

San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92018  
Attn: Ms. Michelle Mata  
February 5, 2015

Subject: Triennial Review Comment –

Dear Ms. Mata:

I ask that the Regional Board consider specific recommendations made by the Department of Pesticide Regulation (DPR) after an evaluation of copper paints and incorporate these findings from AB 425 and DPR into assessments of copper impacts.

Taking findings generated at the state level, and applying it locally impacted waters is a reasonable, protective, and efficient action.

The effort of dealing with copper piecemeal is substantial. Numerous local waters are identified as impaired from copper: in addition to the TMDL for Shelter Island, seven other San Diego Bay marina basins are also listed as 303(d) impaired waters from high dissolved copper levels. Many other Southern California marina basins, including Mission Bay, Dana Point Harbor, Huntington Harbor, Newport Bay, and Marina Del Rey, have similar issues.

Findings indicate that the use of new leach rates paints will substantially reduce copper in the water. The study has been reviewed, published and reported to the state legislature.

The Port of San Diego sponsored bill, AB 425 directed the DPR to reevaluate hull paints and establish leach rates and mitigation measures that protect aquatic environments from the effects of copper paints. The DPR completed its report in February 2014, identifying new leach rates for copper paints along with several mitigation measures.

Please consider recommendations from AB425 a high priority in this Basin Plan review process.

Sincerely,



John Adriany

Principal Scientist  
ChemMetrics  
john.adriany@yahoo.com



# County of San Diego

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

February 6, 2015

Electronic Submission: [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)

David Gibson  
Executive Officer  
San Diego Regional Water Quality Control Board  
2375 San Diego Northside Drive, Suite 100  
San Diego, CA 92108

Re: County of San Diego – Triennial Review Comments

Dear Mr. Gibson:

As representatives of one of the largest jurisdictions under the San Diego Municipal Stormwater Permit, we are very interested in seeing regulations adopted that are reasonable, founded upon good science, and that move our region forward in improving water quality in a productive and fiscally responsible way.

We are encouraged to see that the evaluation of Issue #3, Evaluation of Contact Water Recreation Water Quality Objectives and the Methods for Quantifying Exceedances, also known as the "Bacteria TMDL," and Issue #2, Chollas Creek Metals Site Specific Water Effect Ratio, also known as the "Chollas Creek TMDL," are included on the Regional Water Board's preliminary list of highest priority basin planning items.

Additionally, we are particularly pleased to see that a cost-benefit analysis is proposed as part of the scope of the Bacteria TMDL project. The County has made significant investments in studies that provide the data and information necessary to improve the science supporting the water quality standards used in the TMDLs. It is extremely important to commit to acting on the results of these scientific studies.

Again, we applaud the Regional Board and staff for their efforts to review issues #3 "Bacteria TMDL", and #2 "Chollas Creek TMDL." However, we would like to state our concern with Issue #1, Biological Objectives for Water Bodies in the San Diego Region, being included as a priority issue for evaluation. Our staff has expressed concern over the new biological objectives for inland streams and how they could create an additional multi-million dollar regulatory burden for our agency that would be unfunded and on top of existing standards.

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As elected officials, we are stewards of taxpayer funds just as we are stewards of the environment. As you know, compliance with the Bacteria TMDL across the San Diego region has been estimated to cost between \$2.8 billion and \$5.1 billion over the next 16 years.

No funding has been provided to support compliance and the TMDL costs are in addition to the more than \$100 million in ongoing annual expenditures on municipal stormwater programs throughout the county.

Our primary concern is to ensure that current and future expenditures on stormwater management yield a corresponding return on investment in terms of public and environmental health. Triennial Review Issues #2 and #3 are important projects that should help address this return on investment concern; however, there are questions whether Issue #1 will achieve that same goal.

We share with you the goal of clean water, but ask that the Regional Board give strong consideration to the concerns that we have expressed in this letter and to the detailed technical letter that our staff has submitted that further elaborates on these concerns.

Sincerely,



GREG COX  
Supervisor, First District  
County of San Diego



RON ROBERTS  
Supervisor, Fourth District  
County of San Diego

## **Water Quality Control Plan for the San Diego Basin – Triennial Review**

### **Marine Corps Base Camp Pendleton Comments**

#### Issue 1: Biological Objectives for Water Bodies in the San Diego Region

The goal of developing biological objectives for the attainment of beneficial uses of inland surface waters (perennial, wadeable streams) is a worthy cause. Establishing a general narrative objective such as “Waters of the State shall be of sufficient quality to support native aquatic species without detrimental changes in the resident biological communities” is a good overall objective. This objective would need to be supported by appropriate biological metrics. It is difficult to provide comments on the biological objectives approach at this time because the San Diego Water Board has provided no specific proposal for biological metrics.

The use of actual biological metrics may be superior to chemistry based metrics when making decisions on impairments. However, it is clear from review of background information and current science that we need a better understanding of the biological relationships to water quality, and more robust science, in order to establish numerical measures by which to interpret the narrative objective. These bioassessment measures and metrics for assessing attainment of aquatic life beneficial uses must be clear, objective, reasonable, and proven for the San Diego region to be of widespread and useful application.

Another issue is if there will be biological objectives in addition to chemical objectives. This would increase the regulatory burden on, and cost of compliance to, the regulated community. If, however, biological objectives were to replace TMDLs as the primary tool for maintaining the health of surface waters, this may be a reasonable trade off.

Like most environmental metrics, there are clear cases of both excellent and highly degraded biological systems. The majority of wadeable streams likely fall into a middle ground where thresholds are not so clear. The CEQA scoping document outlines three options for implementation and perhaps the San Diego Water Board should follow a modified Option 2 for now "Adopt biological objectives for protecting high quality streams and preventing further degradation of degraded streams" where the modification should be to focus first on ensuring protection of high quality streams (limit future discharges, surrounding growth, etc.) and then second, work to fix clearly degraded streams. In the meantime, data collection can continue on those streams in the middle to evaluate stressors and potential thresholds. These data can eventually be used to mitigate impairments and inform the San Diego Water Board and stakeholders what steps might help improve a situation.

February 6, 2015

San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92018-2700  
Attn: Ms. Michelle Mata

Subject: Triennial Review Comment – San Diego Unified Port District

Dear Ms. Mata:

The San Diego Unified Port District (Port) appreciates the opportunity to participate in the San Diego Basin Plan triennial review process. As the public trustee of San Diego Bay ("Bay") tidelands, the Port shares a common interest with the Regional Board in ensuring that the Bay's ecosystems are healthy and Bay waters and sediments support beneficial uses.

The Port generally supports the reasoned recommendations presented by your staff at the January 8, 2014, public workshop on the Triennial Review and in the December 8, 2014, document titled, *Issues Description for the 2014 Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan)*. Developing basin planning priorities that address regional issues leads to improvements in multiple water bodies and effectively utilizes scarce public resources. With this in mind, the Port respectfully submits the comments below, which are focused on (1) the regional benefits from recent copper data and modeling, utilizing recent copper data and modeling to further reduce dissolved copper concentrations in the Bay and other regional water bodies, (2) the potential use of site specific water quality objectives on a more regional basis, (3) implementing a site specific Water Effects Ratio (WER) for Chollas Creek, and (4) the methods for quantifying exceedances for recreational contact (REC-1) water quality objectives.

1. Regional Benefits from Recent Copper Data and Modeling

*Port Request: Consider incorporating the findings from Assembly Bill 425 (AB 425) and the California Department of Pesticide Regulation (DPR) report into assessments of copper impairments as a high priority during this Basin Plan review process.*

One of the high priority issues for the Port is the reduction of copper concentrations from the Bay water column. As you know, the Port is under a TMDL in the Shelter Island Yacht Basin for elevated levels of dissolved copper. Seven other San Diego Bay marina basins are also impaired as a result of dissolved copper. High copper concentrations are not unique to San Diego Bay. Indeed, many other Southern

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California marina basins, including Mission Bay, Dana Point Harbor, Huntington Harbor, Newport Bay, and Marina Del Rey, have similar issues. Moreover, a 2009 study by the DPR identified high levels of copper in marinas across the state.

The Port, our Shelter Island tenants, and Regional Board staff have made progress in implementing activities that, to date, have reduced the copper load in Shelter Island Yacht Basin. Through a robust effort to track vessel paints, the 319(h) hull paint conversion grant, and the implementation of in-water hull-cleaning regulations, the Port and the other TMDL parties have been able to meet the first interim compliance target (10% reduction) and make progress towards the next interim compliance target (40% reduction).

Further, as part of its multi-faceted effort to reduce copper concentrations, the Port sponsored AB 425, which was signed by Governor Brown in October 2013. As you know, AB 425 directed the DPR to reevaluate hull paints and establish leach rates and mitigation measures that protect aquatic environments from the effects of copper paints. The DPR completed its report in February 2014, identifying new leach rates for copper paints along with several mitigation measures. The modeling indicates that use of the new leach rates will significantly reduce copper in the water.

Because there is a regional benefit resulting from the legislation, the Port believes that incorporating the findings from AB 425 and DPR into future assessments of copper impairments should be a high priority during this Basin Plan review process. The Port would like to work with the Regional Board to pursue an implementation pathway supported by the new copper paint leach rates, which could play a significant role in further reducing copper in the Bay and other regional water bodies.

## 2. Potential Regional Application of Site Specific Water Quality Objectives

*Port Request: Consider developing a model approach for developing site specific water quality objectives, potentially in conjunction with Preliminary Issue 2, the Chollas Creek Metals Site Specific Water Effects Ratio.*

The Port strongly encourages the Regional Board to consider developing a local process for incorporating site specific objectives into the San Diego Basin Plan. Having regional acceptance of a process to use site specific water quality objectives (that still demonstrate protection of beneficial uses) would enable stakeholders and the Regional Board to apply resources effectively to water quality problems. The Port understands that site specific water quality objectives have been successfully used in other regions such as those completed in the San Francisco region, and that there is a generally accepted process for developing a Water Effects Ratio (WER).

