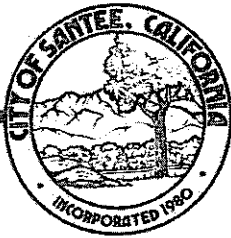


CITY OF SANTEE



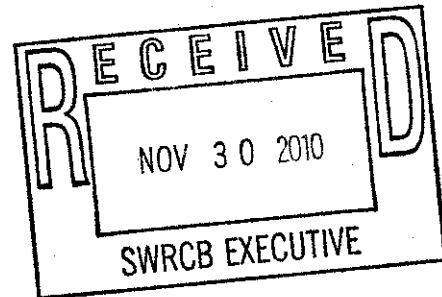
MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minro
Hal Ryan

CITY MANAGER
Keith Till

November 29, 2010

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100



Re. Comment Letter San Diego Water Board Indicator Bacteria, Project 1

Thank you for the opportunity to comment on this draft regulation which has the potential to have a significant impact on our City's budget and operations. This comment letter is being submitted with the expectation that it could lead to a more realistic regulation that can be complied with and will lead to the achievement of water quality objectives.

Comment: The TMDL should not apply to inland water bodies. The Regional or State Board should develop a reference study for inland water bodies prior to implementing a TMDL specific to inland waters.

The City submitted the following comment to the Regional Water Quality Control Board on this topic:

"The model upon which the TMDL is based relies on a limited data set focused on exceedances at beaches and river mouths. This data was extrapolated to develop bacteria levels for inland locations without taking into account the different conditions at inland water bodies, including reduced flow, salinity and lack of tidal influence. It is necessary to use data from inland creeks to assess the baseline percentage of exceedances for these locations, as it is likely these will be vastly different from those observed on the coast..."

The Regional Board's response failed to address the comment made. In its response, there was no discussion of why a reference study conducted at beaches and river mouths applied to inland water bodies. It is clear that the reduced flow in rivers and creeks will result in bacteria concentrations exceeding water quality objectives on a more frequent basis, even with the same pollutant load. It is well known that the growth of bacteria is highly dependant on a range of factors including temperature, exposure to sunlight, and presence of algal mats. All of these factors are likely to be significantly

different in a slow-flowing, vegetated creek than at the tidally influenced river mouth or beach.

In addition, source identification studies have reported that fecal indicator bacteria are present in biofilms within the storm drain system, i.e., they can survive and reproduce outside of humans.¹ This indicates that even if there were no anthropogenic discharges, exceedences could still be observed.

How a low flow condition with diurnal pH and seasonal dissolved oxygen fluctuations is equivalent to a tidally influenced saline environment requires explanation. It is unclear why the Regional Board felt it appropriate to apply a reference system approach to inland water bodies, but failed to study inland water bodies in the reference study.

The Regional Board's response to the lack of a reference study for inland creeks is that they "support developing and establishing an allowable exceedance frequencyon data collected from reference systems in the San Diego Region." This response places the burden of developing a reference study onto the Cities and County of San Diego. Recent cost estimates place the cost of developing a reference study for inland creeks at over \$1.6-Million, excluding the costs of negotiating an amendment to the TMDL. Funding for such a monumental task is simply not available. Further, it is the Regional Board's responsibility to develop a reasonable TMDL.

The City urges the State Board to require that a reference study for inland water bodies be conducted by the Regional Board. Until this study is completed, the TMDL should not be applied to inland water bodies.

The City of Santee supports the comments submitted by the County of San Diego as provided in the County of San Diego's comment letter.

We appreciate the opportunity to comment on this total maximum daily load regulation. We understand the need to adopt a TMDL for bacteria; however, we feel that inland water bodies need to be excluded until further study is conducted by the Regional Water Quality Control Board. Without this change we feel that compliance with the regulations will be impossible. The City of Santee remains committed to improving water quality in Santee and within the San Diego region.



Pedro Orso Delgado, P.E.
Deputy City Manager/Director of Development Services

¹ Presentation by Gretel Roberts Phd., of Weston Solutions Inc. at a meeting of jurisdictions affected by the Bacteria I TMDL in Oceanside on 10/28/10.