



County of San Diego

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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

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.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Snyder", with a stylized flourish at the end.

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