

March 27, 2008

Mr. Wayne Chiu
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



Dear Mr. Chiu:

SUBJECT: Total Maximum Daily Loads for Indicator Bacteria Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park (SISP) in San Diego Bay Draft Technical Report (Technical Report)

San Diego Coastkeeper (Coastkeeper) is a locally based nonprofit organization that works to protect San Diego's local waterways. Coastkeeper appreciates the opportunity to participate in the process of developing total maximum daily loads (TMDLs) that protect shoreline water quality. We look forward to participating in the workshop at the San Diego Regional Water Quality Control Board (Regional Board) meeting on April 9th and hope that staff can provide answers to our questions outlined below.

1. Reasoning for Zero Existing Wasteload and Wasteload Allocation for SISP Dry Weather is Unclear

We are uncertain, after reading the Technical Report and the Appendices why the existing wasteload and wasteload allocation for SISP dry weather is zero. The Technical Report states that the model used to calculate bacteria loads from urban runoff did not correctly predict observed loads. As a result, a back-calculation of the allowable loading from nonpoint sources, accounting for allowable dry weather urban runoff loads predicted by the model, was performed. (Technical Report, p. 44-45) However, the justification for such analysis is not given. It is unclear why a model that is inadequate for predicting dry weather urban runoff loads should be relied upon. As stated in the Technical Report, further studies should be conducted to identify and quantify sources that may be contributing to bacteria loads. Attributing all existing bacteria loads to natural sources seems unjustified without further analysis or supporting data. (*Id.* at. 45)

2. Clarification for the Lack of Consideration of Illicit Discharges from Boats in Determining Wasteloads

Because illicit discharges from boats in both SISP and Baby Beach are illegal, they are not quantified in the TMDL. However, the Technical Report acknowledges that such discharges are a potential source of bacteria in receiving waters. (*Id.* at 27) As a significant potential threat, such discharges may not be easily quantified, but it is unclear why they should be wholly discounted. Likewise, sewage spills from wastewater treatment plants should be taken into account. Though sewage spills and illicit discharges from boats should not occur, in reality they do. Coastkeeper suggests incorporating such sources into an explicit margin of safety in order to capture them within the TMDL. In addition, more information about the predicted loading potential from sewage spills and illicit discharges from boats would be helpful in determining how to account for such sources.

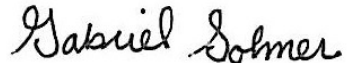
3. Unclear why a TMDL that Results in a Zero Percent Decrease is Useful

Coastkeeper would like clarification for the reasoning behind the adoption of the SISP wasteload reductions. All reductions attributable to SISP are zero under the proposed TMDL. Further, incorporation of the TMDL into the NPDES permit will likely be preceded by the removal of SISP from the Clean Water Act 303(d) list, according to the Technical Report. (*Id.* at 66) Therefore, we ask that clarification for adoption of such reductions on the suggested timeline be given.

San Diego Coastkeeper Comments on Request for Modifications to NPDES Permit No. CA0107239

Coastkeeper appreciates the opportunity to comment on the Technical Report and we look forward to learning more about the proposed TMDL at the upcoming meeting. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Gabriel Solmer". The signature is written in a cursive style with a large initial 'G' and a distinct 'S'.

Gabriel Solmer
Legal Director