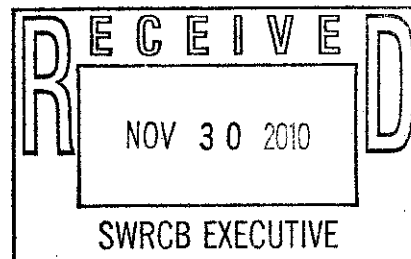


Public Comment  
San Diego - Indicator Bacteria  
Deadline: 11/30/10 by 12 noon

November 30, 2010

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



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

Dear Ms. Townsend:

Thank you for the opportunity to provide comments on the San Diego Water Board Bacteria, Project I Total Maximum Daily Load (TMDL). The City is committed to protecting and restoring beneficial uses of the water bodies within our region using sound science and cost effective approaches. We look forward to the State Water Resources Control Board's review of comments submitted by the San Diego Stormwater Copermittees.

The City of Vista submitted comments to the San Diego Regional Water Quality Control Board on January 21, 2010. While several of these comments were addressed to the City's satisfaction, one in particular continues to be of major concern. This concern revolves around the definition of a rain event and thereby defines wet and dry weather days.

Currently, the TMDL defines a wet weather event as 0.2 inches of rain or greater and the following 72 hours. Comments expressing concerns based on this definition have been submitted and have not resulted in changes to the TMDL. The response from the Regional Board to our concern was inappropriate and stands on the fact that these concerns were not raised during previous comment periods prior to the original Basin Plan Amendment, adopted on December 12, 2007. Comments concerning the definition of a wet weather event were not submitted prior to the December 2007 adoption for two reasons: first, the TMDL compliance criteria were based on total loading of bacteria and second, the TMDL did not contain a reference system approach. The current Basin Plan Amendment is different in that the compliance criteria has been changed to rely on exceedance frequencies, based on wet and dry weather days, and the current amendment does incorporate a reference system approach. Because of these relatively recent changes in the TMDL, it is important that the comment be considered prior to adoption.

The City feels that the definition of a wet weather event should be changed to "rainfall events of 0.1 inches or greater and the following 72 hours." This change is warranted for several reasons.

1. Based on data collected under Order R9-2006-0076, the Lagoon Investigative Order, wet events that are less than 0.2 inches generate significant amounts of runoff which can impact downstream receiving waters. In examining data collected from storm events monitored from October 2007 through October 2008 in the Loma Alta (904.1), Buena Vista (904.2), and Agua Hedionda (904.3) Hydrologic Areas, it appears that wet weather events generating between 0.1 and 0.2" of rainfall increase flow in the Creeks between two and five times over average base flow (ambient conditions). This increase in flow can have significant impacts on receiving waters and therefore should be treated as wet weather under the TMDL. The data was collected over 13 months and captured rainfall data and continuous flow measurements, allowing for an accurate averaging of base flow and an evaluation of 10-11 wet weather events in each hydrologic area. (Mactec, Carlsbad Hydrologic Unit Lagoon Monitoring Report, June 2009)

2. The use of the wet weather event criteria at 0.1" aligns with the intent of the TMDL. As adopted, the dry weather portion of the TMDL is based on the assumption that there are no discharges of surface runoff during dry weather. The use of wet weather criteria greater than 0.2" fails to account for wet weather runoff generated from storms that are less than 0.2" and classifies all of these days where precipitation is less than 0.2" as dry weather. Studies have shown clearly that runoff is generated from events <0.2" and these should not be counted as dry weather days. Counting these events as dry weather is in direct conflict with the assumption that there are no surface water discharges during dry weather.

3. Modification of the definition of wet weather to events with precipitation greater than 0.1" would allow the TMDL to be consistent with other regulatory actions. These include the San Diego Municipal Stormwater Permit, USEPA Criteria in 40 CFR 122.21(g)(7), the Malibu Creek and Lagoon Bacteria TMDL, the Lagoon Investigative Order referenced above, and perhaps most importantly with the Leo Carrillo Reference Study used in this Bacteria TMDL. The Leo Carrillo Study is the basis for the Reference System Approach used in the TMDL, therefore the wet weather criteria should be consistent.

In closing, thank you for your consideration of the comments submitted. These comments are submitted in the spirit of creating regulations that are well thought out and scientifically valid. With this in mind, we recommend changing the definition of a wet weather event to capture events where rainfall amounts are greater than or equal to 0.1" and the following 72 hour time frame. If you have any questions regarding the comments above, please contact me directly at (760) 726-1340.

Sincerely,



Paul Hartman  
Water Quality Program Manager

Cc: John Conley, Interim Director of Community Development and Engineering  
Sudi Shoja, Assistant Director of Engineering