However, the San Diego region has not frequently utilized this process. Site specific efforts such as the Chollas Creek WER have been hampered by a prolonged data

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analysis, revisions to the data assessment, and limited staff resources assigned to this project which have delayed the implementation of the WER.

It is our belief that the regional application of site specific water quality objectives could be improved by having a clear process to follow from the onset. A model approach could include elements such as a general timeline of key project deliverables and their estimated duration (from project initiation to Basin Plan adoption), an outline of potential issues that must be considered when developing site specific water quality objectives, general acceptance of a scientifically defensible monitoring approach that can be consistently applied at sites, and the level of public input required. If a model approach is developed, stakeholders could use the model to obtain the upfront commitment on resources, and public input prior to taking on the resource-intensive studies. In addition, having such a process would help both stakeholders and the Regional Board commit resources at the start so that the effort is not delayed. The Port respectfully requests that you consider developing a model approach and do it in conjunction with Preliminary Issue 2, the Chollas Creek Metals Site Specific Water Effects Ratio.

### 3. Water Effects Ratio for Chollas Creek

*Port Request: Assess the potential downstream impacts that may occur as a result of the Chollas Creek Metals Site Specific WER as part of the WER's approval.*

The Port is supportive of using approaches that consider site specific water quality objectives which are protective of water quality and mindful of resources. However, while we support such efforts as the WER in Chollas Creek, we caution that the studies to support site specific water quality objectives need to ensure that there are no unintended impacts to downstream waters.

The mouth of Chollas Creek is currently impaired for sediment toxicity and benthic community impacts. While metals were not the primary pollutants linked to the toxicity at the creek mouth, elevated levels of metals were present in past sampling efforts. Additionally, multiple sediment remediation projects are ongoing adjacent to Chollas Creek to remove sediment contaminated with metals and other pollutants. Therefore, it is important to ensure that modifications to upstream water quality objectives and the resulting increased metals loading will not impact downstream receiving waters and the remediated sites. Also, it is important that the Regional Board take this into consideration when reviewing the Chollas Creek WER.

Moreover, the Port strongly encourages that an assessment of downstream impacts become one of the conditions identified in the "model approach for considering site specific water quality objectives" recommended as part of Comment 2, above.

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4. Methodology for quantifying exceedances for REC-1 water quality objectives

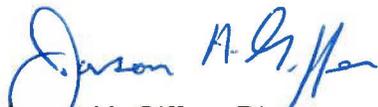
*Port Request: The Port supports the Regional Board staff recommendation for improving the methodology for quantifying exceedances of REC-1 water quality objectives.*

One of the Port's watershed priorities is reducing bacteria-related water quality problems. As such, the Port is pleased to see that one of your staff's preliminary issues (as identified in the public notice materials) is focused on that topic. The use and selection of appropriate pathogen indicators is needed to fully assess the condition of our beaches and receiving waters. Furthermore, scientific advancements in pathogen research are helping to understand the public health impacts associated with bacteria and pathogens. Aligning the water quality objectives and TMDL compliance targets with the new research is a critical step towards ensuring that waters that are healthy and proper monitoring programs are in place to inform the public about beach conditions. Understanding how to meet (or demonstrate progress toward meeting) the water quality objectives or quantify bacteria exceedances is important when allocating resources towards bacteria TMDLs, monitoring programs and implementation activities. The Port fully supports this issue and looks forward to working with your staff on this item.

The Port extends our appreciation to the Regional Board for the opportunity to participate in the triennial review process. Furthermore, we greatly appreciate your ongoing commitment to have these updates initiated on time, and with an open and transparent public process. In doing so, we can align resources where they provide the most benefit to the San Diego region.

Please contact Karen Holman at (619) 725-6073 or [kholman@portofsandiego.org](mailto:kholman@portofsandiego.org) if you have any questions or concerns about the information provided herein.

Sincerely,



Jason H. Giffen, Director  
Environmental & Land Use Management Department

JG:KH:jh  
D2:#954722



# County of San Diego

**RICHARD E. CROMPTON**  
DIRECTOR

DEPARTMENT OF PUBLIC WORKS  
5510 OVERLAND AVE, SUITE 410  
SAN DIEGO, CALIFORNIA 92123-1237  
(858) 694-2212 FAX: (858) 694-3597  
Web Site: [www.sdcountry.ca.gov/dpw/](http://www.sdcountry.ca.gov/dpw/)

February 6, 2015

Ms. Michelle Mata  
San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

Electronic Submission: [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)

Dear Ms. Mata:

## **BASIN PLAN TRIENNIAL REVIEW COMMENTS**

The County of San Diego appreciates the opportunity to provide comments on the Triennial Review for the San Diego Region. As one of the largest jurisdictions regulated under the San Diego Municipal Stormwater Permit, the County is very interested in water quality regulations that are reasonable, founded upon sound science, and that move our region forward by improving water quality in a productive and responsible way. The County appreciates the Regional Board's inclusion of issues in the Triennial Review priorities that support these goals.

The County supports the inclusion of Issue #3, *Evaluation of Contact Water Recreation (REC-1) Water Quality Objectives and the Methods for Quantifying Exceedances "Bacteria TMDL"* as a top priority for the 2015 Triennial Review. Evaluating bacteria standards and corresponding TMDL changes are a top priority for San Diego County. The County strongly encourages the Regional Board's support of the timely completion of these projects. Because the deadlines for compliance with the TMDLs are rapidly approaching, it is critical to incorporate the latest scientific information into the TMDL. County staff is prepared to collaborate with Regional Board staff in any way possible to facilitate the evaluation of bacteria standards and TMDL changes.

The County particularly supports the inclusion of a proposed cost-benefit analysis as part of the scope of Issue #3. Compliance with the Bacteria TMDL in the San Diego Region has been estimated to cost between \$2.8 billion and \$5.1 billion over the next sixteen years. These unfunded costs are in addition to significant existing stormwater program expenditures. Bacteria TMDL compliance costs do not factor into forthcoming expenses for pending regulations, including the State Water Resources Control Board's proposed Trash Amendments.

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San Diego Regional Water Quality Control Board  
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The County's primary concern is to ensure that current and future stormwater management program expenditures yield a corresponding return on investment, providing a benefit in terms of public and environmental health. As such, Triennial Review Issue #3 is an important evaluation that will support the implementation of focused programs to protect beneficial uses in the most efficient manner possible.

The County and other municipal entities have made significant investments in special studies. These studies provide data and information necessary to ensure that water quality standards used in the Bacteria TMDL, which includes portions of six watersheds in San Diego County, are based on current science and protect public health. Given the initial findings of the special studies, and to align with the state-wide bacterial indicator re-evaluation, we recommend that Issue #3 be broadened to consider all relevant information to identify the best regulatory solution to achieve the identified goals. Specifically, the County recommends the issue be changed to include consideration of beneficial uses as well as objectives. While changes to beneficial uses may not ultimately be necessary, the County encourages the Regional Board to consider regulatory outcomes that effectively achieve the goals outlined in Issue #3.

Additionally, the County is encouraged by the inclusion of Issue #2 *Chollas Creek Metals Site Specific Water Effect Ratio (WER)* as a priority. Like Issue #3, the County feels this issue will help ensure public resources are being directed towards protecting beneficial uses in the most efficient manner possible.

Regarding Issue #1 (*Biological Objectives for Water Bodies in the San Diego Region*), the County is concerned that development of new biological objectives for inland streams could create an additional unfunded regulatory burden that would further strain limited local government resources. Ultimately, biological objectives could translate to additional requirements in municipal stormwater permits. The addition of new regulatory obligations, when added to existing water quality regulations, and without funding, is not a viable approach. The County suggests that limited available Regional Board and local government resources be used to address deficiencies in existing water quality standards, and that these should be a higher priority than developing new standards that could be duplicative of a current State-led effort.

The State Water Resources Control Board pursued the development of statewide biological objectives, but recently redirected that effort to development of a "biointegrity plan". The state has found there are a number of obstacles to consider when developing biological criteria, such as harmonizing biological objectives with the chemical water quality objectives outlined in the Basin Plan. Based on the County's understanding, the USEPA wants both biological and chemical water quality objectives to be enforced. Under such circumstances, regulatory requirements for the County will be increased with no corresponding funding. Moreover, utilization of biological objectives in other parts of California has been limited and not well tested.

It is unclear how the Regional Board could estimate the potential cost impact of the regulation and demonstrate that biological objectives are achievable in urban streams. San Diego has many modified urban streams. The analysis of appropriate reference sites for urbanized streams is critical in order to develop biocriteria based on sound science. If urban streams are anticipated to return to November 1975 conditions, a reference point that has been used for other water quality criteria in the Basin Plan, then the biocriteria would be unachievable.

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If development of biological objectives moves forward despite the concerns expressed above, determining a "best achievable" condition for an urbanized stream could be utilized as an alternative approach. However, this approach may also be subjective. Given the many hydrologically modified channels present in southern California, there is a clear need to consider tiered aquatic life uses. These uses should better define attainable goals for aquatic life in streams and achievable restoration targets. This approach would match appropriate biological objectives for the identified tiered use, resulting in an improved return on investment.

The definition of a "perennial stream" was considerably broadened during the state-lead effort. The County would recommend limiting the definition to only those streams with flow year round. This is consistent with causal assessment tools developed by USEPA that are used to identify potential causes of biological impairments.

The County of San Diego shares with you the goal of clean water in the San Diego Region, and we look forward to continued collaboration on the Triennial Review projects. If you have questions or require additional information, please contact me at (858) 694-3672, or by email, [Todd.Snyder@sdcounty.ca.gov](mailto:Todd.Snyder@sdcounty.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Todd Snyder". The signature is written in a cursive, flowing style.

