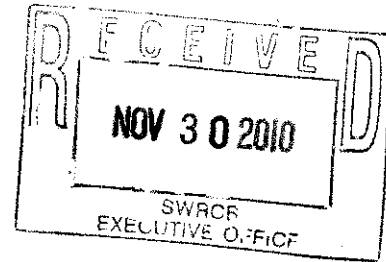




CITY OF OCEANSIDE

WATER UTILITIES DEPARTMENT

November 22, 2010



Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Comment Letter - San Diego Water Board Indicator Bacteria, Project I

Dear Ms. Townsend,

Thank you for the opportunity to comment on the San Diego Water Board Indicator Bacteria, Project I, (Bacteria-I) TMDL. The City of Oceanside did submit comments to the San Diego Regional Water Quality Control Board (SDRWQCB) in January expressing several concerns. Some of those concerns were addressed in the Response to Comments Section of the TMDL (Appendix V) or in the Board hearing itself.

The City does feel that two key concerns have not been addressed adequately. The first of which is in regard to the definition of a rain event. In addition, and related to this definition, is the assumption that all dry weather flows are from municipal MS4s.

In the proposed Bacteria-I TMDL, wet days were defined as the days with rainfall events of 0.2 inches or greater plus the following 72 hours. Conversely, dry weather days are defined as days with less than 0.2 inches of rainfall observed on each of the previous 3 days (page 9 of Resolution R9-2010-0001). As stated in the Response to Comments, this was included in the proposed TMDL prior to the inclusion of the Reference System Approach Basin Plan Amendment.

The Reference System Approach, which the City supports the use of, utilized the Leo Carillo Beach reference study to identify allowable exceedance frequencies for wet weather. This study defined wet days as 0.1 inches of rain plus the following 72-hours. From this study the SDRWQCB decided to use the 22% exceedance frequency as an initial allowable exceedance for wet days. We do agree with the Response to Comments that utilizing the Leo Carillo Beach exceedance frequency with a higher rain criteria level may result in fewer "wet" days, and thus a higher exceedance frequency, and go further to liken it to comparing "apples to oranges." The watershed will have fewer wet days as defined by the TMDL, and will additionally have days that are defined as "dry," but

produce runoff from developed and undeveloped areas in rain events totaling between 0.1 and 0.2 inches of rain. We disagree with the alternative option provided and the sentiment that because this was approved in the first issuance of the TMDL, it should not be a point of discussion. By adding the Reference System Approach in the second adoption of the TMDL, the definition of wet and dry days being compared to a reference study brings the definition of wet and dry days into the forefront. Whereas the first issuance was based on loading, the second issuance is based on exceedance days and thus, the definition is integral.

Further, to bring in the second point of dry weather flow allocations, point 22 of the Resolution states, "for the dry weather TMDLs, a major underlying assumption is that there is no discharge of surface runoff, thus no discharge of bacteria, expected from land uses associated with the Caltrans, Agriculture, and Open Space land use categories during dry weather. Because no discharge is expected from these land use categories during dry weather, they were assigned dry weather waste load allocations (WLAs) and load allocations (LAs) of zero. The dry weather TMDLs were assigned entirely to the Municipal MS4s land use category as dry weather WLAs, meaning only discharges of bacteria loads to the receiving waters are expected or allowed from the Municipal MS4s land use category during dry weather." However, there is a 0% allowable exceedance frequency for all land use categories, including municipal MS4s, in the final load allocations for the TMDL.

This assumption seems incorrect, particularly when dry weather is defined as less than 0.2 inches of rainfall. All monitoring conducted pursuant to the San Diego Region MS4 NPDES Permit (Order No. R9-2007-0001) utilizes the definition of a rain event as 0.1 inches of rainfall or greater. Other TMDLs, such as the Malibu Creek and Lagoon Bacteria TMDL, utilize the 0.1 inch definition of a rain event. Previous studies, such as the Leo Carillo Beach reference study and the monitoring conducted pursuant to Investigative Order (IO) R9-2006-076 for San Diego Lagoons utilize the definition of a rain event as 0.1 inches. There is anecdotal evidence of runoff from all land uses, including Caltrans, agriculture, and open space, from rain events greater than 0.1 inches. In the results from the IO monitoring for Loma Alta Creek Watershed, continuous hydrologic monitoring shows the total daily discharge of surface water during a 0.12" rain event on October 13, 2007 is almost five times greater than the ambient daily discharge prior to the event (Figure 1). This hydrograph confirms that discharge does occur in Southern California watersheds during rainfall events greater than 0.1 inches in a magnitude that implies the entire watershed contributes to the runoff and not just the municipal MS4s. While this watershed is not covered under the Bacteria-I TMDL, a bacteria TMDL is in development by the SDRWQCB. The definition for dry and wet weather days have yet to be defined.

