



THE CITY OF SAN DIEGO



March 3, 2014

VIA EMAIL TO: commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Industrial General Permit Draft Order, NPDES No. CAS000001 (Feb. 19, 2014)

Dear Ms. Townsend:

The City of San Diego (City) appreciates the opportunity to provide the following four (4) comments on the revisions to the Industrial General Permit Draft Order, dated February 19, 2014.

1. Page 7, Paragraph 40: The City is concerned that the Draft Order gives regional boards until July 2016 to submit proposed Total Maximum Daily Load (TMDL)-specific permit requirements to the State Board. As a result, enrollees in the Industrial General Permit may not have to engage in any TMDL compliance activities until 2017 or later. The City is concerned about this timing because the Chollas Creek Dissolved Metals TMDL, under which Industrial General Permit enrollees are specifically listed as responsible parties, has interim compliance dates in 2018. (San Diego Regional Water Quality Control Board Order No. R9-2007-0043.) The Chollas Creek Dissolved Metals TMDL set the interim compliance date at 2018 based on the assumption that the Industrial General Permit would be re-issued to incorporate Water Quality Based Effluent Limitations consistent with the TMDL's Waste Load Allocation by 2013. The City requests that the deadline for regional boards to submit proposed TMDL-specific permit requirements be moved up to July 2015, which will give the regional boards more than a year after adoption of the Draft Order to comply. Additionally, the City recommends that the Draft Order be modified to require current enrollees under Order 97-03-DWQ which discharge into receiving water or a municipal separate storm sewer (MS4) covered by a TMDL with interim or final compliance dates prior to 2020 to conduct monitoring of the TMDL pollutants at the point of discharge, pursuant to California Water Code section 13383.



2. Page 37, section 6(a)(iii): The City is concerned that treatment control BMP requirement was made less stringent by requiring treatment of 80% of the volume of runoff, as opposed to 90%. By contrast, MS4 permit covering the San Diego region requires retention of the 85th percentile storm on site, unless retention is technically infeasible. As runoff from industrial sites inevitably ends up in the City's MS4, enrollees in the Industrial General Permit within City limits should be required to meet the same standards that are in our MS4 permit. The City recommends modifying this language to require treatment of a minimum of 80% of the volume of runoff, or to meet the treatment control BMP requirements of the in the local MS4 permit, whichever is greater.

3. Page 5, Section (b)(i) and (c)(i): The City is concerned that this condition allows Industrial General Permit holders to present evidence that a NAL exceedance "is attributable solely to the presence of non-industrial pollutant sources" in order to avoid having to take further action to reduce pollutants from leaving their site. The added language is confusing and not appropriate: "The pollutant may also be present due to industrial activities, in which case the Discharger must demonstrate that the pollutant contribution from the industrial activities by itself does not result in an NAL exceedance." If the pollutant causing the NAL exceedance is present in industrial activities, then it is appropriate for the discharger to take further action to reduce that portion of the pollutant loading coming from their industrial activities, irrespective of whether a portion of the pollutant loading is also coming from non-industrial sources. The City recommends deleting the added language quoted above.

4. Attachment E: the City is concerned that the attachment does not list all of applicable TMDLs for the San Diego region. It is incomplete and needs to be updated to accurately reflect applicable TMDLs. Attachment E is missing the following TMDLs that have been adopted by the State Board, approved by the Office of Administrative Law, and approved by U.S.E.P.A.:
 1. Dissolved Copper in Shelter Island Yacht Basin, San Diego Regional Water Quality Control Board Order No. R9-2005-0019;
 2. Indicator Bacteria in Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park in SD Bay, San Diego Regional Water Quality Control Board Order No. R9-2008-0027; and,
 3. Indicator Bacteria for Twenty Beaches and Creeks in the San Diego Region, San Diego Regional Water Quality Control Board Order No. R9-2010-0001.

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Thank you for your time and consideration of these comments. If you have questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sandiego.gov.

Sincerely,



Kris McFadden
Deputy Director, Transportation & Storm Water Department

KMrk

cc: Tony Heinrichs, Deputy Chief Operating Officer
Garth K. Sturdevan, Director, Transportation & Storm Water Department
Heather Stroud, Deputy City Attorney
Ruth Kolb, Program Manager, Transportation & Storm Water Department
Drew Kleis, Program Manager, Transportation & Storm Water Department