We would like to highlight two Basin Plan issues that did not make the TRAC or staff short list, but are important to both the Water Authority and our member agencies. These include changing some of the water quality objectives for drinking water reservoirs and changing the fluoride standard for groundwater basins to take into consideration current fluoridation practices for drinking water supplies. A number of the region's imported drinking water reservoirs are on the Clean Water Act Section 303(d) list of impaired waters for exceeding water quality objectives, including total dissolved solids (TDS), manganese, and dissolved oxygen. Compliance with basin plan objectives for these constituents is not achievable due to the presence of naturally occurring constituents and use of the reservoirs to store imported water supplies. In respecting the TRAC process, we are not asking to reprioritize these issues on to the staff short list. Instead, we would like to work directly with the San Diego Water Board staff to address these issues, and will follow-up with you in more detail in a subsequent letter.

As always, we appreciate your willingness to work with stakeholders to protect water quality in a reasonable and productive manner. Thank you for the opportunity to participate in the TRAC process and comment on the staff report. If you have any questions regarding this letter, please contact Toby Roy, Water Resources Manager, at (858) 522-6743.

Sincerely,



Ken Weinberg
Director of Water Resources

cc: Toby Roy



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May 23, 2011

Ms. Deborah Woodward
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Re: Resolution No- R9-2011-0047, Resolution Adopting a Short List of Suggested Basin Plan Revisions Developed through the 2011 Basin Plan Review.

Dear Ms. Woodward:

San Diego Coastkeeper, Environmental Health Coalition and San Diego Audubon Society welcome this opportunity to comment on the *Resolution to Adopt a Short List of Suggested Basin Plan Revisions* ('Resolution'). San Diego Coastkeeper protects the region's inland and coastal waters for the communities and wildlife that depend on them by blending education, community empowerment and advocacy. Environmental Health Coalition is a 30 year-old social and environmental justice organization working in the San Diego region. San Diego Audubon Society's mission is to foster the protection and appreciation of birds, other wildlife, and their habitats, through study and education, and advocate for a cleaner, healthier environment. Collectively, our organizations have worked closely with the Regional Water Quality Control Board ('Regional Board') staff on water quality regulation and policies for many years. This year, we participated on the Triennial Review Advisory Committee ('TRAC') to help Regional Board staff prioritize revisions to the Water Quality Control Plan for the San Diego Basin ('Basin Plan'). We appreciate this additional opportunity to provide input on this important process.

1. Improvements needed to ameliorate the TRAC Process

First, we would like to commend staff for crafting a process that allowed stakeholders to provide input prior to the conventional public comment period. The TRAC process offered a better format for stakeholders to discuss and understand the whole range of issues that the Basin Plan must address, as opposed to individual stakeholders promoting single issues at public hearings. It also gave stakeholders more time to articulate to staff their concerns with triennial review items. Staff's initial choice to re-organize the Triennial Review list into three categories facilitated the ability of TRAC to prioritize items appropriately. These elements will likely make for less conflict at the final public hearing and more clarity for the Board when they make their decisions.

Despite the overall success of the TRAC process, there were significant process weaknesses that may have affected the final voting outcome. The abbreviated timeframe and lack of rules to provide a clear framework for decision making resulted in confusion in several of the meetings during voting, most notably the second meeting. For example, the TRAC voted to allow multiple triennial review items to be lumped



together into one-larger item. At the outset of this vote, the TRAC discussed that lumping would be advisable when there was significant overlap between two or more items – where work on one item would essentially cover most of the work for additional items. With this in mind, several items were lumped together. For example, the items P-18, and P-19 both dealt directly with issues of mitigation for loss of habitat. There is considerable overlap between these two items and considerable efficiency in staff time can be found by working on both items. In contrast, lumping together both items relating to REC-1 standards do not overlap; work to accomplish one of those items will not reduce the workload to address the other three REC-1 items. Therefore, lumping these four items into one group actually represents four separate tasks, and accomplishing any of those items will be a significant time commitment of staff resources. If more solid ground rules had been established prior to voting, this outcome might have been avoided and a more realistic assessment of the REC-1 related items could have occurred.

We understand that the extremely short time period in which staff was trying to accomplish the goals of the TRAC made it difficult to either establish clear rules or to provide more time for deliberation. We hope this situation can be avoided in the future.

