

September 13, 2012

Laurie Walsh
San Diego Regional Water Quality Control Board

RE: Supplemental Comments

Administrative Draft of Tentative Order No. R9-2012-0011, NPDES No. CAS0109266
Municipal Separate Storm Sewer Systems (MS4s)
Draining the Watersheds within the San Diego Region

Thank you for your staff efforts to incorporate input from key stakeholder groups in drafting a new regional MS4 Permit. As follow-up to the series of MS4 Focused Meetings, please review supplemental comments consistent with the format of "Concept Summaries" as discussed at the Wednesday, September 5, 2012 Workshop.

1. Public Review / Transparency

All Co-permittees must recognize the San Diego Region is a coastal ecosystem with each member sharing equally in the water quality impacts to coastal receiving waters. Co-permittees should indicate how each project reduces impacts to specifically improve coastal receiving waters. California has established the highest protection for shellfish habitat and a clear appreciation for impacts to fisheries and public health along the coast must be acknowledged by Co-permittees. Public review is contingent upon access to useful information. Intricate mathematical models for pollutant loads, duplicating monitoring reports buried among websites and technical data do little to inform the public discussion.

More useful will be urban runoff maps color coded to identify known point sources culminating in coastal plume maps. Correlating thermal maps, chlorophyll maps, algae blooms and water column data will reveal the size and migratory behavior of urban runoff plumes impacting coastal receiving waters. Integrating coastal currents, counter currents and ocean upwelling dynamics can educate while evaluating progress in reducing these contaminated plumes. Scripps, SCCRP, UC Irvine and other research agencies have the capacity to develop and manage plume maps. How does the coastal plume interact with established whale migration routes and foraging grounds protected by various State and Federal regulations?



Whale migrating route only 300 yards off of South Laguna at Thousand Steps Beach

To encourage public participation, a picture can be worth more than a thousand words (or charts).

2. Adaptive Management Approach

Adaptive management requires greater clarification. Some apply the concept to justify last minute changes or random adjustments to the operations of a project. Within this context, “adaptive management” spawns chaos and confusion to defeat coordinated progress. Any measure to adapt a given plan should occur in a well scheduled fashion following careful consideration to avoid erratic project management. When an adaptive measure is required, public transparency requires an opportunity to comment to support, challenge or provide an alternative to the new proposed management decision.

