

# **SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

## **RESPONSE TO WRITTEN COMMENTS RECEIVED ON PRELIMINARY LIST OF PROJECTS FOR THE 2024 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION**

August 13, 2025

California Environmental Protection Agency



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## Introduction

This report contains the California Regional Water Quality Control Board, San Diego Region, (San Diego Water Board) responses to written comments received on the revised Preliminary List of Projects for the 2024 Triennial Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan).

The Basin Plan establishes water quality standards for the San Diego Region. Water quality standards consist of beneficial uses, water quality objectives, and state and federal antidegradation policies. It also includes descriptions of programs, plans and policies used to maintain water quality.

The purpose of the triennial review is to identify necessary updates and revisions to water quality standards and other elements in the Basin Plan. The triennial review assists the San Diego Water Board in identifying potential priority projects to address through subsequent Basin Plan amendments. The types of projects considered include revisions to water quality standards, updates to programs, plans, policies, and development of total maximum daily loads and advance restoration plans to address impaired waters.

The San Diego Water Board initiated the 2024 Triennial Review on December 2, 2024, with the release of the Preliminary Project List and the Notice of Public Solicitation. A revised list was posted on December 9, 2024. The public comment period extended for a period of 75 days from December 2, 2024, through February 14, 2025. A public workshop was held on January 29, 2025.

During the public review period the San Diego Water Board received 10 comment letters from interested parties. Most of the comments focused on projects on the preliminary list. The comments focused on the following topics:

- Biological Objectives
- Tribal Beneficial Uses (TBUs)
- Contact Water Recreation (REC-1)
- Santa Margarita River
- Protection of Coastal Wetlands from Climate Change
- Updates to Chapter 4
- Commercial and Sports Fishing (COMM)
- Shelter Island Yacht Basin (SIYB) Copper TMDL
- Clean Water Act section 304(a) Water Quality Criteria
- Triennial review process
- Recycled water

Overall, the comments were supportive of the potential basin planning projects that were provided in December on the preliminary list. Many commenters were interested in receiving project updates and in stakeholder participation. Many provided suggestions how to develop the projects. There were a few requests to change medium priority projects to high priority projects. A few commenters would have liked more details in

some of the project descriptions. One commenter suggested we add a new beneficial use.

Some comments reflected the fact that the list of potential basin planning projects was a mix of ongoing, planned, and conceptual projects. For instance, current projects have existing workplans, whereas conceptual projects are largely in a goal-setting phase. Additional information and email subscription lists for ongoing projects are available on the [San Diego Water Board](#) website.

All comments were considered and are addressed below. In response to the comments, some additional or clarifying information was added to the Staff Report, however no changes were made to the recommended projects.

## **Comments Received and Responses to Comments**

The San Diego Water Board received public comments letter from the following interested parties:

- A. United States Environmental Protection Agency, Region IX (USEPA, Region 9)
- B. Mr. John R. Odermatt, MS, PG
- C. ChemMetrics
- D. City of Carlsbad
- E. City of Dana Point
- F. Port of San Diego
- G. San Diego Coastkeeper
- H. Orange County Public Works
- I. County of San Diego Public Works
- J. City of San Diego

The comments are organized by commenter. Commenters may have made comments on multiple topics. The comments have been paraphrased where appropriate. The original comment letters are available upon request.

## A. USEPA, Region 9

### 1. Comment

EPA fully supports the two High Priority projects, Biological Objectives for Water Bodies in the San Diego Region (Biological Objectives) and Designation of Tribal Tradition and Culture (CUL) Use and Tribal Subsistence Fishing (T-Sub) Beneficial Uses to Surface Waters in the San Diego Region (TBUs). Both projects are consistent with EPA regulations to review and update existing water quality standards and will advance the goals of CWA section 101(a)(2) to provide for the protection and propagation of aquatic life and wildlife, and provide for recreation in and on the water.

### Response

Thank you for your comment. The San Diego Water Board agrees that finalizing the [Biological Objectives](#) and establishing [Tribal Beneficial Uses \(TBUs\)](#) are high priority projects. No changes were made to the list of potential basin planning projects as they were already identified on the preliminary list as high priorities.

### 2. Comment

EPA recommends the Medium Priority project, Designation of the Commercial and Sport Fishing (COMM) Beneficial Use, be considered a High Priority project.

It is important that the Regional Board review all water body designations and add the COMM use to all waters that should be protected for recreational/sport fishing for consumption.

### Response

Thank you for your comment. The COMM beneficial use project is on the workplan because the San Diego Water Board considers it to be an important project; however, it will remain a medium priority. The proposed projects are prioritized to address the most important water quality issues in our region guided by the San Diego Water Board's [Practical Vision](#) and [Key Beneficial Use and Key Areas](#) (Resolution No. R9-2017-0030). The COMM project will be initiated as resources allow during this triennial review cycle.