Todd E. Snyder, LUEG Program Manager  
Department of Public Works, Watershed Protection Program



# San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233  
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

February 6, 2015

## San Diego Regional Water Quality Control Board

2735 Northside Drive, Suite 100

San Diego, CA 92108-2700

Attn: Ms. Michelle Mata

### 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

Olivenhain  
Municipal Water District

Otay Water District

Padre Dam  
Municipal Water District

Camp Pendleton  
Marine Corps Base

Rainbow  
Municipal Water District

Ramona  
Municipal Water District

Rincon del Diabla  
Municipal Water District

Son Diego Water District

Santa Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuma  
Municipal Water District

### OTHER REPRESENTATIVE

County of San Diego

**SUBJECT: Triennial Review Comments  
Basin Plan Modifications to Support Sustainable Local Water Supply**

**Dear Ms. Mata:**

Thank you for the opportunity to provide comments on Basin Plan issues and priorities as part of the San Diego Water Board's triennial review of the Basin Plan. The San Diego County Water Authority (Water Authority) and its member agencies that operate imported water reservoirs have reviewed the proposed Basin Plan triennial review priorities identified in the San Diego Water Board's December 8, 2014 *Issues Description for the 2014 Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan)*.

While we support these issues and priorities, we would like to bring additional important Basin Plan issues and inconsistencies to the San Diego Water Board's attention. The reservoir issues were noted as part of the Water Board Executive Officer's presentation and subsequent discussion at the San Diego Integrated Regional Water Management (IRWM) Regional Advisory Committee on December 3, 2014. These issues require correction in order to better allow local water agencies to manage the region's water supplies and resources and to help achieve the "sustainable local water supply" goal of the 2013 *San Diego Water Board Practical Vision* and the water reliability and sustainability goals of the 2013 *California Water Plan*. The purpose of this letter is to:

- 1) Identify these important Basin Plan issues and inconsistencies that warrant revision,
- 2) Identify suggested Basin Plan modifications to address these issues or inconsistencies, and
- 3) Offer resource assistance to the San Diego Water Board in evaluating and implementing the required Basin Plan modifications.

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

Triennial Review Comments  
San Diego County Water Authority  
February 6, 2015  
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### Basin Plan Issues

**Overview.** Within the San Diego Region, the Water Authority and some of its member agencies operate and maintain reservoirs that are connected to the Water Authority's untreated water aqueducts and provide untreated water supplies to potable water filtration plants. These reservoirs were constructed specifically for the purpose of providing municipal supply. To support this use, the reservoirs are subject to operating restrictions established within Water Supply (Operating) Permits issued by the State Water Resources Control Board (State Board) Division of Drinking Water (DDW). In accordance with the DDW requirements (and requirements of other state and federal agencies), reservoir operating agencies:

- Deliver imported waters to the reservoirs and manage reservoir waters,
- Store and withdraw reservoir waters and treat the withdrawn water in DDW-regulated potable water filtration plants,
- Restrict, limit, manage, or control public contact and recreation at the reservoirs, consistent with DDW Water Supply Permit requirements and reservoir water quality protection needs established by the water agencies,
- Restrict, remove, and/or mitigate invasive species or emergent vegetation,
- Implement reservoir management actions to control algae, ensure the treatability of reservoir supplies, and support other beneficial uses that are consistent with water supply needs, and
- Monitor reservoir waters and water quality to achieve compliance with state and federal drinking water standards.

The *2013 California Water Plan* calls for the orderly and coordinated control, protection, conservation, development, and use of the state's water resources. Regional Water Board Basin Plans are important components of state-wide water resources plans and become part of the *California Water Plan* upon adoption by the Regional Water Boards and approval by the State Board. To this end, the San Diego Basin Plan establishes water quality objectives and implementation policies to support and uphold designated beneficial uses. Municipal and Domestic Supply (MUN) is the first beneficial use listed within the Basin Plan. Denoting the importance of the MUN beneficial use, State Board Resolution No. 88-63 (Sources of Drinking Water Policy) specifies that, except under specifically defined conditions, all surface and ground waters of the state are to be protected as existing or potential supplies of municipal and domestic water supply.

While the intent of the Basin Plan is to protect the MUN beneficial use in local reservoirs, a number of Basin Plan water quality objectives and implementation policies

are inconsistent with operational needs of the water agencies charged with managing the reservoirs, controlling public access and recreation, protecting beneficial uses, and developing and delivering municipal and domestic water supplies. These issues or inconsistencies are summarized below.

***Water Quality Objectives Based on Secondary Drinking Water Standards.*** DDW establishes Maximum Contaminant Levels (MCLs) which apply to potable treated water supplies. Primary MCLs are established for the protection of public health, while secondary MCLs are established to address consumer acceptance (aesthetic) concerns. Secondary MCLs, in part, address such parameters as total dissolved solids (TDS), chloride, sulfate, iron, manganese, and color. Recognizing that the achievability of aesthetic goals varies with the nature of available water supplies, DDW establishes a range of secondary MCLs for TDS, chloride, and sulfate, including "recommended" MCLs, "upper limit" MCLs, and "short term" MCLs. The recommended MCL for TDS, for example, is 500 mg/l, while the upper limit MCL is 1000 mg/l, and the short-term MCL is 1500 mg/l. Although the goal of water supply agencies is to provide water that complies with the lower of these standards (the recommended secondary MCLs), this is not always possible because mineral concentrations in imported supplies (particularly Colorado River supplies) frequently exceed the recommended MCLs, (but not the upper limit or short term MCLs).

With the intent of protecting municipal supply beneficial uses, the Basin Plan establishes surface water quality objectives for many of the Region's potable supply reservoirs at the recommended consumer acceptance MCLs (e.g., TDS objective of 500 mg/l). However, by establishing water quality objectives at the recommended secondary MCL levels, the Basin Plan in essence converts a recommended secondary drinking water consumer acceptance (aesthetic) standard that is intended to serve as a goal for treated water supplies into a not-to-be-exceeded water quality standard that:

- 1) Applies to raw untreated waters stored in reservoirs instead of the treated water supply, and
- 2) Is subject to the full enforcement power of the Clean Water Act, including Section 303(d) impaired water designations, and the imposition of Total Maximum Daily Loads (TMDLs) to achieve the not-to-be-exceeded standard.

For reservoirs that may be dominated by imported water, the quality of water within the reservoir may be entirely dependent on the quality of the imported supply. As the Basin Plan is currently written, a water agency that takes delivery of imported water from the Colorado River (which is frequently the only supply available) or stores transferred

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water, risks its reservoir being listed as 303(d) impaired due to non-compliance with Basin Plan objectives that are based on recommended secondary MCLs. TMDLs resulting from such listings could potentially result in restrictions on water agency reservoir operations, including restrictions that may be inconsistent with reservoir operational requirements mandated by DDW in the agency's Water Supply Permit. Additionally, any such TMDLs would be ineffective. When the quality of the imported water supply (which is not regulated by the Regional Water Board or EPA) exceeds recommended secondary drinking water MCLs, existing Basin Plan objectives may not be attainable, even if all enforcement actions available to the EPA and the Regional Board under the Clean Water Act and the Porter-Cologne Water Quality Act have been implemented.

***Water Quality Objectives for San Vicente Reservoir.*** Construction to raise the San Vicente Dam has been completed, and San Vicente Reservoir capacity has been increased by 150,000 acre-feet to a total capacity of approximately 240,000 acre-feet. This increased reservoir capacity is allotted to the Water Authority for emergency storage of imported water. San Vicente Reservoir is currently the only San Diego Region reservoir connected to the Water Authority aqueduct system that has surface water TDS, chloride, and sulfate objectives of 300 mg/l, 50 mg/l, and 65 mg/l. While proposed indirect potable reuse supplies which would be discharged to San Vicente (after undergoing 100 percent reverse osmosis treatment) will comply with these stringent mineral quality objectives, the current San Vicente Reservoir objectives for TDS, chloride, and sulfate are inconsistent with the quality of imported water stored in the reservoir.

***Beneficial Use Designations.*** The Basin Plan defines Contact Water Recreation (REC-1) as recreational activities that involve body contact where ingestion of water is reasonably possible. The Basin Plan generically includes "fishing" as a REC-1 use, but does not differentiate between shore/boat fishing (where ingestion is not reasonably possible) and fishing using waders or float tubes (where ingestion may be reasonably possible). The Basin Plan also generically lists "boating" as a non-contact water recreational (REC-2) use, but does not distinguish between conventional motorboats, rowboats, canoes, and paddleboats (where ingestion of water is not reasonably possible) and kayaking (where ingestion is possible).

The degree of public contact at each San Diego Region reservoir is dependent on rules established by each water agency and conditions established in each agency's DDW Water Supply Permit. Clarification of the Basin Plan is recommended to render the Basin Plan recreational beneficial use designations consistent with DDW recreational

restrictions on the reservoirs, and to ensure that Clean Water Act water quality assessments are based on actual allowed beneficial uses.

Additionally, some Basin Plan beneficial use designations for drinking water storage reservoirs are outdated and require qualification or revision. These include beneficial use designations for agricultural supply (AGR), industrial service supply (IND), industrial process supply (PROC), and hydropower (POW).

***Dissolved Oxygen Objectives.*** The Basin Plan establishes a "one-size-fits-all" 5.0 mg/l water quality objective for dissolved oxygen to San Diego Region surface waters that support warm freshwater habitat (WARM). A similar "one-size-fits-all" dissolved oxygen objective of 6.0 mg/l is established for waters that support cold freshwater habitat (COLD).

The mandated Basin Plan dissolved oxygen concentrations simply do not and cannot naturally occur at depth in the Region's deeper reservoirs due to natural seasonal thermal stratification conditions. Such conditions are naturally created early each spring as a thermocline forms which hydraulically separates warmer upper waters (epilimnion) from colder deep waters. This thermal stratification prevents oxygen-laden epilimnion waters from mingling with deeper hypolimnion waters, and dissolved oxygen concentrations in the hypolimnion steadily decline throughout the summer and fall. Dissolved oxygen concentrations in the hypolimnion can be replenished during the brief period of reservoir turnover (which typically occurs for a few weeks in winter), but natural dissolved oxygen concentrations in deep reservoir waters can achieve the existing Basin Plan dissolved oxygen standards only during and immediately after these brief periods of reservoir turnover.

