



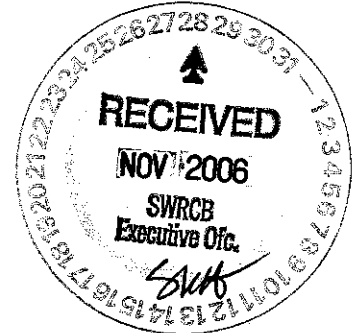
Sediment Quality Obj.  
Deadline: 11/28/06 5pm

**THE CITY OF SAN DIEGO**

November 28, 2006

Electronic Submission: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Ms. Song Her  
State Water Resources Control Board  
P.O. Box  
Sacramento, CA 95814



Dear Ms. Her:

**Subject:** Comments on the Draft Development of Sediment Objectives for Enclosed Bays and Estuaries

The City of San Diego is pleased to provide the State Water Resources Control Board (State Board) with comments on the draft "Development of Sediment Objectives for Enclosed Bays and Estuaries." We appreciate the efforts of all the State Board staff and volunteers from across the state, which collaborated on the development of this document. This document will help to bring consistency between projects in different regions across the state. This will also allow the comparison of California sediment quality to other areas of the nation. We support future activities to determine how to delineate areas that are impaired from sediment contamination.

The City of San Diego believes the State Board is obligated to perform a California Environmental Quality Act (CEQA) analysis to assess environmental compliance requirements for the Draft Development of Sediment Objectives for Enclosed Bays and Estuaries. We concur with the comments submitted to the State Board by the California Stormwater Quality Association comments on the CEQA Scoping Meeting Informational Document - Development of Sediment Quality Objectives for Enclosed Bays and Estuaries dated November 28, 2006. The City of San Diego is concerned with how this program will be administered and funded. Additionally, the City of San Diego is concerned with what steps the State Board is taking to ensure that the appropriate level of taxonomy expertise is available when this program is implemented.

The City of San Diego concurs with the State Board staff's recommendations on most Issues and Alternatives outlined in Section 2. Those alternatives where we disagree with the State Board's staff selected alternative are reviewed below. Based upon our review of the draft document, we will have following comments:



**Storm Water Pollution Prevention Program**

1970 B Street, MS 27A • San Diego, CA 92102  
Hotline (619) 235-1000 Fax (619) 525-8641

## **Section 2.0 Issues and Alternatives**

### **Issue 2.3 To What Sediment Should the SQOs Apply?**

We support the State Board's position of Alternative 2. Additionally, we request that the term "biologically active layer" be clearly defined.

### **Issue 2.4 Should the Plan Address the Applicability to Sediment Cleanup Actions?**

The City of San Diego supports Alternative 2. We believe that this policy and SQOs will help to set consist cleanup levels across the state and provide for fair application of standards across all of California.

### **Issue 2.5 How Should the Policy Apply to Dredged Materials?**

The City of San Diego supports Alternative 2. We believe that the US Army Corps of Engineers and US Environmental Protection Agency have the authority and expertise to oversee and permit dredging activities to depths. This policy addresses the biologically active layer, which is much shallower that dredging activities. The State and Regional Boards have the opportunity to provide comments before the federal permit(s) are issued. Alternative 3 is adding a layer of permitting to this type of activity that we believe is adequately regulated by the federal government.

### **Issue 2.9 How Should the Protected Condition be Defined in Phase I for Human Health? Cancer Risk**

We support the State Board's position of Alternative 6. As written this subsection refers to cancer risk in two forms. We recommend that one of the two be chosen and used in both the narrative and the alternate sections to reduce confusion.

### **Issue 2.16 What Sediment Chemistry Indicators Should the State Water Board Use to Support the Proposed SQO?**

The City of San Diego cannot support Alternative 3. This alternative does not provide any information on how the selected method would be evaluated. New methods need to demonstrate their reliability in comparison to the ERMQ method that has been used for the past 10 years. Additionally, the ERMQ method has an existing data set to compare sediment quality as opposed to methods that utilize models that few individuals understand or can perform themselves. The City of San Diego supports the continued use of the ERMQ method developed by NOAA.

### **Issue 2.21 How Could the SQOs be Applied?**

Please provide the alternatives for review and comment.

## **Section 3 Preliminary Draft Plan**

### **Section 3. IV. Sediment Quality Objectives**

Both subsections do not differentiate between minerals and compounds that are from anthropogenic sources versus naturally occurring sources. In the San Diego Region there are

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naturally occurring arsenic laden soils that cause impacts. If these naturally occurring soils were to accumulate in one area of a lagoon or estuary causing impairments, this area would be identified as impaired and/or requiring cleanup. Please add language to clarify that the SQOs are for areas impaired from anthropogenic activities.

**Section 3. VII. A. Receiving Water Limits**

The draft language is "The SQOs shall be implemented as receiving water limits in NPDES permits where the Regional Water Board believes there is the reasonable potential that the discharge of toxic or priority pollutants may cause or contribute to an exceedance of an applicable SQO or SQOs."

The City of San Diego concurs with the California Stormwater Quality Association recommendation to replace the above text with the following language:

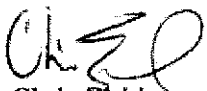
*"The discharge shall not cause or contribute to a violation of any applicable sediment quality standard for receiving waters. If applicable sediment quality objectives are adopted and approved by the State Water Board after the date of the adoption of this Order, the Regional Water Board may revise and modify this Order as appropriate."*

**Section 3. VII. B. 6. b. Monitoring Schedule and Frequency**

This section requires regional sediment monitoring every three years. How was this frequency determined? How will this monitoring be funded and by whom will it be performed? Additionally, the three year frequency appears to be in conflict with the frequency stated in the previous section for permit monitoring.

If you have any questions regarding this matter, please contact Ruth Kolb at (619) 525-8636 or at [rkolb@sandiego.gov](mailto:rkolb@sandiego.gov).

Sincerely,



Chris Zirkle  
Deputy Director

CZ/rk

cc: File  
Ruth Kolb