### 3. Comment

EPA's regulation at 40 CFR §131.20(a) requires states to "re-examine any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the [Clean Water] Act every three years to determine if any new information has become available" and if the uses are attainable, requires the state to revise its standards accordingly. This requirement applies to waters for which the Regional Board has conducted a Use Attainability Analysis (UAA) to justify removing or excluding an aquatic life use, or a fishable or

swimmable use such as COMM and REC-1, and to other waters that do not have assigned CWA section 101(a)(2) uses (including the COMM use). EPA considers this a High Priority project and should be included for review in your list of projects.

## **Response**

Thank you for your comment. The San Diego Water Board agrees that such a review is important. The project to review the COMM beneficial use is expected to begin later in this triennial review cycle. The San Diego Water Board did not change the priority status from a medium priority. The proposed projects are prioritized to address the most important water quality issues in our region guided by the San Diego Water Board's [Practical Vision](#) and [Key Beneficial Use and Key Areas](#) (Resolution No. R9-2017-0030).

## **4. Comment**

EPA recommends the Medium Priority project, Review of [Clean Water Act] 304(a) Criteria, be considered a High Priority project. EPA's regulation at 40 CFR §131.20(a) requires states to consider adopting EPA's new or revised recommended CWA section 304(a) water quality criteria, and if not provide an explanation. EPA acknowledges that it would be efficient for the State Water Board to consider these criteria statewide; however, there may be conditions within the Region that warrant consideration of new or revised parameters on a regional or site-specific basis. EPA expects that the determination and adoption (if appropriate) of any such parameter be included during the triennial review. EPA considers this to be a High Priority project.

## **Response**

Thank you for your comment. A project to consider the 304(a) criteria adopted since our last review in 2021 is planned for this triennial cycle as a medium priority project. The proposed projects are prioritized to address the most important water quality issues in our region guided by the San Diego Water Board's [Practical Vision](#) and [Key Beneficial Use and Key Areas](#) (Resolution No. R9-2017-0030). This project requires minimal resources, and it is anticipated to be completed during the 2024 Triennial Review cycle.

## **B. John R. Odermatt, M.S., PG**

## **5. Comment**

Propose New Project: Create Recycled Water Beneficial Use. The goal is to augment water resources by creating a recycled water beneficial use in all nonbeneficial use areas and those beneficial use basins where water quality will not be adversely impacted.

The onset of climate change requires that good quality water resources be available to the San Diego Region. Disinfected tertiary recycled water is a resource that needs further development to act as a buffer against extended drought. Creating a recycled water beneficial use will give water purveyors an incentive to develop essential recycled water resources. Water that only goes through the water use system once before disposal is a waste of a potential resource. We need to end the idea of “one use water” and make sure all our water resources are treated to a disinfected tertiary level for appropriate uses as recycled water in the San Diego Region.

## **Response**

Thank you for your comment. This project is not being considered during this triennial review cycle. The State Water Boards’s [Recycled Water Policy](#) and current regulations provide guidance on implementing recycled water projects.

## **C. ChemMetrics**

### **6. Comment**

We fully support optimizing approaches to best assess and manage the beneficial uses, biodiversity and habitats of San Diego Bay. As recreational users of the bay we strongly support a focus on biological integrity and its use in the Shelter Island Yacht Basin. Employing a metric that directly reflects the attainment of beneficial uses is crucially important.

## **Response**

Thank you for your comment. San Diego Bay and the Shelter Island Yacht Basin are important key areas with key beneficial uses (R9-2017-0030). The San Diego Water Board agrees that updating the SIYB Copper TMDL is important and properly reflected as a medium priority project. An engaged stakeholder group is an important aspect to project development. We intend to engage a representative stakeholder group to discuss potential indicators of biological integrity as metrics to include in the SIYB Copper TMDL once the project begins.

### **7. Comment**

We are concerned with the attainment of REC-1 beneficial uses in the Shelter Island Yacht Basin and advocate regular testing of storm water discharges into the Shelter Island Yacht Basin.

## **Response**

Thank you for your comment. Monitoring of storm water discharges is done in accordance with the Phase I municipal separate storm sewer systems (MS4) permit that is currently under revision. Additional information about the Regional MS4 Permit can be found on the [Regional MS4 Permit](#) website. Beach water

quality conditions for Kellogg Beach can be found at the County of San Diego's website: [County of San Diego Beach Water Quality](#).

## **D. City of Carlsbad**

### **8. Comment**

The City of Carlsbad strongly supports the inclusion of the project to address Contact Water Recreation (REC-1) Water Quality Objectives in the Triennial Review as a high priority project. Carlsbad requests that the San Diego Water Board dedicate significant and adequate resources to address key challenges with Bacteria TMDLs in the San Diego Region. The city is specifically interested in future updates to the *Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek)*.