Water agencies are concerned that, as currently written, Basin Plan dissolved oxygen standards, in addition to being unachievable and not based on naturally occurring conditions, may cause 303(d) listings of drinking water reservoirs and the need for development of TMDLs which cannot be met under any form of load reduction regulation (short of mandating the construction of physical projects such as hypolimnetic aeration). Additionally, water agencies are concerned that potential indirect potable reuse projects may be adversely impacted by Basin Plan dissolved oxygen objectives that are not consistent with natural reservoir hydrodynamics and do not reflect dissolved oxygen levels that are naturally achievable within the hypolimnion.

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***Reservoirs Serving as Forebays to Water Treatment Plants.*** Several reservoirs were constructed as a part of existing water treatment plants and act as forebays to those treatment plants. Under these operations, each reservoir is used as an adjunct to its accompanying water filtration plant, serving as a source water forebay storing transferred, imported, or local water supplies. These reservoirs may serve as part of the overall potable water treatment process in conjunction with an associated potable water filtration plant. Some forebays are used to recycle process waters from the filtration plant, allowing the water to settle and blend with the source water supply before recycling it back into the treatment plant. In addition to saving on chemical costs and reducing flows discharged to the sewer, reservoir water quality and the treatability of reservoir water can be enhanced as a result of the recycling of coagulated solids. If allowed by the regulations and Basin Plan, some of these forebays could also be considered for future potable reuse projects through reservoir augmentation. The Basin Plan does not recognize that these reservoirs are part of the overall treatment and filtration process, and water agencies are concerned about how the Basin Plan and regulations could be interpreted with respect to the Clean Water Act or the Porter-Cologne Water Quality Act.

Two of the forebays, Sweetwater Reservoir and Lower Otay Reservoir, are formed by dams constructed in existing streambeds. These reservoirs contain a blend of imported and local water supplies and rarely overflow. Several other forebays are small, isolated drinking water reservoirs that have limited inflows from the watershed and no downstream releases to the watershed. As such, there is no significant nexus between these forebays and the local watershed. These isolated reservoirs and their associated water filtration plants include:

- San Dieguito (San Dieguito Water District and Santa Fe Irrigation District R.E. Badger Filtration Plant),
- Miramar (City of San Diego Miramar Water Treatment Plant),
- Murray (City of San Diego Alvarado Water Treatment Plant),
- Jennings (Helix Water District R.M. Levy Water Treatment Plant),
- Dixon (Escondido-Vista Water Treatment Plant).

### **Proposed Basin Plan Modifications**

To address the above issues and inconsistencies, the Water Authority and its member agencies that operate drinking water reservoirs recommend modifications to Chapter 2 (Beneficial Uses), Chapter 3 (Water Quality Objectives), and Chapter 4

(Implementation). It is recognized that specific Basin Plan modifications to address these issues will require technical evaluation by regulators and will be developed through a stakeholder input process. In order to understand the degree of resources required to address these Basin Plan issues, however, the San Diego Water Board has requested that the Water Authority identify suggested Basin Plan modifications as part of the triennial review comments. To accommodate this request, a potential Basin Plan modification approach is presented below.

***Recommended Modifications to Chapter 2 - Beneficial Uses.*** Several recommended modifications to Chapter 2 (Beneficial Uses) are recommended for San Diego Water Board consideration to address the Basin Plan drinking water reservoir issues and inconsistencies identified above. These recommended modifications include:

1. Modify the "Beneficial Use Definitions" section of Chapter 2 to better delineate between REC-1 use (where ingestion of water is reasonably possible) and REC-2 uses (where such ingestion is not reasonably possible).
2. Modify the text description within the "Reservoirs and Lakes" section of Chapter 2 (Beneficial Uses) to:
  - Identify reservoirs connected to the San Diego Aqueduct that store untreated imported or local water as an important part of the MUN beneficial use,
  - Identify reservoirs operated as part of the overall water treatment process in fulfilling the MUN beneficial use,
  - Identify that reservoir operations and beneficial use restrictions may be established as part of DDW Water Supply Permits, and
  - Identify potable reuse as a potential future beneficial use for local reservoirs.
3. Modify Table 2-4 (Beneficial Uses of Reservoirs and Lakes) to:
  - Identify reservoirs operated as part of the overall water treatment process in fulfilling the MUN beneficial use,
  - Reflect the degree of body contact (REC-1 or REC-2) allowed pursuant to DDW Water Supply Permit requirements and water agency reservoir rules and regulations, and
  - Update beneficial use designations for hydropower generation.

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***Recommended Modifications to Chapter 3 - Water Quality Objectives.*** Two modifications to Chapter 3 (Water Quality Objectives) are proposed to address the Basin Plan issues and inconsistencies identified above. Suggested modifications include:

1. It is proposed that footnotes be added to Table 3-2 (Water Quality Objectives for Inland Surface Waters) to qualify that:
  - For designated drinking water reservoirs, where the stored water is either fed directly to an adjacent treatment facility or can be transferred by pipeline or via a natural water course to a treatment facility (i.e., San Dieguito, Miramar, Murray, Jennings, Dixon, Olivenhain, Poway, San Vicente, Sweetwater, Loveland, and Lower Otay), establish that treatment process operations (including process flow recycling back into the reservoir) are regulated by DDW through conditions established in each agency's Water Supply Permit.
  - Establish that the listed numerical water quality objectives for TDS, chloride, sulfate, iron, manganese, and color (objectives based on DDW consumer acceptance MCLs) apply to runoff entering drinking water reservoirs from tributary areas, but not to water stored in the reservoirs. Also establish that compliance with treated water consumer acceptance MCLs is to be regulated by DDW through conditions established in each water agency's Water Supply Permit.
2. Modify the Basin Plan dissolved oxygen objective to:
  - Acknowledge that natural thermal stratification effects in deep reservoirs render it impossible to maintain any one-size-fits-all dissolved oxygen concentration level under natural conditions,
  - Establish that Basin Plan numerical dissolved oxygen levels are not applicable (nor attainable under natural conditions) in hypolimnion waters of deep reservoirs, and
  - Establish a narrative objective for dissolved oxygen that applies to hypolimnion waters of deep reservoirs.

***Recommended Modifications to Chapter 4 - Implementation.*** To insure proper interpretation of the proposed modifications to Chapter 3, it is recommended that a new section entitled "Imported/Local Water Storage" be added prior to the "Industrial Waste" section of Chapter 4 (Implementation). Objectives of this section would be to:

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- Establish the rationale for why numerical Basin Plan objectives should not be applied to water stored in drinking water supply reservoirs or to water filtration plant discharges, and
- Clearly reiterate that the numerical objectives of Table 3-2 are (1) not to be applied to waters within the listed drinking water reservoirs, (2) do not represent Clean Water Act surface water quality standards, (3) are not to be used for designating reservoir waters as "impaired" waters pursuant to Clean Water Act Section 303(d), and (4) are not to be used for purposes of establishing effluent limits on water treatment residuals discharged to drinking water reservoirs or taking enforcement action against water agencies that operate the reservoirs in accordance with applicable DDW Water Supply Permit requirements.

The Water Authority and its member agencies that operate drinking water reservoirs have already developed specific suggested Basin Plan text and table revisions to address each of the above-proposed Basin Plan modifications. Upon request, we would be pleased to forward these specifics to the San Diego Water Board for consideration.

#### **Recognized Need for Resources**

The Water Authority and its member agencies that operate drinking water reservoirs support the prioritized Basin Plan issues identified in the San Diego Water Board's December 8, 2014 *Issues Description for the 2014 Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan)*, and recognize the limited resources available to the Water Board to address Basin Plan issues. However, we also recognize and prioritize the importance of ensuring that Basin Plan requirements are consistent with water supply importation, management, storage, and treatment practices addressed within Water Supply Permits issued by DDW. We further recognize the need to ensure that Basin Plan requirements are consistent with the "sustainable local water supply" element of the *San Diego Water Board Practical Vision*.

We appreciate that restrictions on San Diego Water Board staffing levels may require the involvement of technical staff from the State Water Resources Control Board in pursuing this endeavor. To this end, the Water Authority and its member agencies that operate drinking water reservoirs are available to coordinate with the San Diego Water Board and the State Board to provide resources for the evaluation and consideration of the proposed Basin Plan modifications at the earliest possible date. We hope that the suggested outline of proposed Basin Plan modifications presented herein will provide the San Diego Water

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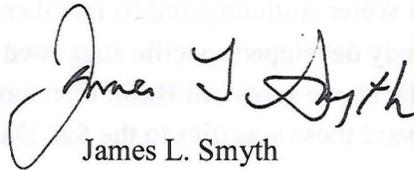
Board with sufficient information to evaluate required resources and staffing needs for the assessment of these Basin Plan issues.

Thank you for the opportunity to participate in the San Diego Water Board's triennial review process. We look forward to coordinating with the San Diego Water Board on Basin Plan modifications that (1) eliminate inconsistencies between water agency municipal supply operations and Basin Plan beneficial use designations, water quality objectives, and implementation policies, and (2) enhance opportunities to implement the "sustainable water supply" element of the *San Diego Water Board Practical Vision* and the water reliability and sustainability goals of the *2013 California Water Plan*.

Sincerely,



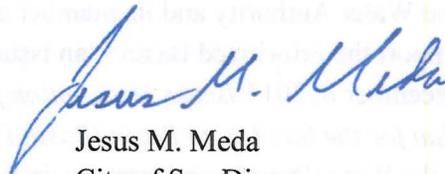
Ken Weinberg  
Director of Water Resources  
San Diego County Water Authority



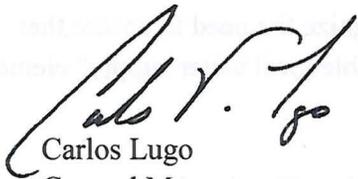
James L. Smyth  
General Manager  
Sweetwater Authority



Michael Bardin  
General Manager  
Santa Fe Irrigation District



Jesus M. Meda  
City of San Diego  
Public Utilities Department



Carlos Lugo  
General Manager  
Helix Water District

By email:  
[sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)

WARREN D. WILLIAMS  
General Manager-Chief Engineer



May 13, 2015  
Item No. 7  
Supporting Document No. 4  
1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

February 4, 2015

*Submitted via email to: [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)*

Mr. David Gibson, Executive Officer  
San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

Attention: Ms. Michelle Mata

Dear Mr. Gibson:

Re: 2014 Triennial Review Comments

On behalf of the Municipal Separate Storm Sewer System (MS4) Permittees in the Santa Margarita Region of Riverside County, the Riverside County Flood Control and Water Conservation District (District) is pleased to submit the following comments for consideration in the 2014 Triennial Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan).

