



THE CITY OF SAN DIEGO

Item No. 14
Supporting Document No. 1
December 13, 2017

August 31, 2017

VIA EMAIL TO: cynthia.gorham@waterboards.ca.gov

Ms. Cynthia Gorham
Senior Environmental Scientist
San Diego Regional Water Quality Control Board, Region 9
2375 Northside Drive, Suite 108
San Diego, CA 92108

Subject: City of San Diego Commitment Regarding Famosa Slough Eutrophication Impairment

Dear Ms. Gorham:

The City of San Diego (City) is committed to improving water quality for all our citizens, especially those that live near or recreate in Famosa Slough. Famosa Slough is an important receiving water, and the City has worked diligently to improve its water quality. The City continues to collaborate with our citizens by providing additional rebates to reduce irrigation runoff by removing turf and replacing it with drought tolerant native plants, and by continuing pro-active storm water discharge code enforcement patrols in the drainage area of Famosa Slough.

As part of the cooperative process to improve Famosa Slough's water quality and at the request of the Regional Water Quality Control Board (Regional Board) staff, the City has been working collaboratively with Regional Board staff since 2013 to prepare total maximum daily loads for total phosphorus, total nitrogen, and dissolved oxygen, to address eutrophication in Famosa Slough. By preparing TMDLs for Famosa Slough, the City would be required to meet pollutant reduction targets identified in the TMDLs within a specified schedule. Under this scenario, the City would be protected from potential third party litigation for any receiving water limitations exceedances while iteratively implementing activities to achieve the TMDL targets. Recently, Regional Board staff notified the City that the Regional Board no longer wished to develop TMDLs for Famosa Slough, and instead planned to seek Regional Board adoption of a resolution outlining the City's commitments and strategies for addressing Famosa Slough. This letter is being sent to acknowledge the City's support for the Regional Board's alternative approach, provided that the following program elements are included.

- In lieu of developing total maximum daily loads (TMDLs) to address nutrients in Famosa Slough, the City will address the Famosa Slough water quality conditions by utilizing the Municipal Separate Storm Sewer System (MS4) Permit §B.3.c alternative compliance process (see Attachment #1).
- The Regional Board approves a 10-year compliance schedule as part of the above-mentioned alternative compliance process (see Attachment #2).

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- The 10-year compliance schedule starts upon the Regional Board's approval of the update to the City of San Diego's Jurisdictional Runoff Management Plan (JRMP) for the Municipal Separate Storm Sewer System (MS4) Permit, tentatively January, 2018.
- The Regional Board approves the MS4 Permit §B.3.c Water Quality Improvement Plan (WQIP) update in January 2019.
- The Regional Board considers the City's Draft TMDL Technical Report to meet the MS4 Permit §B.3.c RAA (Reasonable Assurance Analysis) requirements. The City submitted the draft TMDL Technical Report to the Regional Board on April 3, 2017, and will be submitting an updated final draft by the end of August 2017.
- The alternative TMDL compliance schedule has two interim milestones: 40% waste load reduction by Year 5, and 80% waste load reduction by Year 8.
- The nutrient pollutants (Total Nitrogen, Total Phosphorus, and Dissolved Oxygen) and biomass for a single waterbody in a watershed are acceptable to Regional Board staff, instead of the pollutant requirement being applied to the total watershed.

The City understands the Regional Board's desire to move quickly on this project and is prepared to work collaboratively, as we have demonstrated with the City's increased efforts in the Famosa Slough drainage area and the development of the draft TMDL Technical Report for Famosa Slough. The above proposed program elements will provide the City with the protections and flexibility to continue improving Famosa Slough's water quality. In lieu of preparing TMDLs to address nutrients in Famosa Slough, the City requests the Regional Board's written concurrence with this project proposal.

Please see the enclosed table that accompanies this letter for additional comments and further details. We appreciate this opportunity to share our comments. If you have any questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@saniego.gov.

Sincerely,



Drew Kleis
Deputy Director

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- Enclosures: 1. Attachment #1: Famosa Slough Interim Commitments Until Incorporated into WQIP
2. Attachment #2: Alternative TMDL Schedule to Address the Eutrophication Impairment in Famosa Slough

cc: Paz Gomez, Deputy Chief Operating Officer, Infrastructure/Public Works
Alejandra Gavaldon, Director of Infrastructure and Water Policy, Office of the Mayor
Kris McFadden, Director, Transportation & Storm Water Department
Davin Widgerow, Deputy City Attorney, City Attorney's Office
Ruth Kolb, Program Manager, Transportation & Storm Water Department
Brianna Menke, Senior Planner, Transportation & Storm Water Department

Attachment 1: Famosa Slough Interim Commitments

Interim Activities

Implemented

- Weekly enforcement patrols of one of three areas to prohibit unauthorized discharges. The drainage area is divided broken into three quadrants that are patrolled by a Code Enforcement Officer weekly. Weekly patrols will not occur during wet weather conditions (storm event until pavement dry) because of the inability to differentiate between storm flows and unauthorized discharges.