While we support the use of risk-based approaches to protect public health (e.g., focusing on human sources), we request that the project also include a careful review of the TMDL Segments or Areas targeted by the TMDL and the associated Responsible Municipalities. We hope that our concerns can be resolved when the TMDL is re-opened.

### **Response**

Thank you for your comment. The San Diego Water Board considers the Contact Water Recreation ([REC-1](#)) Water Quality Objectives project a high priority and plans to revise the existing bacteria TMDLs. The focus of the REC-1 Water Quality Objectives project will be to clarify the TMDL goals, update numeric targets to be consistent with statewide bacteria water quality objectives, and to emphasize implementation actions addressing human source indicators. The proposed project updates will be guided by regulatory changes, results from recent studies and the latest science and technology for bacteria indicators.

## **E. City of Dana Point**

### **9. Comment**

The City of Dana Point strongly supports the identified project, "Contact Water Recreation (REC-1) Water Quality Objectives", and encourages the Board to make this the number one priority project. With the wet weather deadline of the TMDL approaching, resolving the known issues and flaws of the bacteria TMDL is of urgency and the City of Dana Point strongly advocates for prioritizing the REC-1 project as #1.

### **Response**

Thank you for your comment. The San Diego Water Board considers the Contact Water Recreation ([REC-1](#)) Water Quality Objectives project a high priority and



plans to revise the existing bacteria TMDLs. The focus of the REC-1 Water Quality Objectives project will be to clarify the TMDL goals, update numeric targets to be consistent with statewide bacteria water quality objectives, and to emphasize implementation actions addressing human source indicators. The proposed project updates will be guided by regulatory changes, results from recent studies and the latest in science and technology for bacteria indicators.

## **F. Port of San Diego**

### **10. Comment**

The District supports the implementation of the Contact Water Recreation (REC-1) Water Quality Objectives project. The goal to initiate updates to the region's bacteria TMDLs and focus implementation on human sources of fecal contamination will assist jurisdictions with the ability to better evaluate and eliminate potential bacteria sources and protect the REC-1 beneficial use. The District supports a process that will utilize stakeholder input and would be happy to participate in workgroups related to project development and implementation.

### **Response**

Thank you for your comment. The San Diego Water Board considers the Contact Water Recreation ([REC-1](#)) Water Quality Objectives project a high priority and plans to revise the existing bacteria TMDLs. An engaged stakeholder group is an important aspect to all Basin Plan projects. We expect to engage stakeholders in late 2025 during the CEQA scoping process. The focus of the REC-1 Water Quality Objectives project will be to clarify the TMDL goals, update numeric targets to be consistent with statewide bacteria water quality objectives, and to emphasize implementation actions addressing human source indicators. The proposed project updates will be guided by regulatory changes, results from recent studies and the latest in science and technology for bacteria indicators.

### **11. Comment**

The District supports the Shelter Island Yacht Basin (SIYB) Copper TMDL Update Project and focusing efforts on the basin's biological integrity.

The District also agrees that stakeholder participation will be critical to the next phase of the TMDL. The District supports the Regional Board's effort to incorporate newer approaches when evaluating the biological conditions of the basin.

### **Response**

Thank you for your comment. The San Diego Water Board agrees that updating the [SIYB Copper TMDL](#) is important and properly reflected as a medium priority project. An engaged stakeholder group is an important aspect to project development. We intend to engage a representative stakeholder group to discuss

potential indicators of biological integrity in the Shelter Island Yacht Basin as metrics to include in the SIYB Copper TMDL once the project begins.

## **12. Comment**

The District supports adding an invasive species section to Chapter Four of The Basin Plan.

## **Response**

Thank you for your comment. Targeted updates to the Implementation Plan chapter, besides those tied to specific high-priority projects, will be a medium priority project. Updates will be prioritized to address the most important water quality issues in our region guided by the San Diego Water Board's [Practical Vision](#) and [Key Beneficial Use and Key Areas](#) (Resolution No. R9-2017-0030). Invasive species is a good candidate for the Implementation Plan chapter because they can threaten multiple key beneficial uses across the region.

## **13. Comment**

Consider an Implementation Program to Protect Coastal Wetlands and Ensure their Resiliency to Climate Change. The District recommends ensuring consistency with California guidance regarding sea level rise in Ports, Harbors, and Public Trust Uses when developing projects and programs related to climate change and sea level rise.

The District supports Regional Board efforts to evaluate whether the Basin Plan sufficiently protects the key beneficial uses of coastal wetlands ensuring their resiliency to climate change. However, it is also important to ensure consistency with state guidance during all steps of project planning and incorporate as appropriate into the proposed project.