**Issue No. 1: Biological Objectives for Waterbodies in the San Diego Region** – The development of biological water quality objectives for inland surface waters should consider the types of conveyance (i.e., engineered vs. natural). It would be unreasonable to expect engineered systems to respond or provide the same level of biological characteristics as natural systems. Biological objectives should only apply in natural systems where adequate flow exists to support the beneficial uses. As MS4 programs move to eliminate dry weather flows it will be unrealistic for non-perennial systems to support such objectives in the absence of water.

**Issue No. 2: Evaluation of Contact Water Recreation (REC-1) Water Quality Objectives and the Methods for Quantifying Exceedances** – The District supports establishing alternative bacteria standards based on use frequency and high flow thresholds for certain REC-1 waterbodies. While bacteria standards are set at stringent levels to protect the most sensitive beneficial use of a particular waterbody, the presence of dangerous high flows in waterbodies or waterways often do not support full body contact or immersion of a REC-1 beneficial use in wet weather events.

The 2011 Basin Plan Review included a "short list" item regarding Nutrient Water Quality Objectives in Surface Waters. The purpose of this item was to establish water quality objectives for nitrogen and phosphorus that take into account natural background levels, using the Numeric Nutrient Endpoint (NNE) framework to inform the process. The Santa Margarita Watershed Nutrient Initiative – Stakeholder Advisory Group (Nutrient Initiative Group) was created to ensure transparent and equal participation by multiple stakeholders in the assessment and possible refinement of the nutrient water quality standards in the watershed. To promote the work of the Nutrient Initiative Group, we request the San Diego Water Board allocate staff time to engage this effort and recommend that the scope of

Mr. David Gibson  
Re: 2014 Triennial Review Comments

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alternative approaches be expanded beyond the NNE framework so as to facilitate consideration of other emerging/innovative approaches considered by the Nutrient Initiative Group.

The District appreciates the opportunity to provide written comments and supports the agency's intent of making Basin Plan goals more reasonable and attainable while being protective of water quality. If further information is required, please contact Art Diaz of my staff at 951.955.8602/[aadiaz@rcflood.org](mailto:aadiaz@rcflood.org) or me at 951.955.1273/[juhley@rcflood.org](mailto:juhley@rcflood.org).

Very truly yours,



JASON E. UHLEY  
Assistant Chief Engineer

ec: Santa Margarita Region Permittees

AD:cw  
P8/168000



February 3, 2015

San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108  
Attn: Ms. Michelle Mata  
[sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)

*Sent via email*

**Re: Environmental Groups Comments on Triennial Review of the San Diego Basin Plan**

Dear Ms. Mata:

Thank you for the opportunity to comment on the Triennial Review of the San Diego Basin Plan. Please accept these comments on behalf of San Diego Coastkeeper, Coastal Environmental Rights Foundation, and Surfrider Foundation San Diego Chapter (collectively “Environmental Groups”). Environmental Groups represent numerous San Diegans, act through community involvement, regulatory participation, and legal action to ensure the protection and restoration of San Diego Bay, Mission Bay, and the region’s inland and coastal waters.

**Biological Objectives**

Environmental Groups strongly support the inclusion of biological objectives (BOs) into the Triennial Review and as a Basin Plan amendment.

For the first forty-plus years of the Clean Water Act’s implementation, regulators and the public alike have largely focused on the chemical integrity of our waters. This, despite the first sentence of the Act itself stating that, “the objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”<sup>1</sup> We believe the addition of both narrative and numeric biological objectives to the assessment of our waters’ health is long overdue.

Environmental Groups are supportive of a scheme in which BOs complement and coexist with the existing objectives that are currently in the Basin Plan. Existing chemically-focused objectives will continue to protect and restore those beneficial uses for which BOs are not the best indicator or measure. Both on their own and alongside existing objectives, BOs serve to tell a more complete story over time of our region’s water body health and the health of the aquatic life within those waters.

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<sup>1</sup> 33 USC 1251 Section 101.

BOs are able to give us a more complete picture of the ecological health of our streams because BOs integrate both chemical and physical stream parameters into an objective score. And because BOs integrate data over time we are given a better understanding of the health of our waters than chemical objectives, which merely give an instantaneous snapshot of a waterbody's health.

Regional bioassessments data shows that 75% of the waterways in San Diego scored "poor" or "very poor".<sup>2</sup> Implementing BOs and utilizing EPA's CADDIS causal assessment methodology will allow our region to determine what is driving the poor ecological health of our waterbodies and allow for us to implement more effective management decisions.

San Diego Coastkeeper in particular has been, and continues to be, a partner with regional stakeholders in bioassessment training and policy development. Environmental Groups look forward to continuing this work and to working more closely with the Regional Board during the development of BOs in our region.

#### Chollas Creek Metals Site Specific Water Effects Ratio (WER)

While Environmental Groups are generally supportive of the development of site-specific objectives (SSOs) through consideration of scientifically supported information unique to particularly water bodies, we are adamant that the consideration of SSOs for Chollas Creek must necessarily include a detailed and fully-supported analysis of the associated impacts to downstream waters that would result in a Basin Plan TMDL amendment. Specifically, the WER study as it currently exists includes no information on the potential impacts to San Diego Bay and bay sediments that would result from increased copper, zinc, and lead loading immediately upstream and adjacent to the Bay in Chollas Creek. It is possible, if not likely, that allowing increased dissolved copper, zinc, and lead amounts in Chollas Creek would result in further degradation and impairments in the Bay and to already-impaired bay sediments.

The Draft report on WER SSOs presently concludes that the results of the various tests conducted, "demonstrate that aquatic life in Chollas Creek will remain protected based on the final proposed wet-weather copper and zinc WERs".<sup>3</sup> To be a truly integrated approach, however, the SSO must also consider downstream impacts of increased metals loading. The area of San Diego Bay immediately downstream from Chollas Creek is impaired for benthic community effects and sediment toxicity, and nearby areas are impaired for copper and zinc. Further, the allowance for more metals into the Bay could have negative repercussions on the ongoing Shipyard's sediment remediation and may allow for recontamination of the area. To be truly site-specific, any undertaking must consider both in-stream and immediately downstream impacts of the mouth of Chollas Creek and its relationship to the Bay and nearby bay sediments, as well as to already-conducted and ongoing Bay sediment remediation.

Environmental Groups strongly suggest that the Regional Board require a clear showing that the allowance of increased metals loading into Chollas Creek in such close proximity to San Diego

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<sup>2</sup> *Update on the Bioassessment Program for the Regional Water Quality Control Board's Region 9*, Lilian Busse.

<sup>3</sup> *Development of Site-Specific Water Quality Objectives for Trace Metals in Chollas Creek: Water-Effect Ratio Study for Copper and Zinc, and Recalculation for Lead*, October 28, 2014, p. 47

Bay will not have a deleterious impacts on the Bay or bay sediments and associated beneficial uses. Until such a showing is able to be demonstrated, the SSO for copper, zinc, and lead should not be considered for a Basin Plan amendment.

The Preliminary Issues Report also makes mention that “The Basin Plan should also be amended to clarify the application of WERs in the California Toxics Rule (CTR) when developing numeric water quality objectives for toxic pollutants”. While it is unclear on its face to what this refers specifically, Environmental Groups do not support an amendment of the CTR or exceptions to the CTR to the San Diego Basin Plan. Indeed, because the CTR is a federal regulation promulgated by EPA based on the Administrator’s determination that the numeric criteria are necessary to protect human health and the environment, a blanket waterbody exception to such a rule would be unlawful. As noted in the EPA’s response to comments during the CTR rulemaking process, and in the EPA Guidance on WER Procedure, a WER is site specific – and should not be used for an entire waterbody.

#### Evaluation of REC-1 Water Quality Objectives (WQOs) and the Methods for Quantifying Exceedances

Unlike the first two Issues listed in the Triennial Review, the evaluation of REC-1 WQOs and methods for quantifying exceedances come with no clear recommendation on Basin Plan amendments. Instead, the proposal appears to be aimed at committing the Board and Board staff to participation in a data acquisition and the assessment process. While Environmental Groups support the analysis and production of scientifically supported data in setting criteria and development of action plans aimed at addressing the great deal of impairments to our waters, we do not believe that the production of, assessment of, and evaluation of that research and data is a project necessitating inclusion into the Triennial Review prioritization list.

Through the normal course of actions taken by the Regional Board and Board staff, information on studies and research is shared, vetted, and analyzed. It is our understanding that regional studies on REC-1 standards and regionally-appropriate indicators have been underway for some time, and communication regarding those studies with the Board and regional stakeholders is, and should remain, ongoing. If and when the time comes that adequate data is provided to support amendments on WQOs or methods for quantifying exceedances, the Board should revisit the issue at that time.

As a starting point, Environmental Groups do not support the suspension of, or variance from, REC standards. Environmental Groups also do not support the designation of Limited REC standards in our region. First and foremost it is our position that it is neither prudent nor reasonable to simply give up on the restoration or protection of beneficial uses of waterbodies in the region, or on the attainment of objectives for instream or downstream waters, and in particular those waterbodies that have been most neglected or altered by human activity or inattention. Environmental Groups respectfully request that the revision to REC-1 standards and quantification methods be removed from the proposed Triennial Review list until and unless sufficient data and analysis to begin that endeavor is present.