A second aspect of the process that may have altered the outcome of the voting process was the make-up of the TRAC itself. At the outset, staff stated that the goal was to create as much opportunity as possible; that the door would be open to anyone who was interested. This was certainly a laudable goal and we support the idea that important processes should have wide ranging stakeholder input. However, we also believe that stakeholder committees should strive to be balanced as well as representative. In this case, the TRAC was overwhelmingly represented by people from the regulated community (24 of 37), with the remaining members representing non-profits, consultants (that contract with the regulated community) and natural resources agencies. Environmental non-profits accounted for 5 out of 37 TRAC seats. This disparity weakens the ability of non-profit groups to influence the final outcomes in a meaningful way. It is difficult to confirm how this distortion ultimately impacted final rankings. However, one example is item R-7 (restricted access REC-1), which was clearly not supported by the NGOs in the first round (received no votes) but was widely supported by the regulated community. Regardless of strong concerns by NGOs with this item, it would still be ranked in the top ten.

1.1. Facilitate participation by community groups

Creating a more balanced TRAC while maintaining broad representativeness will certainly be a challenge. There are some simple adjustments that can be made to the process that will not weaken the representativeness of the TRAC but might help ensure that more NGO groups can participate. One aspect that may have limited participation was the location of the meetings. Region 9 represents a large geographic area and it is notable that the TRAC only had participation from NGOs based in the central San Diego area. If some meeting locations rotated throughout the region it might facilitate other NGOs participating. Alternatively, the Board could consider having the meetings at a location with the capacity for participation via webinar. Webinars have the capability of registering votes either through the comment field or through web-based interactive voting field. This would be equally beneficial to representatives from the regulated community or natural resource agencies based farther from the Regional Board's offices.



1.2. *Requiring clarity and transparency upon submittal of Basin Plan review suggestions*

We are in strong support of the Draft Staff Report recommendation to improve how Basin Plan review suggestions are submitted in the first place (Draft Staff Report, page 7, second and third bullet points). Increasing the consistency and transparency of Basin Plan review suggestions at the start of the process will assist staff and the Board in their decision making, but will also greatly help future TRAC members more fully understand all of the implications of prioritizing various suggestions.

1.3. *Provide more time for discussion of items at TRAC meetings*

In addition to requiring more information and clarity upon submission of items, staff could greatly improve the effectiveness of TRAC decisions if more time is granted for members to discuss as a group what the implications are for each submittal item. Hopefully, the improvements that result from staff's recommendations outlined in bullet point one and two (Draft Staff Report page 6,7) will reduce the overall number of items deliberated by the TRAC and will allow for more discussion without adding too much additional time commitment for TRAC members.

1.4. *Provide a more efficient, statistically robust framework for making TRAC decisions.*

The Draft Staff Report indicates Staff will research other methods to help prioritize Basin Plan review suggestions. Decision rules for achieving majority votes or consensus are a critical step for making fair votes. At a minimum, decision rules should help to minimize the influence of any one stakeholder block. This could be accomplished by categorizing areas of participation desired by the Regional Board (e.g. wastewater, regulated jurisdictions, non-profit organizations, resource agencies) and allowing unlimited participation into these categories. Each category would get equal (or weighted) votes, but categories could have one or one hundred members to accommodate interested stakeholders. We recommend that staff consult statisticians or mathematicians that specialize in these issues when trying to establish guidance for Basin Plan review.

The Draft Staff Report reiterates a suggestion made by a TRAC member that staff uses the SANDAG 'consensus machine'. We assume that 'consensus machine' refers to the process the SANDAG board uses to bring items to a vote. It is not clear that SANDAG's approach to voting would be the best path forward, although some elements may be worth exploring. According to the Legislative Analyst's Office¹, "votes of the SANDAG board on major policy issues frequently are unanimous". LAO at 16. However, this consensus is achieved because much of the deliberations occur in unofficial fashion among stakeholder's and Board members, but out of the public's eye prior to any vote occurring. In others words, the SANDAG process lacks transparency and accountability.

¹ SANDAG: *An assessment of its role in the San Diego region*. March 2006. E. Hill, Legislative Analyst. Prepared for the Legislative Analyst's Office, Sacramento CA
http://www.lao.ca.gov/2006/sandag/sandag_033006.pdf



We strongly discourage staff from considering implementing this element of the SANDAG process.

Once an issue makes it through this unofficial process and comes before the SANDAG Board, decisions by the board must be approved by a majority of the tally and weighted vote² of the Board. The tally vote is compiled by counting the votes of each city and the county representatives on the Board (except that the City of San Diego gets two votes). The weighted vote reflects the population in each jurisdiction. This structure theoretically helps maintain a balance of power between smaller jurisdictions and larger ones.

