

February 6, 2015

San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92018-2700
Attn: Ms. Michelle Mata

Subject: Triennial Review Comment – San Diego Unified Port District

Dear Ms. Mata:

The San Diego Unified Port District (Port) appreciates the opportunity to participate in the San Diego Basin Plan triennial review process. As the public trustee of San Diego Bay ("Bay") tidelands, the Port shares a common interest with the Regional Board in ensuring that the Bay's ecosystems are healthy and Bay waters and sediments support beneficial uses.

The Port generally supports the reasoned recommendations presented by your staff at the January 8, 2014, public workshop on the Triennial Review and in the December 8, 2014, document titled, *Issues Description for the 2014 Review of the Water Quality Control Plan for the San Diego Basin (Basin Plan)*. Developing basin planning priorities that address regional issues leads to improvements in multiple water bodies and effectively utilizes scarce public resources. With this in mind, the Port respectfully submits the comments below, which are focused on (1) the regional benefits from recent copper data and modeling, utilizing recent copper data and modeling to further reduce dissolved copper concentrations in the Bay and other regional water bodies, (2) the potential use of site specific water quality objectives on a more regional basis, (3) implementing a site specific Water Effects Ratio (WER) for Chollas Creek, and (4) the methods for quantifying exceedances for recreational contact (REC-1) water quality objectives.

1. Regional Benefits from Recent Copper Data and Modeling

Port Request: Consider incorporating the findings from Assembly Bill 425 (AB 425) and the California Department of Pesticide Regulation (DPR) report into assessments of copper impairments as a high priority during this Basin Plan review process.

One of the high priority issues for the Port is the reduction of copper concentrations from the Bay water column. As you know, the Port is under a TMDL in the Shelter Island Yacht Basin for elevated levels of dissolved copper. Seven other San Diego Bay marina basins are also impaired as a result of dissolved copper. High copper concentrations are not unique to San Diego Bay. Indeed, many other Southern

California marina basins, including Mission Bay, Dana Point Harbor, Huntington Harbor, Newport Bay, and Marina Del Rey, have similar issues. Moreover, a 2009 study by the DPR identified high levels of copper in marinas across the state.

The Port, our Shelter Island tenants, and Regional Board staff have made progress in implementing activities that, to date, have reduced the copper load in Shelter Island Yacht Basin. Through a robust effort to track vessel paints, the 319(h) hull paint conversion grant, and the implementation of in-water hull-cleaning regulations, the Port and the other TMDL parties have been able to meet the first interim compliance target (10% reduction) and make progress towards the next interim compliance target (40% reduction).

Further, as part of its multi-faceted effort to reduce copper concentrations, the Port sponsored AB 425, which was signed by Governor Brown in October 2013. As you know, AB 425 directed the DPR to reevaluate hull paints and establish leach rates and mitigation measures that protect aquatic environments from the effects of copper paints. The DPR completed its report in February 2014, identifying new leach rates for copper paints along with several mitigation measures. The modeling indicates that use of the new leach rates will significantly reduce copper in the water.

Because there is a regional benefit resulting from the legislation, the Port believes that incorporating the findings from AB 425 and DPR into future assessments of copper impairments should be a high priority during this Basin Plan review process. The Port would like to work with the Regional Board to pursue an implementation pathway supported by the new copper paint leach rates, which could play a significant role in further reducing copper in the Bay and other regional water bodies.

2. Potential Regional Application of Site Specific Water Quality Objectives

Port Request: Consider developing a model approach for developing site specific water quality objectives, potentially in conjunction with Preliminary Issue 2, the Chollas Creek Metals Site Specific Water Effects Ratio.

The Port strongly encourages the Regional Board to consider developing a local process for incorporating site specific objectives into the San Diego Basin Plan. Having regional acceptance of a process to use site specific water quality objectives (that still demonstrate protection of beneficial uses) would enable stakeholders and the Regional Board to apply resources effectively to water quality problems. The Port understands that site specific water quality objectives have been successfully used in other regions such as those completed in the San Francisco region, and that there is a generally accepted process for developing a Water Effects Ratio (WER).

