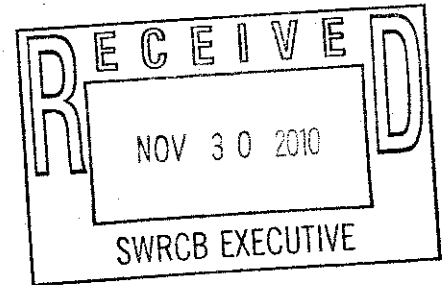


RANCHO MISSION VIEJO

November 30, 2010



Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
10011 I Street
Sacramento, CA 95814

Subject: Comment Letter - San Diego Water Board Indicator Bacteria, Project 1

Dear Ms. Townsend:

Thank you for providing Rancho Mission Viejo (RMV) with the opportunity to review and comment on the Proposed Approval of an Amendment to the Water Quality Control Plan for the San Diego Region (Basin Plan) to Incorporate the Revised Total Maximum Daily Loads (TMDLs) for Indicator Bacteria Project I - Twenty Beaches and Creeks in the San Diego Region (including Tecolote Creek) ("Bacteria TMDL Amendment"). RMV is located in Southern Orange County, California. The approximately 25,000 acres that make up RMV are bound by the existing communities of Rancho Santa Margarita, Mission Viejo, San Juan Capistrano and the undeveloped Cleveland National Forest and MCB Camp Pendleton. Portions of San Juan Creek, Cristianitos Creek and the Arroyo Trabuco (to name just a few of our water resources) run through RMV lands. Since 1882, the O'Neill family has been a responsible steward of the Ranch. We have, and continue to actively manage the Ranch to protect the resources on it, including water quality. We intend to continue this tradition of stewardship into the future.

Background

In this regard, over the past several years, RMV in cooperation with the County, U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) has undertaken three coordinated watershed-level planning efforts to determine the future land uses for south Orange County. These planning processes have resulted in approval of the Ranch Plan by the County, the San Juan Watershed/Western San Mateo Watershed Special Area Management Plan (SAMP) by the USACE, the Southern Subregion Habitat Conservation Plan (SSHCP) by USFWS and a Master Streambed Alteration Agreement (MSAA) for the Ranch Plan by CDFG. Through implementation of the Ranch Plan, SSHCP, SAMP and MSAA 20,868 acres of RMV lands will

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be protected, monitored and managed in perpetuity as part of the 32,818 acre Southern Subregion Habitat Reserve. All mainstem creeks on RMV will be protected as Aquatic Resource Conservation Areas (ARCAs) including San Juan Creek, Chiquita Creek, Gobernadora Creek, Verdugo Creek in the San Juan Creek Watershed and Cristianitos Creek, Gabino Creek and La Paz Creek in the San Mateo Creek Watershed.

To support the water quality, geomorphic, and habitat goals of the Ranch Plan, SAMP, SSHCP and MSAA, RMV developed a comprehensive Water Quality Management Plan (WQMP) that addresses:

- pollutants and conditions of concern through consideration of the existing hydrologic/geomorphic conditions of the RMV watersheds and sub-watersheds,
- pre- and post-project flow duration modeling to address hydromodification, and
- pollutant loading modeling.

This WQMP set the framework for the future levels of WQMP preparation and identified the site design, source control, treatment control, and hydromodification control elements that will be implemented for each proposed development planning area within the RMV Ranch Plan. We believe, as do the participating Federal, state and local agencies, that implementation of the SSHCP, SAMP, MSAA, Ranch Plan and the associated Conceptual WQMP is key to protection of water quality and water bodies in the San Juan Creek and San Mateo watersheds.

Comments

RMV is aware that the County of Orange and other South County NPDES Permittees have previously submitted comments on the proposed Bacteria TMDL Amendment (see for example January 25, 2010 comments provided by OC Public Works). We have reviewed the Responses to Comments Part III and are disappointed to find that the RWQCB staff has not responded to comments provided by OC Public Works that are of specific interest to RMV. In particular RMV is concerned that the Bacteria TMDL Amendment does not include allowable exceedance frequencies for dry weather similar to those included for wet weather despite being provided studies that demonstrate that reference beaches and creeks do sometimes exceed water quality objectives during dry weather. A recent study published by SCCWRP (Tiefenthaler, L., E. Stein and G. Lyon. 2008. Fecal indicator bacteria levels during dry weather from Southern California reference streams. SCCWRP Annual Report, Costa Mesa, CA) confirms that exceedances of bacteria water quality objectives do occur during dry weather conditions in Southern California reference streams, including San Mateo Creek in San Diego County.

In its Response to Comments Part III (page V-4), the RWQCB notes that it "decided to use the 0 percent dry weather exceedance frequency as an initial allowable exceedance frequency for the dry weather TMDLs ... Because of the uncertainty associated with using a reference system that is not specific to the San Diego Region, using the most conservative dry weather allowable exceedance frequency (i.e., 0 percent) is warranted until a region specific dry weather allowable exceedance frequency is developed." In other TMDLs where Leo Carrillo Beach is used as a reference system, the dry weather TMDL is split into two seasons: summer dry (0% allowable

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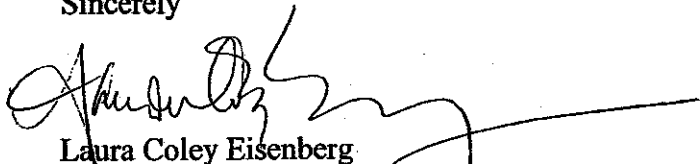
exceedance frequency) and winter dry (3% allowable exceedance frequency). RWQCB staff has not adequately explained why, in this specific TMDL:

- 1) It is supportive of including a wet weather exceedance frequency that is based on a reference system in another region, but requires a region-specific study to establish a dry weather exceedance frequency, and,
- 2) It inconsistently applies the reference system approach such that a zero percent dry weather allowable frequency is required when other TDML's have a split (summer dry and winter dry) allowable exceedance frequency.

The Bacteria TMDL Amendment should be revised to provide for a dry weather allowable exceedance frequency that is reflective of the scientific data available to the Board today, i.e., the SCCWRP studies, and data that may become available to the Board in the future through the development of a reference system specific to the San Diego Region. It is our understanding that the RWQCB staff is supportive of development of such a reference system.

We appreciate the opportunity to provide these comments. I can be reached at (949) 240-3363 Ext 297 or via email at lcoleyeisenberg@ranchomv.com should you have any questions regarding our comments.

Sincerely



Laura Coley Eisenberg
Vice President, Open Space & Resource Management

Cc: Amanda Carr, OC Public Works
Richard Broming, RMV
Sam Couch, RMV