The SANDAG voting structure does apparently result in consensus-based decisions by the Board, as measured by frequent unanimous board votes. However, it is unclear how a fair weighting of votes could occur in a committee like the TRAC, where not all the members represent quantifiable populations of a particular jurisdiction. Further, according to an independent analysis of this structure, "items of a controversial nature or those that favor some jurisdictions at the expense of others are unlikely to be acted upon and thus are less likely to be developed by staff. The policies adopted by the board generally appear to reside in the broad middle ground with respect to the views of its member agencies." LAO at 16. Thus, this approach would likely steer Board staff away from working on important but highly controversial topics.

One other approach staff could consider is to keep the open-door policy of allowing a representative from any entity that wishes to participate on to the TRAC but assign representatives to appropriate groups – storm water, wastewater, industrial/commercial, agency, NGO, etc – whatever staff feels is the most appropriate categorization. Then each group would have to vote and rank, but the vote would be tallied at the group level, not individual representative level.

2. *Comments on Staff Report List*

2.1. *Staff need to clarify the Tier 2 'if more resources become available' language*

While our issues with Tier 2 may be a moot point, given the large number of PYs needed for Tier 1, the ambiguous Tier 2 language must be clarified. We agree with staff that if internal resources are freed up because Tier 1 issues take less time, there should be a prioritized list of what to work on next. Unfortunately, there is little information in the Staff Report to provide guidance or clarity on how this process will work with respect to external parties making resources available. We are concerned that by offering external parties the opportunity to put resources towards achieving Tier 2 items, staff will divert effort away from Tier 1 items (or other non-Basin plan work). While staff gave assurances at the last workshop that this would not happen, this should be clarified in the Draft Staff Report as well.

Further, the Draft Staff Report does not indicate how items will be prioritized within the Tier 2 list itself, if resources become available. Items are currently in the order that they

² *ibid*



were ranked by the TRAC but it is not clear that this is the order that staff will work on them with additional resources. To this end, it would be beneficial to see the estimated PYs to complete the Tier 2 items as well.

2.2. Indirect Potable Reuse is the region's top priority

Identifying sustainable water supply sources for our region is one of the most pressing issues facing San Diego. We firmly believe facilitating Indirect Potable Reuse ('IPR') is the most important item among the Basin Plan 'R' submissions. As such, IPR (item R-22) should have been included in Tier 1. The implementation of IPR has multi-environmental benefits and those benefits accrue to the vast majority of our region. At the very least, we would recommend that it is the first issue addressed in Tier 2, as resources become available.

2.3. Items with statewide processes are appropriate for the Tier 1 list

Despite other on-going state processes, we support staff's choice to include Water Quality Objective for Trash and the Comprehensive Policy for Streams, Wetlands, and Riparian Areas in the Tier 1 list. These are high priority issues specifically for our region, and it is appropriate that staff ensure that our region's needs are met by efforts at the state level. Ideally, staff's participation in state efforts will assist in completing those state policies faster and result in improved water quality in our region sooner.

2.4. REC-1 'Refinements' are Inappropriate Tier 1 item

We disagree with staff prioritizing of R-6, REC-1 'Refinements' and are concerned about the potential for eroding the protectiveness of Basin Plan water quality standards. Throughout the process, environmental groups consistently did not rank this item in their top choices. In addition to TRAC process issues (mentioned above); we disagree with the content of the four items contained in R-6. For example, 'Restricted Access REC-1' is ambiguous in where lowered water quality standards apply – is this all engineered channels or restricted access areas? The existence of an engineered channel does not preclude people from accessing the water in the channel. Further, lowering a standard in one 'unsafe' area of a channel may lead to a worsening of water quality in other downstream areas that *are* deemed to be safe.

With respect to the 'REC-1 in Ocean', it is not clear that the Triennial Review of the Basin Plan is the appropriate policy to address this issue. This is clearly an issue that must first be addressed in the Ocean Plan. We believe that by prioritizing these four items, staff will divert resources away from work that could better protect beneficial uses of our region.



In conclusion, we were pleased to participate in the TRAC and found it a beneficial and important process. We greatly appreciate staff's work to include stakeholders in a meaningful way in the Triennial Review. We look forward to continuing to work with staff on improving the TRAC and on developing the items for updating the Basin Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Kovecses".

Jennifer Kovecses
Staff Scientist
San Diego Coastkeeper

A handwritten signature in black ink, appearing to read "James A. Peugh".

Jim Peugh
Conservation Chair,
San Diego Audubon

A handwritten signature in blue ink, appearing to read "Laura Hunter".

Laura Hunter
Assistant Director
Environmental Health Coalition