## **Response**

Thank you for your comment. This is a new high priority project that supports the goals of the Practical Vision. The project's goal is to evaluate existing protections in the Basin Plan. Activities would include consideration of other agency regulatory authorities and existing include state guidance.

## **G. San Diego Coastkeeper**

## **14. Comment**

Each of the projects identified in the Preliminary List of Potential Basin Planning Projects for the 2024 Triennial Review of the Water Quality Control Plan for the San Diego Basin Plan ("Preliminary List") lacks sufficient specificity that would enable Coastkeeper, or any other party, to make meaningful and informed comments on whether they should be prioritized.

For example, the “Update Implementation Chapter of the Basin Plan (Chapter 4)” project contemplates “addition or updates” to various sections of Chapter 4, which “include, but are not limited to” vernal pools, invasive species, and water reclamation. These are extremely vague notions. What would these section add or revise about each of these topics? What other topics are being contemplated? During the January 29, 2025, workshop, Executive Officer Dave Gibson noted that this might include the inclusion of Direct Potable Reuse (“DPR”) state provision into the Basin Plan. However, without significantly more information, it’s impossible for Coastkeeper or the public to weigh in on where we think the Regional Board should be focusing its limited resources. This is but one example. Each listed project is extremely scant on details. To ensure meaningful public engagement and input, the public needs significantly more information about each project identified in the Preliminary List.

Coastkeeper requests significantly more information for every project identified in the Preliminary List at this initial stage of the public input, and relatedly, additional time for public comment on the Preliminary List, prior to Staff developing a final report and list of recommendations.

## **Response**

Thank you for your comment. The project descriptions are intentionally broad to provide overviews of the projects. The projects themselves are in different stages of development with more details available for the ongoing projects. The specifics of the project are determined and evaluated during further project investigation. Each of the projects will include its own public participation activities, including public review period(s), to ensure details will be available for public consideration and comment.

For projects currently underway, the San Diego Water Board’s website provides contacts and additional information for the public to access. Quarterly progress of ongoing triennial review projects is reported in the monthly [Executive Officer’s Report](#) that is published on the San Diego Water Board’s website. On the [San Diego Water Board](#)’s website there is a link to email [subscription](#) lists that the public may join to receive the project updates. Long term projects have their own established stakeholder groups with scheduled meetings and email updates.

The purpose of the triennial review is to identify projects that focus on elements of the Basin Plan and could lead to Basin Plan amendments. It is during the project investigations where the specific directions and details supporting the project are developed. Some of the projects on the proposed list are ongoing projects where additional information can be found on the San Diego Water Board’s website. Some of the projects are more conceptual in nature and the details will be developed later.

Examples were provided of potential subjects to include in Chapter 4, although it was not meant to be an all-inclusive list of updates which has yet to be

determined. Chapter 4, the Implementation Chapter, provides the public, staff and the regulated community with information on programs, strategies and actions that the San Diego Water Board may take to protect and maintain water quality in the region. Project development will include a public review period when a fully drafted version of the proposed changes to Chapter 4 will be available for public review and comment.

The proposed project list was made available to the public on December 2, 2024, opening a 75-day public comment period ending on February 14, 2025. A public workshop was held during the public comment period on January 29, 2025.

The conclusion of the triennial review occurs when a project list is adopted by the Regional Board during a public hearing. A notice of a scheduled hearing will be provided to the public at least 45 days prior to the hearing by posting on the [San Diego Water Board](#)'s website, and by emails sent to the [subscription](#) lists for *Board Meetings* and *Basin Planning Issues*. The proposed project list and supporting documents will be provided to the public by posting on the San Diego Water Board's [Basin Plan Review](#) website at least 30 days prior to the hearing.

## **15. Comment**

Project: Biological Objectives for Water Bodies in the San Diego Region. Coastkeeper has been deeply involved with the development of biological objectives and strongly supports this high priority project to obtain State Board approval and incorporation of these objectives into the Basin Plan.

### **Response**

Thank you for your comment. The San Diego Water Board considers this project a high priority. Adoption of [Biological Objectives](#) supports the goals of the Clean Water Act to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

## **16. Comment**

Contact Water Recreation (REC-1) Water Quality Objectives. While this issue of great importance to Coastkeeper, it is extremely difficult to provide informed comment on this project. Generally, Coastkeeper remains supportive of Regional Board action aimed at identifying sources of REC-1 impairment, including human bacteria inputs, and addressing those sources through Investigative Orders, enforcement actions, and amendments to TMDLs to include wastewater agencies contributing to impairments through exfiltration, SSOs, and other pathways. To the extent that this proposed project aims to accomplish that goal alone, we are supportive.

