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July 19, 2017

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
Sent via E-mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Public Comments; Appendix G TMDL Implementation

Dear Ms. Townsend:

The North County Transit District (NCTD) has reviewed the proposed amendments to the Phase II Small Municipal Separate Storm Sewer System (MS4) Permit for Total Maximum Daily Load (TMDL) specific permit requirements. This amendment is pursuant to Section F.5.i.3 of the MS4 Permit, which allows the State Water Resources Control Board to incorporate modifications or revisions to the TMDLs listed in Attachment G, or that identify the Permittee as a responsible party. NCTD has compiled the following comments pertaining to the Water Board incorporating Bacteria Project I – Twenty Beaches and Creeks into Attachment G of the General Permit.

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- NCTD's Right-of-Way (ROW) and facilities are only in three of the hydraulic areas with bacterial TMDLs; the San Luis Rey, San Marcos, and Solana Beach hydraulic areas. NCTD does not discharge directly to the Pacific Ocean within the San Luis Rey, San Marcos, and Solana Beach hydrologic areas.
- The edge of NCTD's ROW is approximately 1,450 feet from the Pacific Ocean within the San Luis Rey hydrologic basin.
- The edge of NCTD's ROW is approximately 1,640 feet from the Pacific Ocean within the San Marcos hydrologic basin.
- The edge of NCTD's ROW is approximately 890 feet from the Pacific Ocean within the Solana Beach hydrologic basin.
- There are no sources of indicator bacteria at NCTD facilities.

NCTD has also compiled the following comments pertaining to the Water Board identifying NCTD as a responsible party to the sediment TMDL for Los Penasquitos Lagoon.

- NCTD does not discharge into the Los Penasquitos Lagoon from its MS4 Permit jurisdiction. The mouth of the lagoon is located outside the jurisdiction of NCTD's MS4 Permit boundary. NCTD's MS4 Permit jurisdiction extends from the Orange County Line in the north, to Camino Del Mar/Torrey Pines Bridge in the south.

As discussed above, NCTD does not discharge directly to any of the impaired beaches as provided in Attachment G of the General Permit. In addition, in each of the three hydraulic areas identified above there is an active Phase I Permittee between NCTD's MS4 jurisdiction and the applicable waterbody identified in Attachment G. Therefore based on the geography of NCTD's right-of-way and the locations of the impaired beaches, NCTD does not believe it should be listed in Attachment G of the draft amendment.

Notwithstanding the above, NCTD has still taken proactive steps to protect surface water from bacteria, including the following.

- NCTD has a "No Trespassing" policy that prohibits homeless encampments within NCTD-owned ROW property and enforces this policy during daily and weekly rail inspections.
- NCTD also conducts vegetation trimming and removal in order to expose any homeless encampment, so they can be easily noticed and removed.

The additional identified requirements for implementing the Bacteria Project I – Twenty Beaches and Creeks TMDL is infeasible within NCTD's MS4 as the District has previously implemented the only best management practice that can be enforced for this pollutant.

NCTD appreciates this opportunity to comment on the proposed amendments to the Phase II Small MS4 Permit and looks forward to working with State Water Resources Control Board on this matter. If you have any questions, please feel free to contact me via email at [nfacchini@nctd.org](mailto:nfacchini@nctd.org), or at (760) 966-6537.

Respectfully,



Nedina Facchini  
Senior Planner