



THE CITY OF SAN DIEGO

June 20, 2018

VIA EMAIL TO: sandiego@waterboards.ca.gov

Laurie Walsh, PE
Senior Water Resource Control Engineer
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Subject: City of San Diego Comments Regarding the Tentative Investigative Order
R9-2018-0021

Dear Ms. Walsh:

The City of San Diego (City) appreciates the opportunity to provide public comments on the Tentative Investigative Order (IO) R9-2018-0021 to identify and quantify the sources and transport pathways of human fecal material to the San Diego River Watershed. The City understands the San Diego Regional Water Quality Control Board's ('Board') need to seek further information regarding the nature of discharges along the San Diego River watershed in order to address important public health and water quality issues. However, a number of the provisions in the IO are problematic, and the City would like to suggest that the following revisions be made:

- The City requests that a finding be included that states the purpose of the IO and how the Regional Board intends to use the information gathered to determine compliance.***
Given the cost and workload required to comply with the IO as currently drafted, the City would like to have a clearer understanding of the specific utility of each of the new procedures and duties the IO imposes.
- Overall, the City feels it is premature to issue this IO until a formal health-based HF183 numeric threshold is established and the necessary analytical methods and technologies have become available and are validated to enable accurate quantification of loading from different sources of human waste, as required by the IO.***
None of the studies used for the assertions that HF183 has been measured in high frequencies have quantified levels of HF183 for public health exposure or risk comparisons. Nor is there a regional or state established numeric objective. Both of those should be fully assessed and quantified prior to reliance upon mere presence of HF183 as a link to public health and risk exposure.

In addition, methods for analyzing samples to quantify sewer exfiltration rates and, more critically, the quantitative loading from this source to surface waters, are still experimental and unproven, with no verified or broadly accepted approach yet available. The City is currently partnering with the Southern California Coastal Water Research Project (SCCWRP) to attempt to estimate volumetric losses from our

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sanitary sewer collection system, but this effort won't be completed for another two years and it is uncertain whether it will be capable of quantifying waste, pathogen, and/or HF183 load from this specific source to surface waters during wet weather. Therefore, if IO issuance/adoption is unavoidable, then the Board needs to lengthen the schedule for the completion of the IO deliverables should be extended to allow sufficient time for testing and demonstration of this experimental exfiltration assessment methodology to assess its capability to quantitatively link such volume losses to waste, pathogen, and/or HF183 loads to/in surface waters, as well as to quantitatively distinguish such loading from the other speculated human sources.

3. *A mid-point assessment of the statistical validity of results should occur to make sure the frequency of HF183 can be linked to public health exposure.*

Once a numeric objective for HF183 public health risk exposure is determined, IO compliance should be evaluated at a midway point to assess the validity of results, and to ensure that the data being collected will serve the intended purpose. If results during the mid-point assessment appear inconclusive, the Water Board should work with agencies to revise and/or improve methodologies or decide whether the study may not provide conclusive data and should be rejected.

4. *The schedule for the completion of the IO deliverables should be delayed until one or more state certifications for HF183 analytical methods are established.*

California laboratories are certified for specific methods and analytes; the certifications are not blanket certifications. Even if the U.S.EPA has an approved analytical method, the state of California has not yet created a certification for any of the HF183 methods, meaning there is no laboratory that is or can be state certified to analyze for HF183. Adding language that allows flexibility until such state certifications exist will sufficiently address this.

5. *The IO compliance timeline for initial required actions such as the work plan is unreasonable given the number of Responsible Parties, and should be extended.*

Given the complexities of this watershed and wide variety of responsibilities of the Responsible Parties, the time for coordination between the parties to prepare and submit the proposed Investigative Study work plan of 180 days, as well as the requirement to implement it within the following 60 days, is not feasible. As a governmental entity, the City must enter into agreements with the other parties to conduct a joint study of the area. The contracting process alone takes two to four months and additional considerations need to be given to allow for a successful outcome. The City requests the schedule be modified to allow for the development of the work plan to be 365 days.