We do not, however, support region-wide or site-specific Basin Plan or TMDL amendments to REC-1 objectives or amendments to how those water quality objectives are assessed, with the exception of the incorporation of the State

Water Board REC-1 statewide standards into regional bacteria TMDLs. As noted extensively in our comments on the various dry weather bacteria TMDL TSOs since 2021, using a human fecal matter-only standard is not scientifically backed, nor protective of human health.

Coastkeeper concurs with the findings of the studies resulting from the San Diego River Investigative Order R9-2019-0014 (“IO”), and the use of those findings to inform policy moving forward. There is also a need to expand upon the findings of the IO study to conduct similar studies in different watersheds, issue additional investigative orders, and use HF-183 as a tool for source identification and quantification, but not a water quality standard itself.

## **Response**

Thank you for your comment. The San Diego Water Board considers the Contact Water Recreation ([REC-1](#)) Water Quality Objectives project a high priority and plans to revise the existing bacteria TMDLs. The focus of the REC-1 Water Quality Objectives project will be to clarify the TMDL goals, update numeric targets to be consistent with statewide bacteria water quality objectives, and to emphasize implementation actions addressing human source indicators. The proposed project updates will be guided by regulatory changes, results from recent studies and the latest science and technology for bacteria indicators. The specific comments provided are the types of issues that will be addressed during project development.

All proposed updates will undergo a full public participation process, and documents developed to support proposed changes will be available for public review and comment.

The [REC-1](#) Water Quality Objectives project is ongoing and additional information is provided on the [San Diego Water Board's](#) website, and in regular submissions in the monthly [Executive Officer's Report](#) posted with agendas for the Regional Board meetings. On the [San Diego Water Board's](#) website there is a link to email [subscription](#) lists where the public may join the *REC-1 Triennial Review Project (Indicator Bacteria)* that will provide project updates.

## **17. Comment**

Review of 304(a) Criteria. Given the current federal administration trend of environmental deregulation, Coastkeeper suggests this project be moved to high priority, particularly with regarding PFOS, and PFOA.

## **Response**

Thank you for your comment. The 304(a) Criteria Review is a medium priority project that we plan to complete during this triennial review cycle by reviewing criteria that are new or have changed since the 2021 review.

The pollutants known as PFOS, PFOA and PFAS are chemicals that can threaten human health and the environment and are important issues in the San Diego Region. Research into their impacts, detection test methods and mitigation strategies are rapidly evolving.

The State Water Board provides guidance on addressing [PFAS](#) in drinking water. The San Diego Water Board staff continue to follow both scientific and regulatory updates as they relate to water quality issues in the region.

Prioritizing the proposed projects to focus on addressing the most important water quality issues in our region is guided by the San Diego Water Board's [Practical Vision](#) and [Key Beneficial Use and Key Areas](#) (Resolution No. R9-2017-0030). Considering all the projects on the proposed list this project remains a medium priority and will be done as resources allow.

## **18. Comment**

Designation of [Tribal Tradition and Culture \(CUL\) Use and Tribal Subsistence Fishing \(T-SUB\) Beneficial Uses](#) to Surface Waters in the San Diego Region. Coastkeeper supports the Regional Board allocation of significant resources toward phase two of this high priority project.

## **Response**

Thank you for your comment. The San Diego Water Board considers this project as a high priority. The Tribal Beneficial Uses project is ongoing. Additional information is provided on the [Tribal Beneficial Uses - Designations to Surface Waters](#)'s website, and in regular submissions in the monthly [Executive Officer's Report](#) posted with agendas for the Regional Board meetings. On the [San Diego Water Board](#)'s website there is a link to email [subscription](#) lists where the public may join the *Tribal Beneficial Uses* list that will provide project updates.

## **19. Comment**

Project: Santa Margarita River Water Quality Restoration Plan. During the workshop, it was revealed that the current Restoration Plan is currently undergoing peer review. Coastkeeper supports the completion of such review. However, until peer review is completed and the results shared, Coastkeeper cannot provide informed comment on whether this course of action will be effective, and correspondingly, whether this project should be a Board priority over the next three years.

On a related note, Coastkeeper is disappointed that the Regional Agricultural Permit is not being revised to include more robust monitoring provisions and BMP requirements. As noted during the triennial review workshop, the ongoing Santa Margarita River nutrient pollution problem requires a holistic approach, which must include significant engagement with, and improvement by, the agricultural community in that watershed. However, without improving the



regulatory mechanisms to drive change in behavior, nutrient-related water quality improvements are unlikely.

## **Response**

Thank you for your comment. In 2024 a draft staff report was sent out to receive scientific peer review. The peer review comments, staff responses to peer review comments, and the revised staff report will be made available to the public in summer 2025.

