

Mitchell, Roger@Waterboards

From: Terry Gee <tgee@sdsu.edu>
Sent: Thursday, April 12, 2018 12:08 PM
To: Mitchell, Roger@Waterboards
Cc: Alvin Shoemaker; 'Lilly Sabet'
Subject: Comments on Administrative Draft Investigative Order R9-2018-0021
Attachments: IO Email Response to RWQCB Apr 12, 2018.docx

Hi Roger,

Attached is San Diego State University, Environmental Health and Safety Department's comments on the Draft Investigative Order R9-2018-0021. Attendees: Terry Gee, Alvin Shoemaker, and Lilly Sabet; comments re: the March 28, 2018 discussion with the Water Board.

Thanks, Terry Gee, EHS Director, SDSU

Comments on Administrative Draft Investigative Order R9-2018-0021

Attention Roger Mitchell Reference #656543:RMitchell.

Hello Roger,

Below are San Diego State University, Environmental Health and Safety Department's comments on the Draft Investigative Order R9-2018-0021. Attendees: Terry Gee, Alvin Shoemaker, and Lilly Sabet; comments re: the March 28, 2018 discussion with the Water Board.

1. Based on a review of the proposed time schedule a Work Plan Describing Investigative Study Milestones is due no later than July 1, 2018. SDSU would have difficulty meeting this timeline. In order to obtain funding to prepare a Work Plan, a proposal with a requisition amount, would have to be submitted to SDSU Contracts and Procurement Management (CPM) before the end of May 2018. The following elements would need to occur:
 - A proposal is needed to articulate the requirements of the contractor activity.
 - The amount of the activity needs to be estimated; and the funding needs to be secured at this late FY.
 - A proposal to solicit consultants to prepare a Work Plan; the amount of the contract will determine if the award is based on a single-contract selection or open for bidding.
 - The entire process will proceed to CPM for review and solicitation.

At this time, SDSU cannot begin the process of obtaining bids for this work until there is a template on which to draft a proposal. The proposal must be submitted with a funding amount and a funding source. Both must be included in the same document. It is highly unlikely this would occur in time to meet this deadline.

2. Under the Current Phase II MS4 Permit Order No. 2013-0001-DWQ, SDSU is required to sample if an outfall is flowing or ponding and it has been more than 72 hours since the last rain event. However, this Investigative Order would require additional monitoring during rain events. This would also require additional funds and it would be difficult to budget for this until SDSU has a better understanding of the cost for the additional analysis and labor. Again, this additional cost will need to be calculated and incorporated into the original contract.
3. On page 11. #29 of the Draft Investigative Order it states the following: ***Exfiltration – San Diego State University has not provided the San Diego Water Board with any estimation regarding the exfiltration of wastewater from the sanitary sewer collection system to the San Diego River Watershed.*** This statement presumes a request has previously been made to SDSU by the Regional Board for this information. SDSU is not aware of the Regional Board requesting this information. Please rewrite this statement to clarify when this was requested and not provided by SDSU.

4. It is unclear from the Draft Investigative Order how this information would benefit the Regional Board since there are no current studies showing the correlation between HF183 and people getting sick near SDSU's discharge locations and how it significantly impacts the designated beneficial uses of REC-1, REC-2.
5. There are several other Non-Traditional Phase II MS4's in the San Diego River Watershed that are not included in the Draft Administrative Order and may also contribute to the impairment of the San Diego River Watershed. This includes University of San Diego, School Districts, Hospitals and other Special Districts. It seems that all stakeholders in the Watershed should be included in the Draft Investigative Order.
6. The Effluent Limitations in the existing Phase II MS4 Permit states the *permittees shall implement controls...to reduce the discharge of pollutants from their MS4s to waters of the U.S. to the MEP. Permittees shall additionally reduce the discharge of pollutants (1) to achieve TMDL waste load allocations (WLAs) established for discharges by the MS4s and (2) to comply with the Special Protections for discharges to ASBS.* Through implementation of these effluent limitations in the existing Phase II MS4 Permit and based on the legal authority outlined in the Draft Administrative Order, it does not appear the additional requirements and associated costs have been adequately justified by the Regional Board to bear a reasonable need or benefit from the study.
7. The Regional Board has failed to provide any guidelines, standardized testing methods or best available technology to achieve reasonable or accurate data for an in situ exfiltration study. Without those, any results from the study would be questionable and will not have any beneficial information on the degree that exfiltration impacts the water shed.
8. Solving the issue of homelessness is not the responsibility, function, or mission of the municipal stormwater programs in San Diego. At San Diego State University, we have several measures in place to curb this problem including campus police, bathroom facilities on campus, and elimination of vegetation near the river that used to hide homeless encampments. We do not feel that measures beyond this are practical or feasible.