3. Prohibition Provision A

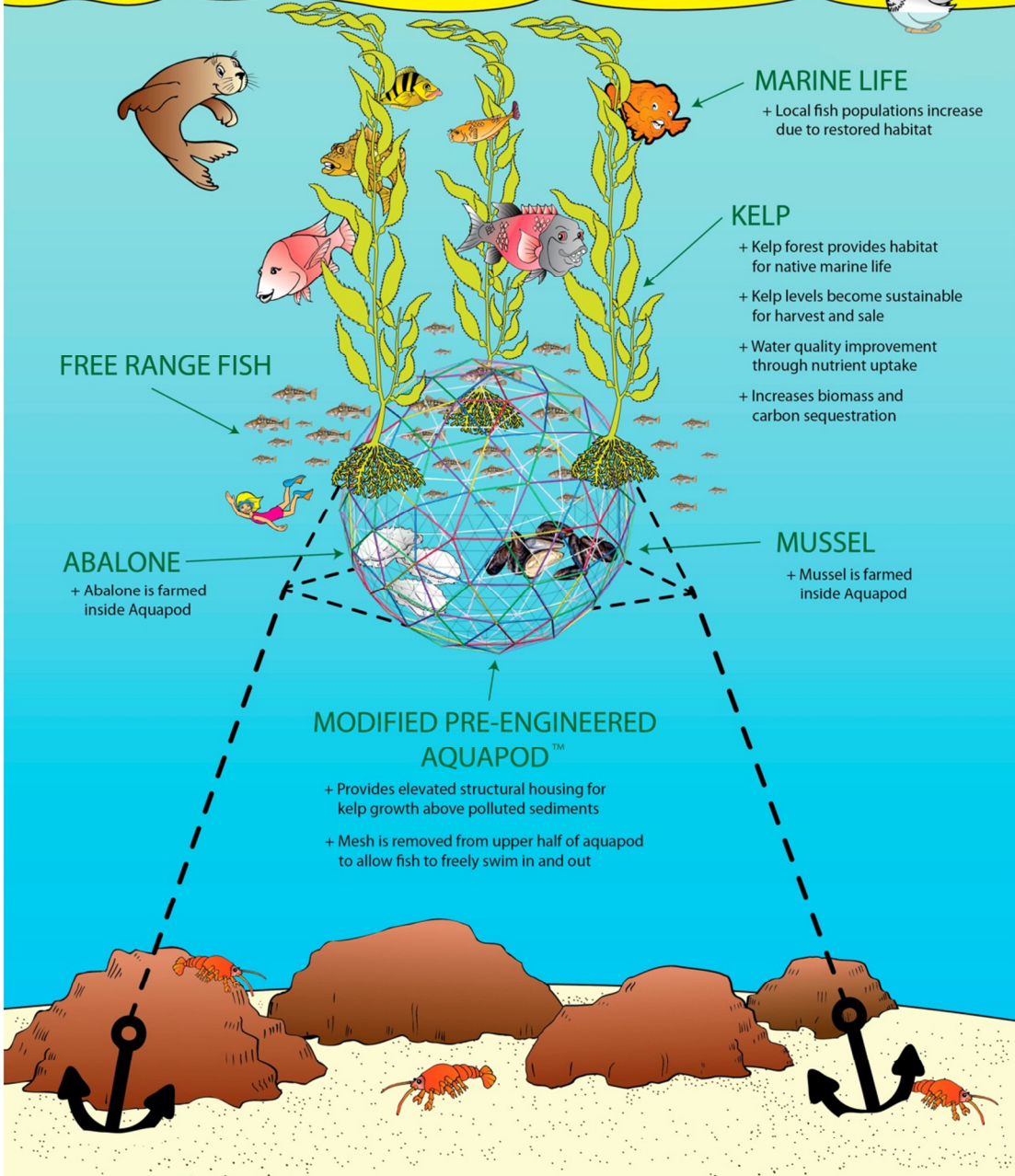
The Clean Water Act did not contemplate the irresponsible waste of recycled water carelessly discharged into creek and coastal receiving waters. Clean Water Act, Section 402: National Pollutant Discharge Elimination System, Section (O) Anti-backsliding provisions prohibit the sequential increases of non-storm urban runoff accompanying developments over the past 20 years. Shifting baselines away from natural creek flow rates in a semi-arid ecology mask the incremental degradation of watersheds and coastal receiving waters. The absence of effective enforcement actions over the previous permit period allows known inland storm drain point sources among Co-permittees to continue illicit discharges. Without effective enforcement and Clean-up and Abatement Orders, Co-permittees have little incentive to allocate resources for complete, effective prohibition measures to eliminate non-storm water discharges into protected coastal receiving waters.

4. NALs and SALs
No comment

5. Monitoring (and Mitigation)

Please see comments above in Item 1. Monitoring should produce useful data and timely enforcement action to abate non-storm water discharges. Clear graphics and maps charting point sources and impact areas can improve public education and increase awareness among all Co-permittees as to their cumulative impacts. Third party information provides photographic evidence and data to highlight success and shortcomings.

Monitoring can also include Fish Aggregation Devices (FADs) such as modified "Aquapods" anchored offshore to metabolize excess nutrients discharged from impaired creeks into coastal receiving waters. While full abatement of non-storm water flows is the goal, FADs can function as underwater wetland recovery systems to reduce the accumulation of targeted constituents in coastal waters.



MARINE LIFE
 + Local fish populations increase due to restored habitat

KELP
 + Kelp forest provides habitat for native marine life
 + Kelp levels become sustainable for harvest and sale
 + Water quality improvement through nutrient uptake
 + Increases biomass and carbon sequestration

FREE RANGE FISH

ABALONE
 + Abalone is farmed inside Aquapod

MUSSEL
 + Mussel is farmed inside Aquapod

MODIFIED PRE-ENGINEERED AQUAPOD™
 + Provides elevated structural housing for kelp growth above polluted sediments
 + Mesh is removed from upper half of aquapod to allow fish to freely swim in and out

6. LID/Hydromod Design Requirements

Low Impact Development and Re-Development/Hydro Mod Requirements seem to suffer from a lack of imagination and familiarity with alternatives among developers and Co-permittees. One potential consideration is an aggressive stormwater capture program converting playing fields, parking lots, streets and canyons along the urban interface to capture stormwater and non-stormwater flows for multiple beneficial reuse opportunities. Street cisterns can effectively capture and retain millions of gallons for irrigation and other purposes. The San Diego Region is routinely threatened with wildfires where storm water capture systems and lined wells can retain water for fire suppression or other emergency purposes while protecting downstream creek and coastal ecosystems.