6. *The City requests the Bacteria TMDL schedule be amended in the Basin Plan because some TMDL milestones will pass before the human source study is completed in four years.*

The information from the human source study should be used to inform the TMDL process and determine program implementation methodologies. The study will provide important information including, but not limited to (a) the investigation of exfiltration rates from the sanitary sewage system, and (b) the impact of homeless individuals on water quality.

7. *The need to control and prevent illicit discharges from homeless encampments is a difficult and multifaceted policy issue that requires resources beyond bare “legal authority to prevent habitation of public open spaces” to be adequately addressed. In addition, the City requests the Board’s assistance with informing all property owners along the San Diego River with direct discharges of the need to maintain their property.*

The City understands the purpose behind the IO’s section regarding homeless encampments, but it is critical to note that the homelessness issue is extremely complex, and not easy to solve. We appreciate your acknowledgement of the City’s efforts to minimize the effects of human bacteria from homeless individuals. The City implemented the Clean SD Program knowing that homelessness is a larger societal issue that covers many aspects that goes beyond water quality, and that cannot be addressed solely through the Municipal Separate Storm Sewer System (MS4) permit. Starting in May 2017, the Clean SD Program initiated a broad array of services. A pilot project to remove waste and graffiti in nine areas of the City with a high incidence of illegal dumping and homeless encampments was implemented. Between September 1, 2017, and June 1, 2018, the City has conducted waste and debris cleanups and homeless camp abatements in the San Diego River and other channels, collecting over 116 tons of waste and debris from the San Diego River, over 43 tons from Chollas Creek, and over 630 tons from other areas of the City. As part of the Clean SD Program, the City has been sanitizing sidewalks in the nine focus areas and throughout the City to control and prevent transmission of disease. In addition, an on-call crew is also available to promptly respond to citizens’ requests to remove waste from streets, sidewalks and alleys throughout the week. Street sweeping and storm drain inlet cleaning in focused areas of the East Village Community have removed high volumes of waste frequently observed.

The public awareness campaign continues to reach out to promote the program and increase public awareness and participation. City executes enforcement actions against those individuals found illegally dumping waste or failing to properly maintain their properties in accordance with the San Diego Municipal Code. Administrative citations range from \$100-\$1,000. The City requests Board assistance with informing all property owners along the San Diego River with direct discharges of the need to maintain their property.

8. *The connection between public sewer system and private systems should be clarified.* Acknowledge the City’s efforts to minimize the effects of human bacteria from private laterals. The City responds to all reported sewage spills regardless of size, or whether they’re from a private or public sewer source.

The City has undertaken considerable efforts to minimize the effects of human bacteria by implementing a rigorous condition assessment and pipe replacement program to ensure minimal exfiltration since 2001.

9. *The City recommends that all sewer agency data be normalized by the number of spills per 100 miles of sewer mains, so different sewer agency data are comparable.*

10. *As allowed in Orders R9-2017-0081 and R9-2017-0082, the City requests that, during each semi-annual reporting period, each Responsible Party be allowed to provide its own alternative data interpretations, study conclusions, and recommendations for those instants where there is not agreement by all Responsible Parties, if any, for the San Diego Water Board to consider. Alternatively, if this request is not considered, then the City requests the revision of Investigative Order, Directive 1(d) to allow for adaptive management within existing programs (i.e. WQIPs, SMPPs), instead of creating a duplicative reporting structure. The City also takes pride in providing excellent reclaimed water treatment and recycled water distribution. The City's annual averages of total coliform in our recycled water program at the North City Water Reclamation Plant have been non-detect since 2014, a fact that should be included under finding #50, because the data indicate it is not a source likely to cause exceedances of contact or non-contact recreation standards of indicator bacteria.*

11. *The City requests that Finding 11 accurately reflect that the Surfer Health Study was conducted across San Diego and southern Orange Counties, and that water quality samples were collected at the San Diego River mouth and Tourmaline Beach.*

Thank you for the opportunity to comment on the Tentative Investigative Order R9-2018-0021. If you have questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sandiego.gov.

Sincerely,


Drew Kleis
Deputy Director

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