

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT  
February 8, 2023**

**ITEM 5**

**SUBJECT**

Tentative Time Schedule Order (TSO) No. R9-2023-0006 (Tentative TSO) requiring designated Responsible Permittees to comply with Bacteria TMDL requirements prescribed in the Regional Municipal Separate Storm Sewer Systems (MS4) Permit (Regional MS4 Permit). (*Mireille Garcia*)

**STAFF RECOMMENDATION**

Listen to comments from stakeholders and provide the San Diego Water Board an opportunity to give staff feedback or direction regarding the Tentative TSO (Supporting Document No. 1).

**KEY ISSUES**

- The Regional MS4 Permit regulates stormwater discharges from 39 governmental municipalities (Responsible Permittees) in the San Diego region. Twenty-nine Responsible Permittees are subject to permit requirements implementing the Bacteria Project I – Twenty Beaches and Creeks Total Maximum Daily Load (Bacteria TMDL). The Regional MS4 Permit required the 29 Responsible Permittees (TMDL Responsible Permittees) to comply with final dry weather bacteria requirements by April 4, 2021. The Tentative TSO would provide additional time to the TMDL Responsible Permittees to comply with the Regional MS4 Permit requirements implementing the dry weather Bacteria TMDL.
- The Tentative TSO includes interim effluent limitations and receiving water limitations for Enterococci, *E.coli*, and/or Human Marker HF183 for MS4 discharges to TSO waterbodies in dry weather. Interim effluent limitations and receiving water limitations for HF183 were included as a risk-based threshold equivalent to the level of protection provided by fecal indicator bacteria (FIB) limitations in the Bacteria TMDL. Demonstrating compliance with the HF183 interim effluent limitation is optional.
- The Tentative TSO does not amend the Regional MS4 Permit, but states that the San Diego Water Board does not intend to initiate enforcement as long as TMDL Responsible Permittees comply with the TSO requirements and schedule.

**PRACTICAL VISION**

For those locations in the San Diego region not yet in compliance with the Bacteria TMDL in dry weather, the Tentative TSO allows the TMDL Responsible Permittees more time to conduct focused source identification and abatement work to support receiving water beneficial uses. Allowing additional time to implement specific focused efforts to control sources of bacteria and come into compliance with the specific TMDL requirements in the Regional MS4 permit supports the San Diego Water Board's strategy for Healthy Waters

in the Practical Vision.<sup>1</sup>

Further, holding a public workshop provides an opportunity for the San Diego Water Board, TMDL Responsible Permittees, and the public to engage in a transparent dialog about the Regional MS4 Permit requirements and the Tentative TSO. San Diego Water Board workshops help foster two-way learning opportunities and informs the San Diego Water Board's decision-making process through effective community engagement and communication, core pillars of the San Diego Water Board's Practical Vision.

## **DISCUSSION**

The San Diego Water Board regulates discharges from municipal separate storm sewer systems in the San Diego region under the Regional MS4 Permit. The Regional MS4 Permit became effective on June 27, 2013, and is still in effect under an administrative extension. The Regional MS4 Permit includes receiving water limitations requiring that MS4 discharges shall not cause or contribute to exceedances of water quality standards in receiving waters, and other water quality-based requirements that require compliance with implementation provisions of approved TMDLs.

Specific Provision 6 in Attachment E of the Regional MS4 Permit includes compliance requirements and compliance deadlines for the Bacteria TMDL. Specific Provision 6 also specifies the impaired waterbodies and segments thereof subject to the Bacteria TMDL requirements (TMDL waterbodies), the TMDL Responsible Permittees, and the water quality based effluent limitations (WQBELs) to implement the TMDL waste load allocations. Specific Provision 6 requires TMDL Responsible Permittees to comply with final WQBELs no later than April 4, 2021, for dry weather conditions. The TMDL Responsible Permittees included in the Tentative TSO have not demonstrated compliance with the final dry weather WQBELs in most TMDL waterbodies. High FIB levels threaten to impair the water quality needed to support the contact water recreation beneficial use in TMDL waterbodies. As a result, San Diego Water Board staff propose a TSO to provide more time for the TMDL Responsible Permittees to come into compliance with the dry weather Bacteria TMDL requirements in Specific Provision 6. The Tentative TSO includes directives for the TMDL Responsible Permittees to meet interim bacteria effluent limitations and interim bacteria receiving water limitations by September 30, 2026, and the final WQBELs in Specific Provision 6 by September 30, 2027. The Tentative TSO also requires TMDL Responsible Permittees to conduct additional watershed surveys and source investigations, develop microbial source identification work plans, abate anthropogenic human and non-human waste sources, and submit pollution prevention plans.

## **LEGAL CONCERNS**

None.

## **PUBLIC NOTICE**

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for San Diego Water Board meetings. This satisfies the Bagley-Keene Open Meeting Act requirements to publish the meeting notice and agenda.

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<sup>1</sup> [Practical Vision | San Diego Regional Water Quality Control Board](#)

**SUPPORTING DOCUMENTS**

1. Tentative TSO No. R9-2023-0006