Monetizing storm water capture volumes and other “new water” resources over a 30 year facility life cycle can yield revenues capable of covering construction and maintenance costs while effectively protecting ecosystems. An accounting of local natural water resources and its monetized equivalency over time against the cost of imported water will motivate innovations to responsibly manage this precious resource. The value of captured water in a regional disaster is priceless and some project costs might be eligible for FEMA disaster preparedness grants.

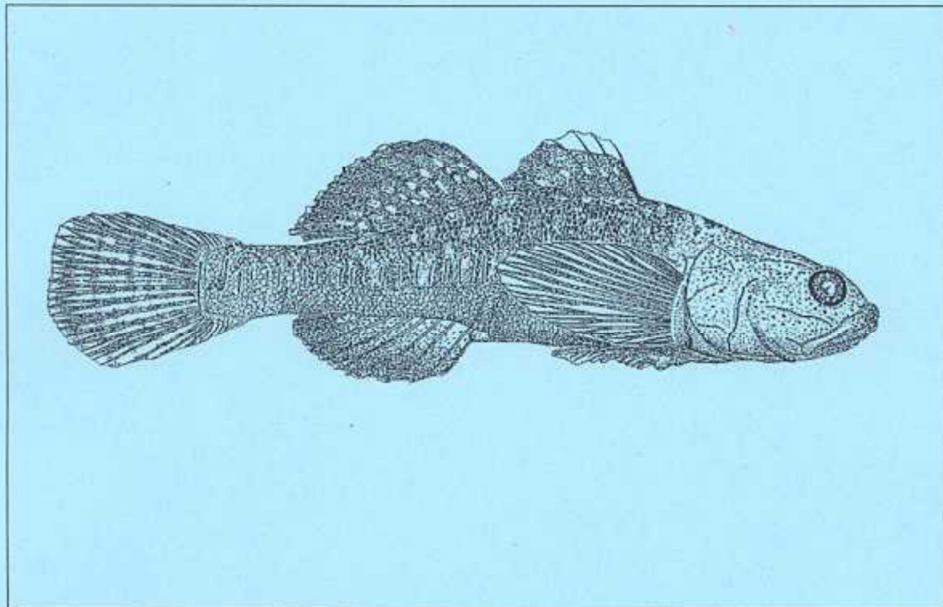
7. Existing Development Requirements

Existing developments continue to violate current MS4 requirements. Non-storm water flows flood the Aliso Estuary and Aliso Beach on a daily basis to breach the beach sand berm – a naturally occurring coastal landform functioning to protect coastal water quality. Monthly monitoring reports reveal creek flow rates during January’s winter to be the same as summer flows in July.

U.S. Fish & Wildlife Service

Draft Recovery Plan for the Tidewater Goby

(Eucyclogobius newberryi)



Estuarine restoration for Tidewater Goby at Aliso Beach (a Federal, State, County and local priority) cannot proceed with elevated non storm water flows flooding the coast. Inspections without effective enforcement allow the Co-permittees to continue to pollute without significant consequences or fines. However, inspections followed by prompt enforcement motivate Co-permittees to direct financial resources in achieving compliance while avoiding fines.

8. Timing of Deliverables

Due to the vast distances in the San Diego Region, consider webcast participation in workshops as modeled during the recent Marine Life Protection Act public participation process. Clear graphics, maps and charts displayed on-line can facilitate communication and focus discussion on known problem areas.

The health of our community and visitors to the coast depend upon responsible action by Co-permittees to effectively prohibit non-storm water discharges and mitigate elevated flows from poorly engineered developments. All Co-permittees as well as major developers promote their proximity to beach and coastal recreational opportunities. Their residents frequent the local beaches where their health and well-being remain imperiled by non-storm water urban runoff contaminates. As time goes on, many will wonder why we have allowed water to become a problem rather than a resource.

Clear regulations and prompt enforcement effectively prohibit a variety of behaviors from cell phone use while driving to smoking in public places in an effort to protect public health and safety. As an impacted community, the South Laguna Civic Association appreciates the efforts of staff to design and implement MS4 regulations yielding measurable improvements to regional water quality.

Michael Beanan
South Laguna

mike@southlaguna.org