



# California Regional Water Quality Control Board

## San Diego Region




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9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
 (858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

**TO:** Elizabeth Haven  
 Assistant Deputy Director  
 DIVISION OF WATER QUALITY

**FROM:**   
 John H. Robertus  
 Executive Officer  
**SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** December 17, 2008

**SUBJECT: REQUEST FOR WITHDRAWAL OF SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD RESOLUTION NO. R9-2007-0044 FROM CONSIDERATION BY STATE WATER RESOURCE CONTROL BOARD**

On December 12, 2007, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted under Resolution No. R9-2007-0044 a Basin Plan Amendment (BPA) to incorporate Total Maximum Daily Loads (TMDLs) for Indicator Bacteria Project 1 – Beaches and Creeks in the San Diego Region, meeting the requirements of section 303(d) of the Clean Water Act, via the amendment process authorized under section 13240 of the California Water Code. The Administrative Record for San Diego Water Board Resolution No. R9-2007-0044 was transmitted to the State Water Resource Control Board (State Water Board) on March 21, 2008.

The TMDLs adopted under Resolution No. R9-2007-0044 included “interim” and “final” wet weather TMDLs. The “interim” wet weather TMDLs were calculated using numeric targets based on water contact recreation (REC-1) beneficial use water quality objectives (WQOs) for indicator bacteria and include an allowance for exceedances due to bacteria loads from natural sources using a reference system approach. The “final” wet weather TMDLs were calculated solely using numeric targets based on REC-1 beneficial use WQOs for indicator bacteria and do not allow for exceedances due to bacteria loads from natural sources.

At the time of adoption, the San Diego Basin Plan did not include provisions that allow exceedances of the indicator bacteria WQOs due to natural sources of bacteria. Resolution No. R9-2007-0044 was adopted by the San Diego Water Board with the understanding that once a separate BPA was incorporated into the San Diego Basin Plan that would allow for exceedances of indicator bacteria WQOs due to natural sources, the BPA adopted under Resolution No. R9-2007-0044 would be revised to

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remove the "final" wet weather TMDLs, and only the "interim" wet weather TMDLs would be required to be implemented.

On May 14, 2008, the San Diego Water Board adopted under Resolution No. R9-2008-0028 a BPA to incorporate implementation provisions for indicator bacteria WQOs to account for loading from natural uncontrollable sources within the context of a TMDL. The Administrative Record for San Diego Water Board Resolution No. R9-2008-0028 was transmitted to the State Water Board on July 25, 2008 and is currently in the State Water Board, Office of Administrative Law (OAL), and US Environmental Protection Agency (USEPA) approval process.

Additionally, since the Administrative Record for Resolution No. R9-2007-0044 was transmitted to the State Water Board, members of your staff have identified several improvements that would further clarify the content of the Basin Plan amendment. Discussions with your staff have led to the conclusion that these improvements would further increase the likelihood that the Basin Plan amendment to incorporate TMDLs for Indicator Bacteria Project 1 – Beaches and Creeks in the San Diego Region would be approved by the State Water Board, OAL, and USEPA.

Because of the developments discussed above, the San Diego Water Board would like to formally request that Resolution No. R9-2007-0044 be withdrawn from State Water Board consideration at this time. The San Diego Water Board would like to revise and re-adopt the Basin Plan amendment with only the wet weather TMDLs that incorporate the reference system approach allowing for exceedances of indicator bacteria WQOs due to natural sources, as well as incorporate the improvements to the content of the Basin Plan as recommended by your staff. As previously discussed, a written list of recommended improvements from your staff is also requested at your earliest convenience.

If you have questions pertaining to this memorandum, please contact Deborah Jayne, supervisor of the Water Quality Standards Unit, who may be reached at (858) 467-2972 ([djayne@waterboards.ca.gov](mailto:djayne@waterboards.ca.gov)).

cc: Mr. Rik Rasmussen, Division of Water Quality, State Water Board  
Mr. Nirmal Sandhar, Division of Water Quality, State Water Board  
Mr. David Gibson, TMDL Unit, San Diego Water Board  
Mr. Benjamin Tobler, TMDL Unit, San Diego Water Board  
Ms. Amy Mecklenborg, Water Quality Standards Unit, San Diego Water Board  
Mr. Wayne Chiu, Water Quality Standards Unit, San Diego Water Board