Should the Regional Board eventually move forward with these amendments, Environmental Groups wish to remind the Board that a Use Attainability Analysis (UAA) would be required in any instance where a suspension is proposed.

### TMDL Development Timelines

Environmental Groups note that the Regional Board has developed and implemented only one new TMDL (Los Penasquitos) for the San Diego region since 2010, and only 3 have been implemented in the last ten years. More recently, two other TMDLs have been put on hold (Loma Alta Slough and Tijuana River). This, despite the fact that the Clean Water Act requires the development of TMDLs for water bodies listed on the 303(d) list<sup>4</sup>. Under the most recent 303(d) list, there are 445 individual listings in Region 9.<sup>5</sup>

Recently, the State Water Board (SWB) presented a Draft Order directing regions outside of the Los Angeles Region to consider implementation of a safe harbor provision into their MS4 permits. Much of the justification for the SWB's finding that an exception to backsliding exists that would allow for a safe harbor rests on TMDL implementation and time schedules. In fact, the justification for an exception specifically called out the importance of the role TMDLs play in a modified MS4 permit that includes a safe harbor in stating, "the majority of pollutants of concern from the LA County MS4 are addressed by the 33 TMDLs that are included in this permit."<sup>6</sup>

The San Diego Regional Board has mentioned in comments dated January 21, 2015 written in response to the Draft Order that the Board will likely seek to implement a safe harbor provision in the Region 9 stormwater permit when it is reopened for the inclusion of Riverside County later this year or early next year. The inclusion of a safe harbor into Region 9 MS4 permit, however, will clearly violate anti-backsliding provisions of the Clean Water Act. Nonetheless, based on the Board's intent to seek inclusion of a safe harbor into our regional permit, we propose as an addition to the Triennial Review Issues list that the Regional Board expedite the development and implementation of the remaining outstanding TMDLs in our region should the Board choose to proceed with the safe harbor. Specifically, Environmental Groups propose to add to the Triennial Review issues list the development of an expedited process or procedure to fast-track the development of TMDLs for all waters on the 303(d) list that do not currently meet beneficial uses and WQOs.

An expedited TMDL development process satisfies the (P) "Protective" category of Basin Plan amendments, as the development of TMDLs involves careful assessment of water body conditions and impairments, and the subsequent development of milestones and action plans to address those impairments.

While Environmental Groups question whether regulations and their justifications must be "reasonable" when the health of our aquatic and marine ecosystems is at stake and the law clearly requires certain measures aimed at their protection and restoration be undertaken, the

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<sup>4</sup> 40 CFR 130.7(c)(1)(ii)

<sup>5</sup> [http://gispublic.waterboards.ca.gov/pub/303d/2010\\_USEPA\\_approv\\_303d\\_List\\_Final\\_122311.xls](http://gispublic.waterboards.ca.gov/pub/303d/2010_USEPA_approv_303d_List_Final_122311.xls)

<sup>6</sup> LA Regional Board's Response to Comments, P. 37

TMDL development also satisfies the (R) “reasonable or attainable” category given that the Clean Water Act requires the development of TMDLs to address impaired water bodies<sup>7</sup> and such a requirement, having survived a myriad of judicial challenges, is assumed reasonable. Furthermore, Environmental Groups are unaware of any authority that states insufficient resources may excuse an agency from developing required TMDLs.

Thank you for the opportunity to comment on the Triennial Review of the San Diego Basin Plan. Please feel free to contact me with any questions or for additional feedback. We look forward to working with the Regional Board and other stakeholders toward development of a meaningful and effective approach to basin planning in our region.

Sincerely,



Matt O'Malley  
Waterkeeper and Legal & Policy Director  
San Diego Coastkeeper



Livia Borak  
Legal Advisor  
Coastal Environmental Rights Foundation



Julia Chunn-Heer  
Policy Advisor  
Surfrider Foundation San Diego Chapter

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<sup>7</sup> 40 CFR 130.7(c)(1)(ii)



*Changing the way we treat water*

February 6, 2015

Ms. Michelle Mata  
San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

**Subject: Triennial Basin Plan Review Comment on Public Entity Requirement for Community Sewerage Systems**

Dear Michelle,

For 13 years our engineering firm has specialized in design and permitting of onsite wastewater treatment systems for commercial properties throughout Southern California. These properties include schools, parks, shopping centers, mobile home parks, condominium complexes, RV parks, office buildings, resorts, restaurants, and gas stations. The discharges require Waste Discharge Requirements (WDR) and Monitoring and Reporting Programs (M&RP) issued by the various Regional Water Quality Control Boards (Water Boards) for advanced treatment and subsurface disposal.

In most Water Board regions where we work, the Water Board does not distinguish between the eligibility of applicants on the basis of ownership. For example, if the applicant is a home owners association (HOA) for a multifamily residential property, the permit eligibility is the same as for other single ownership dischargers that fall under State requirements for small domestic wastewater flows (State Water Resources Control Board Water Quality Order WQO 97-10 *General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems* and *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* SWRCB Order WQ 2014-0153-DWQ).

The Basin Plan of the San Diego Regional Water Quality Control Board requires a public agency to be the responsible party for onsite and decentralized treatment and disposal or recycling systems for multifamily residential. This condition is based on the interpretation that these small systems are "Community Sewerage Systems," which currently have the following requirement:

"A public entity must assume legal authority and responsibility for the ownership, operation and maintenance of the proposed wastewater treatment and disposal system. The RWD must be submitted by the public entity." (Chapter 4 of the Basin Plan. pp. 4-26)

This condition is a hindrance to (1) meeting the needs of the property owners and (2) it eliminates opportunities for onsite water recycling which would contribute to much-needed conservation. We are requesting removal of this requirement.

Since this requirement was initially put in place, several developments in the onsite wastewater sector have produced significant improvements to the performance of onsite wastewater systems and compliance by the dischargers. These include:

- Effective treatment systems suitable for small scale discharges
- Advanced controls, automation, and internet access for continuous remote monitoring and response
- Training programs and the growth of capable engineers, installers, and contracted State-certified treatment operators
- Subsurface discharge technologies that provide incidental irrigation

Additionally, Water Boards throughout California have obtained extensive experience permitting small public and private dischargers. WDR and M&RP conditions have likewise continuously improved to effectively regulate these dischargers. This institutional development has resulted in greater appreciation by both types of permit holder for the necessity of compliance.

Our firsthand experience with numerous small public and private dischargers has resulted in an observation that neither type of discharger is more responsible nor ensures permit compliance better than the other type.

More importantly, the willingness of *qualified* public entities to enter into a role of responsibility for a private entity's discharge is virtually non-existent. A public entity faces a number of undesirable conditions:

- 1 A new type of liability essentially on behalf of a small, possibly high maintenance, population
- 2 A lack of administrative experience combined with a small revenue base with unfamiliar costs
- 3 A lack of experience and interest in this scale of treatment systems and the technologies used

Overcoming these drawbacks is unlikely. Removing the requirement for a public entity to assume legal authority for the private dischargers has advantages. We note that in 2014 the City of San Diego drafted guidelines for permitting onsite water recycling. In this way the City is removing a barrier to onsite water recycling with the clear objective of reducing potable water demands.

California can ill afford to overlook conservation opportunities. Onsite water recycling and incidental irrigation through subsurface drip dispersal of secondary disinfected wastewater are opportunities. Multifamily residential developments will likely have more landscaping planned than other types of development and should be able to participate in water conservation through use of onsite treatment systems. We ask that the San Diego Water Board likewise remove this barrier to onsite wastewater treatment and water recycling.

Sincerely,

**Advanced Onsite Systems**



Barbara Bradley, PE

President



February 6, 2013

San Diego Regional Water Quality Control Board  
Attn: Ms. Michelle Mata  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

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Borre Winckel

**AFFILIATES**

California Building  
Industry Association

National Association  
of Home Builders

Re: Triennial Basin Plan Review Comments

Hon. Members of the Regional Water Quality Control Board:

On behalf of the Coalition, whose members include: San Diego Building Industry Association, Associated General Contractors; Associated Builders and Contractors; San Diego Regional Chamber of Commerce; Business Leadership Alliance; San Diego Association of Realtors; San Diego Apartment Association; NAIOP (National Association of Industrial & Office Properties); BOMA (Building Office & Management Association; San Diego Chapter of the American Society of Landscape Architects, I am submitting the comments below in connection with your Board's current triennial review of the Water Quality Control Plan for the San Diego Basin (the "Basin Plan"). After discussions with staff and a suggestion by RWQCB Executive Director, David Gibson, we request that these comments also be incorporated into your current Basin Plan amendment relating to onsite wastewater treatment systems.

We request that you consider eliminating the provision of the current Basin Plan which presents a significant obstacle to the development of privately owned and operated wastewater treatment and reclamation systems. Members of the Coalition in the development industry are either planning to construct or are considering this as an option on projects still in the conceptual stages of review. The current prohibitory provision is found at page 4-26 of the Basin Plan, in the portion of Chapter 4 addressing Guidelines for New Community and Individual Sewerage Facilities. Specifically, we are concerned about the passage which reads:

"Community Sewerage Systems

The Regional Board will regulate all discharges of wastes from community sewerage systems. The Regional Board will require a RWD to be filed for all proposed waste discharges which involve the use of new community sewerage systems. Before the Board will consider the RWD to be complete, the following requirements must be met:

- A public entity must assume legal authority and responsibility for the ownership, operation and maintenance of the proposed wastewater treatment and disposal system. The RWD must be submitted by the public entity. [Emphasis added.]

...”

We’d like to make the Board aware that, since the adoption of the above-referenced provision, interest has grown significantly in this region regarding wastewater recycling generally, and more recently in private development, ownership and operation of such facilities. The City of San Diego, the largest jurisdiction in the region, has committed through its Pure Water program to the development of facilities which eventually will treat for reuse 84 million gallons of wastewater per day. Numerous other municipal jurisdictions and water agencies in the region are pursuing similar programs. At the same time, the City of San Diego is in the midst of developing a permitting system for privately owned and operated wastewater treatment facilities. The City has expressed clearly that it does not wish to be the party responsible for ownership and operation of these facilities.