The project name has been updated to the Santa Margarita River Nutrient Advance Restoration Plan (ARP) to reflect that an ARP is now being developed. Additional information on the [Santa Margarita River Nutrient ARP project](#) can be found on the San Diego Water Board website and through regular reporting in the monthly [Executive Officer's Report](#). On the [San Diego Water Board's](#) website there is a link to email [subscription](#) lists where the public may join the *Santa Margarita River Watershed* list to receive project updates. You may also consider participating in the Santa Margarita River Nutrient Initiative Work Group by emailing [RB9-TMDL@waterboards.ca.gov](mailto:RB9-TMDL@waterboards.ca.gov) for more information.

The Regional General Agricultural Waste Discharge Requirement Orders regulate discharges from agricultural operations. However, revisions to the permits do not require a Basin Plan amendment and is therefore outside the scope of the triennial review.

## **H. Orange County Public Works**

### **20. Comment**

We are writing to express our strong support for, and willingness to assist with the Contact Water Recreation (REC-1) Water Quality Objectives project, which has been a priority since the 2014 Triennial Review and remains critical to safeguard the health and safety of individuals engaged in recreational activities in our water bodies.

Considering challenges with meeting wet weather compliance deadline in 2031, the South OC Permittees urge the Water Board to consider transitioning the existing Bacteria TMDL to an Advance Restoration Plan.

## **Response**

Thank you for your comment. The San Diego Water Board considers the Contact Water Recreation ([REC-1](#)) Water Quality Objectives project a high priority and plans to revise the existing bacteria TMDLs. The focus of the REC-1 Water Quality Objectives project will be to clarify the TMDL goals, update numeric targets to be consistent with statewide bacteria water quality objectives, and to emphasize implementation actions addressing human source indicators. The proposed project updates will be guided by regulatory changes, results from

recent studies and the latest science and technology for bacteria indicators. The specific revisions will be developed during further project investigation.

The term ‘advance restoration plan’ (ARP) is from USEPA’s [Vision for the Clean Water Act Section 303\(d\) Program](#). USEPA encourages the use of the most effective tool for restoring impaired waters through total maximum daily load (TMDL) development or other approaches. USEPA recognizes there can be other opportunities to restore an impaired water body prior to formal adoption of a TMDL as a Basin Plan amendment. However, choosing other options does not alleviate the need to develop a TMDL.

An ARP is designed to be implemented prior to adoption of a TMDL, not after TMDL adoption. The ARP can be the outgrowth of a TMDL investigation where an implementation plan is identified to address impairments. An ARP is a near-term action plan, with a schedule and milestones, that focuses on executing restoration actions prior to final adoption of the TMDL. If the actions of the ARP are successful in restoring an impaired water body, then the need for a TMDL is alleviated. Since an ARP is an action to be taken before formal adoption of a TMDL, it is not appropriate to consider using an ARP instead of an existing TMDL to achieve water quality standards.

## **I. County of San Diego Public Works**

### **21. Comment**

Biological Objectives for Water Bodies in the San Diego Region. The County appreciates the San Diego Water Board’s continued inclusion of this project in the Triennial Review and support its development. The County requests that sufficient resources be allocated to produce a Basin Plan Amendment that is supported by both regulators and the regulated community. We look forward to collaborating with San Diego Water Board staff and stakeholders to ensure the application of biological objectives promotes safe communities and achieves water quality goals based on sound science.

### **Response**

Thank you for your comment. The San Diego Water Board considers this project as a high priority. Adoption of [Biological Objectives](#) supports the goals of the Clean Water Act to restore and maintain the chemical, physical, and biological integrity of the nation’s waters.

### **22. Comment**

Contact Water Recreation (REC-1) Water Quality Objectives. The County strongly supports the inclusion of the project to address Contact Water Recreation (REC-1) Water Quality Objectives and urges the San Diego Water Board to allocate substantial resources to a stakeholder effort addressing key challenges with the Bacteria TMDL. The County remains committed to prioritizing



human sources of fecal contamination and has invested significant resources toward this goal. The County requests that this project consider replacing the Bacteria TMDL with the development of an Advanced Restoration Plan.

## **Response**

See response to comment #20 with respect to an Advance Restoration Plan.

## **23. Comment**

Santa Margarita River Water Quality Restoration Plan. The County supports the priority project to finalize the Santa Margarita River Water Quality Restoration Plan (SMR Restoration Plan or Plan) and encourages the San Diego Water Board to give it a high priority designation, given its high impact and low effort.

The County requests that this project include the Rainbow Creek Nutrient TMDL and allocate resources to reconcile the TMDL with the SMR Restoration Plan to avoid conflicting regulatory requirements. The County requests this plan to include resources allocated towards revising the Rainbow Creek TMDL to align with the SMR Restoration Plan.