However, the San Diego region has not frequently utilized this process. Site specific efforts such as the Chollas Creek WER have been hampered by a prolonged data

analysis, revisions to the data assessment, and limited staff resources assigned to this project which have delayed the implementation of the WER.

It is our belief that the regional application of site specific water quality objectives could be improved by having a clear process to follow from the onset. A model approach could include elements such as a general timeline of key project deliverables and their estimated duration (from project initiation to Basin Plan adoption), an outline of potential issues that must be considered when developing site specific water quality objectives, general acceptance of a scientifically defensible monitoring approach that can be consistently applied at sites, and the level of public input required. If a model approach is developed, stakeholders could use the model to obtain the upfront commitment on resources, and public input prior to taking on the resource-intensive studies. In addition, having such a process would help both stakeholders and the Regional Board commit resources at the start so that the effort is not delayed. The Port respectfully requests that you consider developing a model approach and do it in conjunction with Preliminary Issue 2, the Chollas Creek Metals Site Specific Water Effects Ratio.

3. Water Effects Ratio for Chollas Creek

Port Request: Assess the potential downstream impacts that may occur as a result of the Chollas Creek Metals Site Specific WER as part of the WER's approval.

The Port is supportive of using approaches that consider site specific water quality objectives which are protective of water quality and mindful of resources. However, while we support such efforts as the WER in Chollas Creek, we caution that the studies to support site specific water quality objectives need to ensure that there are no unintended impacts to downstream waters.

The mouth of Chollas Creek is currently impaired for sediment toxicity and benthic community impacts. While metals were not the primary pollutants linked to the toxicity at the creek mouth, elevated levels of metals were present in past sampling efforts. Additionally, multiple sediment remediation projects are ongoing adjacent to Chollas Creek to remove sediment contaminated with metals and other pollutants. Therefore, it is important to ensure that modifications to upstream water quality objectives and the resulting increased metals loading will not impact downstream receiving waters and the remediated sites. Also, it is important that the Regional Board take this into consideration when reviewing the Chollas Creek WER.

Moreover, the Port strongly encourages that an assessment of downstream impacts become one of the conditions identified in the "model approach for considering site specific water quality objectives" recommended as part of Comment 2, above.

4. Methodology for quantifying exceedances for REC-1 water quality objectives

Port Request: The Port supports the Regional Board staff recommendation for improving the methodology for quantifying exceedances of REC-1 water quality objectives.

One of the Port's watershed priorities is reducing bacteria-related water quality problems. As such, the Port is pleased to see that one of your staff's preliminary issues (as identified in the public notice materials) is focused on that topic. The use and selection of appropriate pathogen indicators is needed to fully assess the condition of our beaches and receiving waters. Furthermore, scientific advancements in pathogen research are helping to understand the public health impacts associated with bacteria and pathogens. Aligning the water quality objectives and TMDL compliance targets with the new research is a critical step towards ensuring that waters that are healthy and proper monitoring programs are in place to inform the public about beach conditions. Understanding how to meet (or demonstrate progress toward meeting) the water quality objectives or quantify bacteria exceedances is important when allocating resources towards bacteria TMDLs, monitoring programs and implementation activities. The Port fully supports this issue and looks forward to working with your staff on this item.

The Port extends our appreciation to the Regional Board for the opportunity to participate in the triennial review process. Furthermore, we greatly appreciate your ongoing commitment to have these updates initiated on time, and with an open and transparent public process. In doing so, we can align resources where they provide the most benefit to the San Diego region.

Please contact Karen Holman at (619) 725-6073 or kholman@portofsandiego.org if you have any questions or concerns about the information provided herein.

Sincerely,



Jason H. Giffen, Director
Environmental & Land Use Management Department