The Board has recognized for many years that reclamation of wastewater is a highly preferable alternative to ocean disposal. In 2013, the Board the adopted the *Practical Vision: Healthy Waters Healthy People*. This document highlighted the importance of wastewater recycling/reclamation as an important element in meeting the water needs for our region. Similarly, the Recycled Water Policy adopted by the State Water Resources Control Board in 2013 sets very ambitious goals for increasing the use of recycled water. These policies and goals are far more likely to be met if the obstacles to private ownership and operation of wastewater reclamation facilities are alleviated and modernized. Simply put, the time has come to incentivize these types of privately owned and operated facilities so they can align with your *Practical Vision*.

Water supply concerns are motivating many of the Coalition’s developers to become interested in constructing such facilities in new projects in this region. Additionally, we are hearing from our property management members that interest is being shown by homeowners associations in existing developments, which desire to retrofit their properties with wastewater treatment facilities to provide irrigation water for on-site use. Again, the time is ripe to encourage this type of private sector interest and activity.

We recognize there has been concern in the past and that there were valid reasons for incorporating the current restriction in the Basin Plan. We suggest, however, that technological advances and added experience have largely addressed the issue. Any remaining concerns can be addressed fully through review of the report of waste discharge for any project and through rigorous operating standards. Specifically:

- The report of waste discharge will be required to demonstrate to the satisfaction of the Board and its staff that the technology proposed to be used meets the desired standards of quality and reliability.
- Professional operators having appropriate training and licenses will be responsible for running and maintaining the system.
- Financing for operation and maintenance of the system will be secure. In future developments this funding will be derived from a long-term contract with a homeowners association to purchase treated water from the facility.
- There will be a fail-safe feature, in that the community sewerage system still will be connected to a public sewer main so that, in the event of system shutdown for any reason (including routine maintenance), effluent will automatically be discharged to the public sewer just as it would have been in the absence of the reclamation facility.

We are aware that members of the Coalition have discussed this issue in depth with your staff and understand them to be supportive of updating the regulations in this area. The change we are seeking will allow the RWQCB to harness the market forces at play to achieve one of the goals stated in your *Practical Vision*.

In conclusion, the timing of the triennial review coincides with the private sector embracing this new technology and ability to “create” water for irrigation purposes on site, and we urge you to give our request serious consideration.

We are happy to provide any additional information which will assist you in your review of our request.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Borre Winckel", enclosed within a blue oval scribble.

Borre Winckel  
President & CEO  
BIA San Diego, on behalf of the Coalition



402 West Broadway, Suite 1000  
San Diego, CA 92101-3585  
p: 619.544.1300

[www.sdchamber.org](http://www.sdchamber.org)

February 6, 2015

San Diego Regional Water Quality Control Board  
Attn: Ms. Michelle Mata  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

**RE: Opposition to provisions of the Water Quality Control Plan for the San Diego Basin.**

Dear Ms. Mata,

On behalf of the San Diego Regional Chamber of Commerce (Chamber), I am writing to express our opposition to certain provisions of the proposed Basin Plan, please take my concerns into consideration during your current planning process. With more than 3,000 members representing 400,000 employees, the Chamber is the largest nonprofit advocate for regional businesses and is dedicated to growing commerce in the San Diego region. We consider business and job creation within our coastal communities a priority, and we see tremendous potential in San Diego's waterfront.

We request that you consider eliminating a provision of the current Basin Plan which presents a significant obstacle to the development of privately owned and operated wastewater treatment and recycling systems. The prohibitory provisions I am concerned with are the Guidelines for New Community and Individual Sewerage Facilities.

Having served as a member of Mayor Faulconer's Pure Water working group, I know firsthand the City of San Diego's commitment to the development of facilities that will eventually treat 84 million gallons of waste water per day. The key to reaching this goal is facility development, and I am concerned that the current Basin Plan would pose a significant impediment on the development and operation of privately owned and operated facilities.

The chamber is taking an active leadership role on these issues to help ensure the City's water future. We also see the opportunity for private developments, such as golf courses, to house their own water treatment facilities so that they can use recycled water for their needs. To achieve our water goals and take advantage of this opportunity we cannot create obstacles for developing privately owned and operated water treatment facilities. I urge you to reconsider these provisions in the creation of the Basin Plan. If you have any questions, please do not hesitate to contact me, at (619) 544-1365 or [chawken@sdchamber.org](mailto:chawken@sdchamber.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Chanelle Hawken', with a long horizontal line extending to the right.

Chanelle Hawken  
Executive Director, Public Policy  
San Diego Regional Chamber of Commerce



959 South Coast Drive  
Suite 315  
Costa Mesa  
California 92626  
Office 714.352.7750  
Fax 714.352.7765  
www.percwater.com

February 5, 2015

San Diego Regional Water Quality Control Board  
Attn: Ms. Michelle Mata  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

**Re: Triennial Basin Plan Review Comments**

Honorable Members of the Regional Water Quality Control Board:

On behalf of Sudberry Properties, developer of the Civita planned community in the Mission Valley area of the City of San Diego, PERC Water is submitting the comments below in connection with your Board's current triennial review of the Water Quality Control Plan for the San Diego Basin (the "Basin Plan"). Pursuant to our understanding, we request that these comments also be incorporated into your current consideration of a Basin Plan amendment relating to on-site wastewater treatment systems.

We request that you consider eliminating a provision of the current Basin Plan which presents a significant obstacle to the development of privately owned and operated wastewater treatment and recycling systems. The Civita project is planning to construct a facility of this kind. The current prohibitory provision is found at page 4-26 of the Basin Plan, in the portion of Chapter 4 addressing Guidelines for New Community and Individual Sewerage Facilities. Specifically, we are concerned about the passage, which reads:

**"Community Sewerage Systems**

The Regional Board will regulate all discharges of wastes from community sewerage systems. The Regional Board will require a RWD to be filed for all proposed waste discharges, which involve the use of new community sewerage systems. Before the Board will consider the RWD to be complete, the following requirements must be met:

- A public entity must assume legal authority and responsibility for the ownership, operation and maintenance of the proposed wastewater treatment and disposal system. The RWD must be submitted by the public entity. [Emphasis added.]  
..."

The Board may be aware that, since the adoption of the above-referenced provision, interest has grown significantly in this region in wastewater recycling generally, and more recently in private development, ownership, and operation of such facilities. The City of San Diego, the largest jurisdiction in the region, has committed through its Pure Water program to the development of facilities which eventually will treat for reuse 84 million gallons of wastewater per day. Numerous other municipal jurisdictions and water agencies in the region are pursuing similar programs. At the same time, the City

of San Diego is in the midst of developing a permitting system for privately owned and operated wastewater treatment facilities.

The Board has recognized for many years that reclamation of wastewater is a highly preferable alternative to ocean disposal. In 2013, the Board, in adopting the *Practical Vision: Healthy Waters Healthy People*, highlighted the importance of wastewater recycling, as an important element in meeting the water needs of this region. Similarly, the Recycled Water Policy adopted by the State Water Resources Control Board in that same year sets very ambitious goals for increasing the use of recycled water. The policies and goals are far more likely to be met if the obstacles to private ownership and operation of wastewater reclamation facilities are alleviated and modernized.

The City has expressed clearly that it does not wish to be the party responsible for ownership and operation of wastewater treatment facilities, such as the water reclamation facility that is being developed in the Civita community. PERC Water Corporation is a water infrastructure development firm specializing in developing water reclamation facilities. Our firm designs, permits, constructs, operates, and manages water reclamation facilities throughout California and the United States. We have designed over 60 similar water infrastructure projects over the past 16 years, 22 of which we have been constructed and placed into operation.

The Civita project is only the first major development within the city limits of San Diego for which this is an important issue. Water supply concerns are motivating many other developers to become interested in constructing such facilities. Golf courses and homeowners associations, in both new and existing developments, are showing similar interest in developing wastewater scalping facilities to produce a sustainable source of drought tolerant water supply for on-site irrigation and reuse. You will continue to hear more in this regard from firms like ours and other interested parties.

Thank you for your consideration.

Regards,



Steven D. Owen  
Vice President, Infrastructure Development  
PERC Water Corporation

Cc: Mark Radelow, Sudberry Properties  
Cary Lowe, Ph.D., AICP

**Mata, Michelle@Waterboards**

---

**From:** Kathleen Ferrier <kferrier@circulatesd.org>  
**Sent:** Wednesday, February 04, 2015 5:31 PM  
**To:** sandiego  
**Cc:** Vicki Estrada; kferrier@circulatesd.org  
**Subject:** Triennial Review Comment

**Importance:** High



The San Diego Environment + Design Council, the leading coalition of environmental, planning, land use and design organizations in the San Diego region, supports expanded use of wastewater reclamation as an important component of ensuring the sustainability of our water resources.

In connection with the triennial review of the Water Quality Control Plan for the San Diego Basin, we urge you to consider revising the provision of the Plan which currently bars private ownership and operation of on-site wastewater treatment facilities, found at page 4-26 of the Plan in the portion of Chapter 4 dealing with Guidelines for New Community and Individual Sewerage Facilities. Accommodating such facilities will be a significant contribution to solving our long-range water supply issues.

Thank you for your consideration.

Kathleen Ferrier, Co-Chair  
Circulate San Diego  
1111 Sixth Avenue, Suite 402  
San Diego, CA 92101

Vicki Estrada, Co-Chair  
Estrada Land Planning  
225 Broadway, Suite 1160  
San Diego, CA 92101

# Cary D. Lowe

Ph.D., AICP  
Attorney & Mediator

3517 GARRISON STREET  
SAN DIEGO, CALIFORNIA 92106

(619) 255-3078  
caryl原因@cox.net

January 26, 2015

San Diego Regional Water Quality Control Board  
Attn: Ms. Michelle Mata  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

Re: Triennial Basin Plan Review Comments

Hon. Members of the Regional Water Quality Control Board:

On behalf of Sudberry Properties, developer of the Civita planned community in the Mission Valley area of the City of San Diego, I am submitting the comments below in connection with your Board's current triennial review of the Water Quality Control Plan for the San Diego Basin (the "Basin Plan"). Pursuant to discussions with staff, we request that these comments also be incorporated into your current consideration of a Basin Plan amendment relating to onsite wastewater treatment systems.

