

April 16, 2008

Ms. Amy Mecklenborg
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

RE: Provisions for Indicator Bacteria Water Quality Objectives to Account for Loading from Natural Uncontrollable Sources Within the Context of a Total Maximum Daily Load – February 29, 2008 Draft Technical Report

Dear Ms. Mecklenborg:

The OC Public Works Department (OCPW), formally the County of Orange Resources and Development Management Department (RDMD), as a member of the Reference System Stakeholder Advisory Group (SAG), has reviewed the Draft Amendment to the Water Quality Control Plan for the San Diego Region dated February 29, 2008 (BPA) and the associated Appendix 2. We appreciate this opportunity to provide comments on these important documents.

We agree that the Basin Plan should allow TMDLs for bacterial indicators to include provisions for natural sources of indicator bacteria. Further, we applaud Board staff for moving this effort forward in such a rapid fashion and appreciate the previous opportunities given to the SAG to provide comments on this document during the developmental process.

After a thorough review of the document, additional clarification of the following issues is needed and the following errata changes are suggested:

1. General Comment: Section 2 should include a discussion explaining that fecal indicator bacteria are used as surrogates for pathogens and the scientific and practical limitations of this surrogacy.
2. Section 5.1.1 Characterization of Target Water Body and Identification of the Reference System: The text should clarify whose responsibility it is to identify reference systems, collect and analyze water quality data. It is expected that for future TMDLs this step be completed by the Regional Board prior to adoption of the TMDL.
3. Section 5.1.1 Characterization of Target Water Body and Identification of the Reference System: The text should be modified through an errata change as follows: "To determine the appropriateness of a reference system for a target water body, the indicator bacteria conditions (density, sources, etc) with the

reference system can be compared to the indicator bacteria conditions of open space areas unimpacted by development of the target water body's watershed...Reference systems must have representative data for the bacterial water quality conditions within the systems. Data A weight of evidence demonstrating the absence of human fecal contamination is also necessary.

4. Section 5.1.4 Determination of the Allowable Number of Wet Weather Exceedence Days: The text should clarify how an exceedence probability is calculated.
5. Section 5.2.2 Identification of Dry Weather Days: The requirement to utilize data from the critical wet year to determine the number of dry weather days to be used in the calculation of dry weather TMDLs should be removed. Separate models have been used for the development of dry and wet weather TMDLs. For the dry weather condition, the critical condition is the preponderance of dry weather days. The text should be modified through an errata change as follows: ~~In order to be consistent with the modeling approach used for wet weather TMDLs, data from the critical wet year is used to determine the number of dry weather days to be used in calculation of dry weather TMDLs.~~
6. Section 5.2.3 Determination of Allowable Exceedence Frequency: The requirement to utilize discrete 30-day data intervals should be replaced with the use of running 30-day data intervals. Calculating bacteria water quality using a running 30-day geomean is the convention used by most health care agencies and publicly-owned treatment works as it provides the most accurate assessment of public health risk. Using discrete 30-day periods can underestimate the exceedence frequency of the geomean standard and creates artificial breaks in the data which can mask trends in bacteria levels. The text should be modified through an errata change as follows: The reference system exceedence frequency will be determined by dividing these dry days into ~~discreet~~ (sic) running 30-day intervals.
7. Section 5.3.1 Control of All Anthropogenic Sources of Indicator Bacteria: The text listing examples of the types of activities that can be expected to be necessary to control anthropogenic sources should be revised to recognize that not all MS4 dischargers control the sewage collection and treatment system. The text should be modified through an errata change as follows: Effective ~~prevention of~~ collaboration to prevent discharges of sewage into and from MS4s.
8. Section 5.3.1 Control of All Anthropogenic Sources of Indicator Bacteria: Further clarification of "Achievement of full compliance with waste discharge requirements and waiver conditions that apply to the discharge of indicator bacteria from anthropogenic sources" is needed.
9. Appendix 2 Revisions to Chapter 4 (Implementation), Implementation Provisions for Indicator Bacteria Water Quality Objectives in the Context of a TMDL, second paragraph, second sentence: For consistency with the definition of anthropogenic source, the text should be modified through an errata change as follows: "They also acknowledge that it is not the intent of the Region Board to

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require treatment or diversion of natural water bodies or to require treatment of natural or uncontrollable sources of bacteria”.

Thank you again for the opportunity to provide comments on this important technical document. If you have any questions regarding these comments, please call Amanda Carr at 714-567-6367.

Very truly yours,

Chris Crompton, Manager
Environmental Resources Section

cc: Deborah Jayne, San Diego Regional Water Quality Control Board
Reference System Stakeholder Advisory Group Members