



February 26, 2021

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-2000

Via email

SUBJECT: SUPPORT NON-REGULATORY UPDATES TO SAN DIEGO BASIN PLAN

Escondido Neighbors United (ENU) is a local community-based organization in Escondido, California. One of our primary focuses is the remediation of the Chatham Barrel Yard, a major groundwater contamination site located in our neighborhood. We are sensitive and aware of the cultural issues due to the presence of Felicita Park and Felicita creek, the ancestral home of local native peoples for 5,000 years.

ENU submits this comment letter to the California State Water Resources Control Board (State Water Board) regarding its consideration to adopt an amendment to make non-regulatory updates to the Water Quality Control Plan for the San Diego Region (Basin Plan).¹ **ENU supports the proposed updates and urges the State Water Board to approve the update.**

Not only will adding the beneficial uses for Tribal Tradition and Culture (CUL), and Tribal Subsistence Fishing (T-SUB) recognize the indigenous peoples right to the waters of their ancestral homeland, but it will also commit the State Water Board and the California Regional Water Quality Control Board – San Diego Region (San Diego Water Board) to preserve, enhance, and restore the quality of those waters to fully support the beneficial uses.

Inclusion of the beneficial uses of T-Sub and Subsistence Fishing (SUB) will assist the State Water Board and the San Diego Water Board in its efforts to secure Environmental Justice. By identifying water bodies with T-SUB and SUB beneficial uses and establishing water quality objectives (WQOs) for those beneficial uses, the State Water Board and the San Diego Water Board can take actions to ensure that the fish and shell fish are safe to eat for those who are subsistence fishers. ENU greatly appreciates the State Water Board and San Diego Water Board's leadership in these areas.

ENU looks forward to continued State Water Board leadership in working towards Environmental Justice. Until the water bodies are identified with CUL, T-SUB, and SUB

¹ Attachment 1 includes the responses to three conditions/questions listed on the State Water Board's Notice of Opportunity to Comment, dated February 17, 2021.

beneficial uses and adopted in a separate basin plan amendment, State Water Board approval of this Basin Plan Amendment will just be a meaningless, box checking exercise.

ENU therefore urges the State Water Board to provide the San Diego Water Board with technical assistance and additional resources to identify the water bodies that support CUL, T-SUB, and SUB beneficial uses, and adopt the necessary basin plan amendment as part of the next triennial review cycle.

ENU supports the State Water Board's actions and leadership to achieve Environmental Justice and looks to additional actions to promote these important values.

Thank you for considering our comment,

Barry Pulver,
Board Member, Escondido Neighbors United

cc. Regional Board, San Diego Region

ATTACHMENT 1

The State Water Board's notification titled "Notice of Opportunity to Comment – Proposed Approval of an Amendment to Make Non-Regulatory Updates to the Water Quality Control Plan for the San Diego Region"² lists three requirements that, pursuant to 23 Cal. Code Regs., § 3779, comments to the State must satisfy. The three conditions and responses are listed below:

Requirement 1 *Comments must specifically address the final version of the Basin Plan amendment adopted by the San Diego Water Board on December 8, 2020.*

Response: The comments were based on review of the document titled, "California Regional Water Quality Control Board San Diego Region, Resolution No. R9-2020-0254, Non-Regulatory Updates to the Water Quality Control Plan for the San Diego Basin", dated December, 8, 2020, signed by David W. Gibson, Executive Officer. The link to the³ document reviewed was found on the State Water Board's webpage titled "Non-Regulatory Updates to Chapters 2, 3, and 4 of the Basin Plan".

Requirement 2 *If the San Diego Water Board previously responded to a similar or identical comment, the commenter must explain why and in what manner the commenter believes each of the responses provided by the San Diego Water Board to each comment was inadequate or incorrect.*

Response: As stated in the document titled, "Regional Water Quality Control Board San Diego Region, Executive Officer Summary Report, December 8, 2020, Item 8,"⁴ no comments regarding this matter were submitted. That renders this requirement moot.

Requirement 3 *The commenter also must include either a statement that each of the comments was timely raised before the San Diego Water Board, or an explanation of why the commenter was unable to raise the specific comment before the San Diego Water Board.*

Response: The submitted comments are intended to assist the State Water Board in making its decision regarding approval of the Basin Plan Amendments, and not relative to the decision, which ENU also supports, made by the San Diego Water Board.

²

https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/non_regulatory_updates/docs/R9_Notice_of_Opportunity_to_Comment.pdf

³ https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/non_regulatory_updates/

⁴ https://www.waterboards.ca.gov/sandiego/board_info/agendas/2020/dec/item8/EOSR-Item8.pdf