We request that you consider eliminating a provision of the current Basin Plan which presents a significant obstacle to the development of privately owned and operated wastewater treatment and recycling systems. The Civita project is planning to construct a facility of this kind. The current prohibitory provision is found at page 4-26 of the Basin Plan, in the portion of Chapter 4 addressing Guidelines for New Community and Individual Sewerage Facilities. Specifically, we are concerned about the passage which reads:

“Community Sewerage Systems

The Regional Board will regulate all discharges of wastes from community sewerage systems. The Regional Board will require a RWD to be filed for all proposed waste discharges which involve the use of new community sewerage systems. Before the Board will consider the RWD to be complete, the following requirements must be met:

- A public entity must assume legal authority and responsibility for the ownership, operation and maintenance of the proposed wastewater treatment and disposal system. The RWD must be submitted by the public entity.  
[Emphasis added.]

...”

The Board may be aware that, since the adoption of the above-referenced provision, interest has grown significantly in this region in wastewater recycling generally, and more

recently in private development, ownership and operation of such facilities. The City of San Diego, the largest jurisdiction in the region, has committed through its Pure Water program to the development of facilities which eventually will treat for reuse 84 million gallons of wastewater per day. Numerous other municipal jurisdictions and water agencies in the region are pursuing similar programs. At the same time, the City of San Diego is in the midst of developing a permitting system for privately owned and operated wastewater treatment facilities. The City has expressed clearly that it does not wish to be the party responsible for ownership and operation of facilities such as the one required to be developed in the Civita community.

The Board has recognized for many years that reclamation of wastewater is a highly preferable alternative to ocean disposal. In 2013, the Board, in adopting the *Practical Vision: Healthy Waters Healthy People*, highlighted the importance of wastewater recycling as an important element in meeting the water needs of this region. Similarly, the Recycled Water Policy adopted by the State Water Resources Control Board in that same year sets very ambitious goals for increasing the use of recycled water. The policies and goals are far more likely to be met if the obstacles to private ownership and operation of wastewater reclamation facilities are alleviated and modernized.

Civita is only the first major development for which this is an important issue. Water supply concerns are motivating many other developers to become interested in constructing such facilities. Similar interest is being shown by homeowners associations in existing developments, which desire to retrofit their projects with wastewater treatment facilities to provide irrigation water for on-site use. You will hear more in this regard from the Building Industry Association and other interested parties.

We recognize that this has been a sensitive issue in the past and that there were valid reasons for incorporating the current restriction in the Basin Plan. We suggest, however, that technological advances and added experience have largely addressed the issue. Any remaining concerns can be addressed fully through review of the report of waste discharge for any project and through rigorous operating standards. Specifically:

- The report of waste discharge will be required to demonstrate to the satisfaction of the Board and its staff that the technology proposed to be used meets the desired standards of quality and reliability.
- Professional operators having appropriate training and licenses will be responsible for running and maintaining the system.
- Financing for operation and maintenance of the system will be secure. In the case of Civita, this funding will be derived from a long-term contract with a homeowners association to purchase treated water from the facility.
- There will be a fail-safe feature, in that the community sewerage system still will be connected to a public sewer main so that, in the event of system shutdown for any reason (including routine maintenance), effluent will automatically be discharged to the public sewer just as it would have been in the absence of the reclamation facility.

San Diego Regional Water Quality Control Board  
January 26, 2015  
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We have discussed this issue at length with your staff and understand them to be supportive of updating the regulations in this area. The timing of the triennial review is auspicious, and we urge you to give this issue the most serious consideration. We will be pleased to provide any additional information which will assist you in your review of our request.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Cary Lowe". The signature is written in a cursive, slightly slanted style.

Cary Lowe, Ph.D., AICP

CL/sh

cc: Mark Radelow, Sudberry Properties  
David Gibson, Executive Officer, San Diego RWQCB  
Michael McSweeney, Building Industry Association of San Diego



Emailed to: [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)  
San Diego Regional Water Quality Control Board (RWQCB)  
2375 Northside Drive, Suite 100  
San Diego, CA 92108  
Attention: Ms. Michelle Mata  
January 26, 2015

**RE: Triennial Review Comment**

I am sending this comment letter to express support for the selection of "Evaluation of Contact Water Recreation (REC-1) Water Quality Objectives and the Methods for Quantifying Exceedances" for inclusion in the 2015 triennial review.

This issue has significant implications for jurisdictions subject to municipal stormwater permits and the bacteria Total Maximum Daily Load (Bacteria TMDL) regulation (R9-2010-0001). Load reduction plans have been completed to comply with the requirements of the TMDL, with modeling being conducted to assess what is required to achieve compliance. It has become apparent during that process that complying with the TMDL, particularly during wet weather, or periods of rainfall that do not meet the definition of a wet weather event (less than 0.2 inches) will be challenging and expensive. This was expressed by the regulated community during the adoption of the TMDL and during the adoption of the San Diego municipal stormwater permit (R9-2013-0001).

In addition there has been substantial research into the sources of fecal indicator bacteria and its behavior in the environment, particularly its potential to regenerate independent of mammalian bodies. Better methods to assess human health risks to pathogens in receiving waters have also been developed, but these currently cannot be used to assess compliance with the bacteria TMDL.

The parties subject to the Bacteria TMDL have been proactive in developing a project to assess bacteria levels in "reference watersheds" to better understand what standards the Bacteria TMDL should be achieving. This has required the investment of significant resources by jurisdictions that already have funding challenges with the expectation that this data will be used in re-evaluating the load reductions required by the Bacteria TMDL. These efforts were made in good faith and the project involved the participation of RWQCB staff, as well as representatives from San Diego Coastkeeper to ensure that concerns of other stakeholders were appropriately addressed. It is hoped that the findings of this study are comprehensively incorporated into this review.

Achieving water quality that is "Safe to Swim" is a goal that is important to the San Diego Region. However that standard needs to properly reflect the risk. Also the cost to attain that standard should be understood and accepted by the community.

Thank you for the opportunity to comment on the priorities of the 2015 Triennial Review. Please contact me at (760) 839-6315 if you have any questions about this letter.

A handwritten signature in blue ink that reads "Helen M. Davies". The signature is written in a cursive style and is positioned above the printed name and title.

Helen M. Davies, M.S., CPSWQ  
Environmental Programs Manager



## THE CITY OF SAN DIEGO

January 14, 2015

Electronic Submission: [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)

Mr. David Gibson, Executive Officer  
San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108

Subject: Comment Letter – Triennial Review

Dear Mr. Gibson:

Protecting and improving water quality in compliance with our storm water quality regulations is a priority for the City of San Diego (City). To ensure that the substantial efforts required by the regulations are effectively and efficiently improving water quality and protecting human health, it is also imperative that the regulations are based on the best available science. For this reason, the City supports the Regional Board's selection of highest priorities for the Draft 2014 Triennial Review and has dedicated resources to advance all three priority issues. Specifically, the City supports priority issues number one, two and three in the Draft 2014 Triennial Review, which address biological objectives, the Chollas Creek Dissolved Metals Total Maximum Daily Load (TMDL), and the Bacteria TMDL. More detailed comments on the Draft 2014 Triennial Review are provided below.

- *The City supports Issue No. 2, which includes an amendment to the San Diego Basin Plan to incorporate site specific data collected by the City into the Chollas Creek Dissolved Metals TMDL. Our staff and consultants collected monitoring data to better characterize the water quality characteristics and associated site-specific bioavailability of dissolved metals in Chollas Creek. These efforts have greatly advanced our understanding of the receiving water dynamics and processes in this important watershed using the EPA-approved Water-Effects Ratio (WER) approach.*
- *The City supports Issue No. 3, with some modifications, which includes analysis of the water quality objectives and TMDLs related to bacteria. Since 2001, the City has initiated and completed important studies helping to better characterize bacteria levels in the receiving waters, identify sources of bacteria, and to assess the water quality regulations that affect the City's compliance approach to the Bacteria TMDL. This work has provided the Board with critical and scientifically valid information that should be used in the Triennial Review effort. The City believes that all of this work can help guide*



### Transportation & Storm Water Department

202 C Street, 9th Floor, MS 9A • San Diego, CA 92101

Tel (619) 236-6594 Fax (619) 236-6570



Page 2 of 2  
Mr. David Gibson  
January 14, 2015

the Triennial Review effort and will give the Board the ability to generate more accurate and valuable data regarding receiving water conditions. Therefore, the City requests that the Draft 2014 Triennial Review make a clear and firm commitment to considering amendments to the Bacteria TMDL if the evaluation process described in Issue No. 3 demonstrates that modifications are warranted.

We look forward to working with you and all the Regional Board staff involved in the Triennial Review effort. We are ready to provide the Regional Board with the resources to further refine the scientific basis of its review, including regional and national experts familiar with broader watershed regulation and compliance mandates. The City hopes that the Regional Board will, in exchange, allocate the staff resources necessary to undertake all three Basin Planning issues during this triennial review period.

If you have additional questions, please contact Ruth Kolb at (858) 541-4328 or at [rkolb@sandiego.gov](mailto:rkolb@sandiego.gov).

Sincerely,



Kris McFadden  
Director

cc: Mike Hansen, Director of Land Use and Environmental Policy, Office of the Mayor  
Tony Heinrichs, Deputy Chief Operating Officer, Infrastructure/Public Works  
Kris McFadden, Director, Director, Transportation & Storm Water Department  
Heather Stroud, Deputy City Attorney, City Attorney's Office  
Drew Kleis, Deputy Director, Storm Water Division  
Ruth Kolb, Program Manager, Storm Water Division