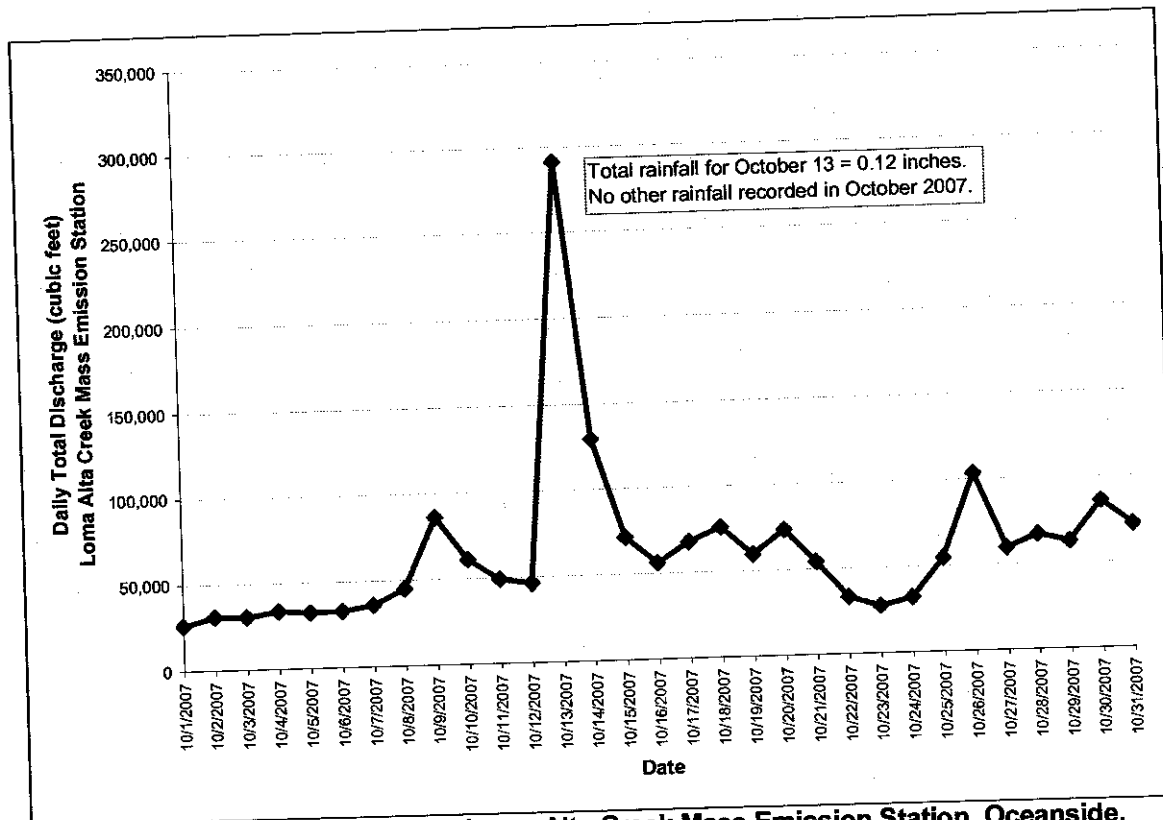


Figure 1. Total Daily Discharge at Loma Alta Creek Mass Emission Station, Oceanside, CA, October 2007.

Thus, the City of Oceanside respectively requests that the definition of dry and wet days accurately reflect their name and be amended to define wet days as days of rainfall events of 0.1 inches or greater and the following 72 hours. By making this change and a corresponding change to the definition of dry days, the TMDL definition will be consistent with current Permit monitoring definitions, monitoring protocols, and reflect an accurate assessment of runoff conditions. It will also allow the responsible parties the ability to build on previous research to more efficiently conduct the further research referred to by the SDRWQCB's Response to Comments. In addition, it may more accurately reflect the assumption made that there is no discharge during dry weather from open space land uses. The City continues to disagree that Caltrans, agriculture, and other land uses not specifically listed here do not have dry weather discharges considering the use of irrigation or other forms of water transport necessary for their subsistence.

Thank you again for the opportunity to comment and for your consideration.

Sincerely,

M. A. Lahsaie

Mo Lahsaie, Ph.D., REHS
Clean Water Program Coordinator