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**San Diego Chapter**  
***Serving the Environment in San Diego and Imperial***  
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April 9, 2007

State of California Regional Water Quality Control Board  
San Diego Region  
9174 sky Park Court, Suite 100  
San Diego, California 92123-4340

Subject: Agenda Item 7, Total Maximum Daily Loads for Dissolved Copper, Lead, and Zinc in  
Chollas Creek, Tributary to San Diego Bay

Dear Ms. Kraus, Chair and Members of the Board:

We recommend that 10 year alternative compliance schedule be adopted instead of the preferred alternative 20 year compliance schedule for the metals in Chollas Creek for the reasons explained below.

The primary reason is that the extended schedule will conflict with the RWQCB Cleanup and Abatement Order for the shipyard site sediments. These sediments are just north of Chollas Creek and are highly contaminated with copper, zinc and other trace metals. We expect that the shipyard cleanup will be completed before the 20 year Chollas Creek compliance schedule. Cleanup of the shipyard sediment requires that recontamination by additional metals loading must not occur. The 20 year Chollas Creek metals TMDL compliance schedule would allow copper, lead, and zinc to be discharged into the bay, be transported to the shipyard site well after the shipyard sediments have been cleaned up, and re-contaminate the shipyard site. This is clearly not acceptable.

The second reason is that the 20 year compliance schedule has not been adequately justified. The Reasonable Alternatives to the proposed activity in are presented in Section 8 of Appendix I Environmental Analysis, Checklist, and Economic Factors. Two alternative compliance schedules are given; the ten year schedule alternative for metals load reduction only and the 20 year compliance schedule for metals, bacteria, diazinon, and trash. The reason provided for the longer 20 year compliance schedule is to allow time for the discharger to integrate BMP planning, design and implementation to reduce the bacteria, diazinon and trash loading. Table 16.1 lists the public participation milestones. The first workshop took place in August 1999 almost 8 years ago. The initial draft TMDL was released in March of 2005. We attended the May 18, 2005 informal meeting of interested parties to discuss the compliance schedule and supported the 10 year compliance schedule. We believe that there has been ample time already to begin planning. It does not seem reasonable that the time to implement the diazinon TMDL would justify some of the increased schedule because It EPA has ordered the phase out and stopped retail sales of diazinon effective on December 31, 2004. Just exactly how the trash TMDL justifies the extended compliance schedule is not given.

Sincerely,

Ed Kimura  
Water Issues  
Sierra Club  
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