Proposed JRMP Modifications in January 2018

- 3.0: Illicit Discharge Detection and Elimination
 - Update monitoring section to included quarterly water quality monitoring and biomass monitoring
- New Sections (6.4.5 and 8.4.7): Famosa Patrols
 - Add new patrol program, where the Code Compliance Officer weekly travels through one of three areas that is assigned that includes the Famosa Slough drainage area. The weekly patrols will not occur when rain events do not allow for the determination that a dry weather flow occurred or not. Patrol form and binder were developed to document each patrol, discharges documented, address, discharge type, Notice of Violations issued, citations/Civil Penalty issued, amount of fine.
- New Section (3.9): Additional Water Quality Improvement Plan for Storm Water Division
 - Water quality monitoring on a quarterly basis for nutrients (TP, TN, and DO) and general constituents (such as temperature, salinity, pH)
 - Monitoring of biomass for algal mats in the slough weekly June 1st through October 31st of the year.
 - Monitoring of biomass for algal mats in the slough monthly November 1st through May 31st of the year.
 - Algal mat removal, twice per year June 1st through October 31st of the year, as necessary.

Proposed WOIP Updates - San Diego River WOIP effective with adoption of Revised MS4 Permit

- Chapter 2: Priority Water Quality Conditions
 - Update the Highest Priority Water Quality Condition to add Eutrophication as measured as Dissolved Oxygen and biomass for Famosa Slough, excluding the channel.
 - Update Identification of Sources of Pollutants and/or Stressors
- Chapter 3: Water Quality Improvement Goals, Strategies and Schedules
 - Add interim and final goals
 - Add schedule for meeting goals
 - Appendix 3B – Jurisdictional Strategies
 - Update strategies to include/add:
 - Residential patrols
 - Other BMPs such as street sweeping, outreach, etc., as needed
 - Twice per year Algal mat removal (including trigger(s)), as needed
- Chapter 4: Water Quality Improvement Plan Monitoring and Assessment Program
 - Appendix 4A – Monitoring and Assessment Plan
 - Update monitoring plan
- Update all related appendices as necessary

Attachment 2

Alternative TMDL Schedule to Address the Eutrophication Impairment in Famosa Slough

Yr.	Activity	Month/Year
0	Properly implement an illicit discharge detection and elimination program in compliance with existing requirements of the Regional MS4 Permit to effectively prohibit non-storm water discharges into the MS4 system that discharge into Famosa Slough. Implementation includes illicit discharge detection and elimination, and the assessment of accomplishments / progress.	Ongoing
0	City prepares Jurisdictional Runoff Management Program (JRMP) Compliance Monitoring Plan and QAPP updates for Famosa Slough. City submits plan and QAPP to San Diego Water Board for review.	Dec 2017
0	City modifies the JRMP to include water quality monitoring activities and weekly enforcement patrols specific to Famosa Slough. Modifications to the JRMP will also include the addition of this schedule and a statement committing the City to develop and implement Water Quality Improvement Plan strategies, Load Reduction Plans, and Implementation Plans (patrols and monitoring) for the Famosa Slough project.	Jan 2018
0	City initiates the preparation of the San Diego River Watershed Management Area (WMA) Water Quality Improvement Plan (WQIP) Goals, Strategies, Load Reduction Plans, Implementation Plans, and Schedules that align with the Famosa Slough TMDL and Staff Reports.	Jan 2018
0	Begin compliance monitoring program for the Slough.	May 2018
0	Begin algae harvesting in response to excessive algal blooms.	May 2018
0	City submits for review to the San Diego Water Board, the WQIP goals, strategies, and schedules associated with Famosa Slough project for acceptance to the January 2019 WQIP update. Update materials will also be presented to San Diego River WMA Consultation Panel in July 2018.	July 2018
0	City incorporates WQIP goals, strategies, monitoring plan, QAPP, and schedules associated with Famosa Slough project into WQIP Annual Report..	Jan 2019
0	San Diego Water Board approves WQIP update for Famosa Slough within 90 days of WQIP Annual Report submittal, compliance schedule begins	Apr 2019
1	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 0% attainment with required reduction in waste load allocations.	Jan 2020

2	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 0% attainment with required reduction in waste load allocations.	Jan 2021
3	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 0% attainment with required reduction in waste load allocations.	Jan 2022
4	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 0% attainment with required reduction in waste load allocations.	Jan 2023
5	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 40% attainment with required reduction in waste load allocations.	Jan 2024
6	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 40% attainment with required reduction in waste load allocations.	Jan 2025
7	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 40% attainment with required reduction in waste load allocations.	Jan 2026
8	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 80% attainment with required reduction in waste load allocations.	Jan 2027
9	City submits annual WQIP Report and annual Monitoring Report for the Slough demonstrating 80% attainment with required reduction in waste load allocations.	Jan 2028
10	City demonstrates 100% attainment of waste load reduction goals.	Jan 2029