## **Response**

Thank you for your comment. The project name was updated to the Santa Margarita River Nutrient Advance Restoration Plan (ARP) to reflect that an ARP is now being developed. This is an ongoing medium priority project. The projects on the preliminary list were evaluated based on the San Diego Water Board's [Practical Vision, Key Beneficial Use and Key Areas](#) Resolution R9-2017-0030 and whether addressing the issues could require updates to the Basin Plan.

The Santa Margarita River Nutrient ARP initiates the restoration process ahead of adopting a formal TMDL. The term ARP is from USEPA's [Vision for the Clean Water Act Section 303\(d\) Program](#). USEPA encourages the use of the most effective tool for restoring impaired waters through total maximum daily load (TMDL) development or other approaches. USEPA recognizes there can be other opportunities to restore an impaired water body prior to formal adoption of a TMDL as a Basin Plan amendment. However, choosing other options does not alleviate the need to develop a TMDL.

An ARP is designed to be implemented prior to adoption of a TMDL, not after TMDL adoption. The ARP can be the outgrowth of a TMDL investigation where an implementation plan is identified to address impairments. An ARP is a near-term action plan, with a schedule and milestones, that focuses on executing restoration actions prior to final adoption of the TMDL. If the actions of the ARP are successful in restoring an impaired water body, then the need for a TMDL is alleviated. Since an ARP is an action to be taken before formal adoption of a TMDL, it is not appropriate to consider using an ARP instead of an existing TMDL to achieve water quality standards.

The San Diego Water Board will assess whether it is possible to coordinate the Rainbow Creek TMDL monitoring program with the Santa Margarita River ARP and Estuary WQRP monitoring programs. The San Diego Water Board may assess if there is a pathway to more closely coordinate the implementation of the three projects. However, the Rainbow Creek TMDL cannot be rescinded and then combined with the Santa Margarita River Nutrient ARP.

## **J. City of San Diego**

### **24. Comment**

Biological Objectives for Water Bodies in the San Diego Region. The City supports the inclusion of the Project (Biological Objectives for Water Bodies in the San Diego Region) as a high priority for the Regional Board 2024 Triennial Review. While supportive of the concept of using biological objectives to gauge the quality of our waters, the City and San Diego Region MS4 Permittees have previously raised concerns over the applicability of the proposed water quality objective to modified channels in the region.

### **Response**

Thank you for your comment. The San Diego Water Board agrees that finalizing the [Biological Objectives](#) project is a high priority. No changes were made to the potential list as the preliminary list already identified this project as a high priority. Adoption of biological objectives supports the goals of the Clean Water Act to protect the chemical, physical, and biological integrity of the nation's waters.

### **25. Comment**

Designation of Tribal Tradition and Culture (CUL) Use and Tribal Subsistence Fishing (T-SUB) Beneficial Uses to Surface Waters in the San Diego Region. The City supports inclusion of the Project (Designation of Tribal Tradition and Culture (CUL) Use and Tribal Subsistence Fishing (T-SUB) Beneficial Uses to Surface Waters in the San Diego Region) in the 2024 Triennial Review. We are interested in additional information regarding how these beneficial uses will complement existing beneficial uses, in particular, the Municipal and Domestic Water Supply (MUN) beneficial use for impoundments constructed for the primary purpose of water supply.

### **Response**

Thank you for your comment. The San Diego Water Board agrees that establishing [Tribal Beneficial Uses \(TBUs\)](#) is a high priority project. No changes were made to the potential project list as the preliminary list already identified this as a high priority. We will engage stakeholders during the CEQA scoping process.

The TBU project is ongoing. Additional information is provided on the [Tribal Beneficial Uses - Designations to Surface Waters](#)'s website, and in regular submissions in the monthly [Executive Officer's Report](#) posted with agendas for the Regional Board meetings. On the [San Diego Water Board](#)'s website there is a link to email [subscription](#) lists where the public may join the *Tribal Beneficial Uses* list for project updates.

## **26. Comment**

Contact Water Recreation (REC-1) Water Quality Objectives. The City supports the inclusion of the Project (Contact Water Recreation (REC-1) Water Quality Objectives) as the highest priority for the Regional Board 2024 Triennial Review.

As demonstrated by the changing approaches to this project over the past four triennial review cycles, the science and information driving the best approaches to reducing risk are constantly evolving and are likely to continue to evolve. Rather than spending significant resources to develop a new TMDL, the City requests that the Regional Board consider modifying the Triennial Review project to evaluate replacing the Bacteria TMDL with an Advanced Restoration Plan. We also request re-establishing a persistent stakeholder effort to bring about the Advanced Restoration Plan before the final wet weather deadline in 2031.

In order to support our internal planning and budgeting, it would be helpful for the project description in the Preliminary List to include more details on the envisioned stakeholder process and schedule for updating the TMDL.

