



THE CITY OF SAN DIEGO

May 19, 2015

VIA EMAIL TO: commentletters@waterboards.ca.gov

Ben Neill, P.E.
Water Resource Control Engineer
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108

Subject: Comment Letter – Draft TENTATIVE ORDER NO. R9-2015-0013

Dear Mr. Neill:

The City of San Diego (City) appreciates the opportunity to provide the following comments on the Regional Water Board's Tentative Order regarding General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Tentative Order):

1. Regional Board staff has provided written guidance to City staff indicating that enrollment of discharges from foundation and footing drains is only required where groundwater is pumped, under the current version of the Tentative Order (Order No. R9-2008-0002). If Regional Board staff intends to continue the practice of only requiring enrollment when groundwater is pumped, then the City requests the following revisions to Footnote 1 to bring the language of the Tentative Order in line with practice and to avoid confusion:
“Permanent groundwater drainage and seepage control projects are included if the system is designed to be located at or below the groundwater table to ~~actively or passively~~ extract groundwater by pumping”
2. MS4 operator approval should be required before allowing discharges to the MS4. The Tentative Order requires applicants proposing to discharge groundwater to a municipal separate storm sewer system (MS4) to provide documentation demonstrating that the operator of the Municipal Separate Storm Sewer (MS4) has been notified. Tentative Order at Page 7, Section II, item 4. This is a significant change from Order No. R9-2008-0002, which requires “prior approval from the local agency with jurisdiction over the MS4.” R9-2008-0002 at page 6, Section II, item D. The policy behind this requirement is sound: MS4 operators are held to a very high standard for minimizing pollutants in their discharges to

Transportation & Storm Water Department

9370 Chesapeake Drive, Suite 100, MS 1900 • San Diego, CA 92123
Hotline (619) 235-1000 Fax (858) 541-4350



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receiving water, irrespective of the source of those pollutants. Additionally, groundwater discharges to open channels that are part of the MS4 system may cause increased vegetation growth and maintenance costs. The City recommends replacing item 4 of the tentative order in its entirety with Section II, item D of the previous order.

3. All TMDLs should be incorporated into the Tentative Order. The list of specific discharge prohibitions in Section IV on page 10 of the tentative order does not include all of the San Diego region's Total Maximum Daily Loads (TMDLs). Discharge prohibitions should be called out for all TMDLs. The City requests the following missing TMDLs be added to this list:
 - o TMDLs for Dissolved Copper, Lead, and Zinc in Chollas Creek (Resolution R9-2007-0043)
 - o The TMDL for Sedimentation in Los Peñasquitos Lagoon (Resolution R9-2012-0033)

Additionally, the City recommends revision of Section IV, item H to specify dissolved copper instead of copper.

4. Annual assessment for reopeners to address new TMDL requirements is recommended. The tentative order includes detailed reopener provisions in Section VIII, item H, stating: "Modification is warranted to incorporate a new or revised water quality objective that has come into effect or applicable requirements of a total maximum daily load (TMDL) that is adopted or revised. . . ." This is a critical piece of maintaining consistency with current regulations as they develop. The City recommends that a specified frequency of review for assessing the need for modification be added to the end of Section VIII, item H as follows: "An assessment shall be conducted to determine the need for this type of modification on an annual basis."
5. In Section IX, item K the tentative order discusses interpretation of toxicity test results. The tentative order states: "The San Diego Water Board will make a final determination as to whether a toxicity test result is valid, and may consult with the Discharger, USEPA, the State Water Board's Quality Assurance Officer, or the State Water Board's Environmental Laboratory Accreditation Program as needed." The City recommends inclusion of the jurisdiction in which the discharge is to take place by adding the following language:

"The San Diego Water Board will make a final determination as to whether a toxicity test result is valid, and may consult with the Discharger, USEPA, the MS4 operator for the jurisdiction in which the discharge occurs, the State Water Board's Quality Assurance Officer, or the State Water Board's Environmental Laboratory Accreditation Program as needed."

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Thank you for your time and consideration of these comments. If you have questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sandiego.gov.

Sincerely,



Drew Kleis
Deputy Director

DKrk

cc: Mike Hansen, Director of Land Use & Environmental Policy, Office of the Mayor
Kris McFadden, Transportation & Storm Water Department Director
Heather Stroud, Deputy City Attorney, City Attorney's Office
Ruth Kolb, Program Manager, Transportation & Storm Water Department