UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 5, 2008

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

Dear Mr. Chiu,

The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to comment on the proposed bacteria indicator total maximum daily loads (TMDL) for Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park (SISP) in San Diego Bay, and the associated draft basin plan amendments, dated May 30, 2008. The TMDLs meet all federal regulatory requirements under the Clean Water Act and appropriately set numeric targets, waste load and load allocations (WLA & LA), and phased load reduction and milestones. EPA supports the adoption of the TMDLs and looks forward to the state submittal process. However, we find the TMDL can be greatly improved by including the following clarifications.

This bacterial indicator TMDL is distinct because it does not require wasteload reductions from MS4s for Shelter Island Shoreline Park during wet and dry weather conditions. Data and results from the linkage analysis showed an improvement of the bacterial water quality in recent years. The TMDL appropriately states that the "existing wasteload cannot exceed the WLA" and "in order to comply with these TMDLs, the responsible municipalities must continue implementing best management practices (BMPs) and collecting data". This TMDL describes the Regional Board's plan to remove the waterbody from the 303(d) list when monitoring data show attainment with WQO and sufficient data are collected to meet requirements to meet the state's listing and delisting policy. However, the TMDL should also describe the Regional Board's requirements and/or actions that will be taken when future collected data show exceedences of the WQOs. Furthermore, since bacterial indicators can increase in load in certain environments and WQOs are concentrations based, it would be critical to re-evaluate the modeled existing wasteload to determine if the parameters and conditions used in the model has changed. Specifically, the compliance schedule and monitoring can be further clarified by including more description of the types of information provided in the bacteria load reduction plan (BLRP).

Currently, this TMDL does not provide the locations of the compliance monitoring stations

to meet the numeric water quality objectives and WLAs. In our discussions, you have indicated the compliance monitoring stations will include the monitoring stations used to determine the impairment status in this TMDL. EPA assumes these include the four Baby Beach Bacteria monitoring stations, one SISP bacteria monitoring station (Figures 4-1 and 4-2 of the draft technical report) and additional stations, if needed, to address potential sources of impairment[1]. An effective monitoring plan, as required in your implementation plan, should include descriptions of the monitoring stations used to meet compliance with the TMDL and implementation plan.

If you have additional questions or need clarification on the comments above, please call me at (213) 244-1803 or Peter Kozelka at (415) 972-3448.

Sincerely,

Cindy Lin
TMDL Liaison

[1]For instance, a bacterial source identification study of Baby Beach showed four primary sources where BMPs can be implemented; these include storm drains, bacteria resident in sediments, near-beach water circulation and bacteria contamination from pigeons and gulf. Haimann, R., Lissner, A., Moore, D.F., Ferguson, D.M.. Baby Beach Bacteriological Special Studies Report. 2003. County of Orange Resource and Development Management Department. www.ocwatersheds.com/watershed/sanjaun_baby_beach.asp. Santa Ana, CA.