## **Response**

See response to comment #20 regarding advance restoration plans. The San Diego Water Board considers the Contact Water Recreation ([REC-1](#)) Water Quality Objectives project a high priority and plans to revise the existing bacteria TMDLs. An engaged stakeholder group is an important aspect to all Basin Plan projects. We expect to engage stakeholders in late 2025 during the CEQA scoping process.

The [REC-1 Water Quality Objectives](#) project is ongoing and additional information is provided on the [San Diego Water Board's](#) website, and in regular submissions in the monthly [Executive Officer's Report](#) posted with agendas for the Regional Board meetings. On the [San Diego Water Board](#)'s website there is a link to email [subscription](#) lists where the public may join the *REC-1 Triennial Review Project (Indicator Bacteria)* for project updates.

## **27. Comment**

Update Implementation Chapter of the Basin Plan (Chapter 4). The City supports inclusion of the Project (Update Implementation Chapter of the Basin Plan (Chapter 4) in the Triennial Review. We understand that the topics to be considered for addition or updates include but are not limited to adding a section

on vernal pools, adding a section on invasive species, and updating sections related to water reclamation.

In addition, we suggest the project consider including preferred approaches to implementation to address bacteria (i.e., focus implementation on high-risk sources such as sources of human waste), nutrients (i.e., focus implementation to address the observed effects such as eutrophic impacts during dry weather), and biological objectives (i.e., focus implementation on water bodies with the most potential for improvement).

## **Response**

Thank you for your comment. Any update to the [REC-1](#) TMDLs is expected to include updates to the Implementation Chapter of the Basin Plan (Chapter 4) following a public participation process. Similarly, an implementation chapter section for biological objectives is currently awaiting consideration at the State Water Board so any consideration of additional language is pre-mature.

## **28. Comment**

Designation of Commercial and Sports Fishing (COMM) Beneficial Use. The City requests additional information regarding how the new Commercial and Sports Fishing (COMM) beneficial use will complement existing beneficial uses, in particular the Municipal and Domestic Water Supply (MUN) beneficial use for reservoirs that are planned to receive purified water as part of the City's Pure Water San Diego Program.

## **Response**

Thank you for your comment. The development of any Basin Plan amendment involves a thorough investigation of the water quality issues. It is during the project development that specific details, such as those stated in the comment, can be addressed as information becomes available. This project is a medium priority project that will begin during this triennial review cycle as resources allow. Additional information will be available once the project has commenced.

## **29. Comment**

Update Shelter Island Yacht Basin (SIYB) Copper TMDL. The City supports inclusion of the Project (Update Shelter Island Yacht Basin (SIYB) Copper TMDL) in the Triennial Review. We recognize the challenges in meeting copper targets in the Bay and are interested in participating in stakeholder discussions as the project moves forward.

## **Response**

Thank you for your comment. The San Diego Water Board agrees that updating the [SIYB Copper TMDL](#) is important and properly reflected as a medium priority

project. An engaged stakeholder group is an important aspect to project development. We intend to engage a representative stakeholder group to discuss potential indicators of biological integrity in the Shelter Island Yacht Basin as metrics to include in the SIYB Copper TMDL once the project begins.

### **30. Comment**

Santa Margarita River Water Quality Restoration Plan. The City is interested in this Project's results.

#### **Response**

Thank you for your comment. The project name has been updated to the Santa Margarita River Nutrient Advance Restoration Plan (ARP). Additional information on the [Santa Margarita River Nutrient ARP](#) project can be found on the San Diego Water Board website and through regular reporting in the monthly [Executive Officer's Report](#). On the [San Diego Water Board's](#) website there is a link to email [subscription](#) lists where the public may join the *Santa Margarita River Watershed* list to receive project updates.

This is an ongoing medium priority project. In 2024 a draft staff report was sent out to receive scientific peer review. The peer review comments, staff responses to peer review comments, and the revised staff report will be made available to the public in summer 2025.

### **31. Comment**

Review of 304(a) Criteria. The City is interested in this Project's results.

#### **Response**

Thank you for your comment. This project is a medium priority project that is expected to begin later in the 2024/2025 Triennial Review cycle. Additional information will be available once the project has commenced.

### **32. Comment**

Consider an Implementation Program to Protect Coastal Wetlands and Ensure their Resiliency to Climate Change. The City is supportive of this project but believes it may require additional engagement and feedback from stakeholders to develop a more cohesive and focused project that best uses the region's limited resources. The City is interested in engaging further on this topic.

#### **Response**

Thank you for your comment. An engaged stakeholder group is an important aspect to all Basin Plan projects. Once the project begins, additional information, including opportunities for stakeholder involvement, will become available.