

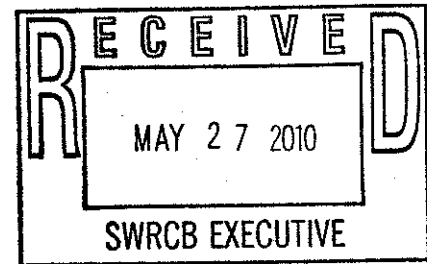


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May 27, 2010

SENT VIA EMAIL

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Subject: Comment Letter—2010 Integrated Report/Section 303(d) List

Dear Ms. Townsend:

The Port of San Diego (Port) appreciates the opportunity to provide comments on the proposed 2010 305(b) and 303(d) Integrated Report (2010 Integrated Report). The 303(d) List of Water Quality Limited Segments is used by the Port and cooperating agencies to assist in prioritizing jurisdictional, watershed, and regional programs and activities. Therefore, the accuracy of the findings established within the 2010 Integrated Report are of the utmost importance. The Port respectfully requests that the State Water Resources Control Board (SWRCB) consider the following comments with regards to locations in or around San Diego Bay.

1. Minor Corrections to Listing Dates in Category 5 Table

During our review of the 2010 Integrated Report, the Port identified several shoreline segments within the Category 5 table that contained incorrect listing dates. Many shoreline segments listed for Copper incorrectly identified dates from the early 1990's as the dates these sites were first placed on the 303(d) List. The data used to list these segments was collected during 2004 and the fact sheets associated with each listing correctly show 2006 as the dates these were first included on the 303(d) List.

The Category 5 table also has an incorrect listing date for the San Diego Bay PCB impairment. The Category 5 table shows the original listing to be 2002, whereas the actual date that San Diego Bay was placed on the 303(d) List for PCBs was 2006.

The table below identifies those shoreline segments and the corrections necessary for the aforementioned listings. The Port requests that the Category 5 Table be revised to show the correct listing information.

| San Diego Bay Shoreline Segments | Impairment | Incorrect Listing Dates (as Currently Presented in Category 5 Table) | Corrected Listing Date |
|----------------------------------|------------|--|------------------------|
| Chula Vista Marina | Copper | 1992 | 2006 |
| Americas Cup Harbor | Copper | 1996 | 2006 |
| Coronado Cays | Copper | 1992 | 2006 |
| Glorietta Bay | Copper | 1992 | 2006 |
| Harbor Island East Basin | Copper | 1992 | 2006 |
| Harbor Island West Basin | Copper | 1992 | 2006 |
| Marriott Marina | Copper | 1992 | 2006 |
| San Diego Bay | PCBs | 2002 | 2006 |

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2. Minor Corrections to Line of Evidence (LOE) ID# 30920

Line of Evidence ID 30920 of Decision ID 17927 for San Diego Bay Shoreline, G Street Pier indicates a beneficial use of 'Water Contact Recreation' and a corresponding water quality objective of 70 organisms per 100 milliliters of water, which is inaccurate. Line of Evidence ID 30920 likely pertains to the Shellfish Harvesting Beneficial Use, rather than Water Contact Recreation. The Port would like this LOE sheet to be modified so that the identified Beneficial Use corresponds to the correct Water Quality Objective in the Final 2010 Integrated Report.

3. Revise PCB Listings for San Diego Bay

During the 2008 303(d) List comment period (Fall 2009), the Port submitted the following comment regarding the PCB listing for San Diego Bay to the San Diego Regional Water Quality Control Board (SDRWQCB):

San Diego Bay, in its entirety, was placed on the 303(d) List of Water Quality Limited Segments for Polychlorinated biphenyls (PCBs) during 2006. Historically, PCBs were discharged to San Diego Bay through wastewater discharges, vessel coatings, and non-point sources. These discharges have been drastically reduced throughout the past 35 years, although PCBs remain as a legacy pollutant within the bay. From a management perspective, the Port believes that the proper delineation of PCBs in San Diego Bay is a critical step to eliminating PCB contamination. Identifying PCB contamination by bay segments would better define responsible parties, identify clean-up actions needed and result in more effective TMDL modeling and load allocations. Furthermore, the Listing Policy (Section 6.1.5.4) supports the use of segmentation. The Port recommends that the PCB listing for the entire San Diego Bay be removed and replaced with segmented listings that are specific to bay segments where PCB contamination from collected samples (fish or sediment) are known to exist.

The SDRWQCB recorded their responses to the comment as ID #s 500 and 505 in Appendix L of the 2010 Integrated Report for the San Diego Region. The SDRWQCB indicated in response ID# 500, the following:

"The San Diego Bay PCB listing is a priority of the U.S. EPA, who ascertained that the Bay should be listed in it's entirety due to the prevalence of PCBs throughout the Bay, and the mobility of fish and wildlife who use the bay's resources which are impacted by PCBs."

The SDRWQCB followed this by stating in response ID# 505:

"The Regional Board has several TMDLs or listings on the 303(d) List identified by areas of shoreline or creek mouths of San Diego Bay for TMDLs rather than the entire Bay. The Regional Board does agree that in many

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cases, selecting segments or hot spot areas within the Bay is often a good approach to addressing pollution loading to a waterbody."

The Port concurs with the SDRWQCB's response #505 and supports Listing Policy Section 6.1.5.4 which indicates that data should be aggregated by water body segments. While PCB's have been detected within fish tissue and we acknowledge that fish are mobile species, the Port contends that the source of contamination is a result of legacy pollutants within bay sediments. As a result, the Port believes that management efforts would be best directed at the identification and remediation of bay segments where PCBs are known to exist and where fish are most likely to be ingesting contaminated sediments. Segmentation would more clearly identify responsible parties, effectively target the source of PCB contamination, and clarify actions needed to clean-up PCB contamination, thereby removing both the sediment impacts and the fish tissue impairment as well.

The Port respectfully requests that the SWRCB 1) remove the listing of the bay in its entirety, and 2) modify the PCB listings for San Diego Bay to include multiple lines of evidence showing both fish tissue and sediment impairments by specific San Diego Bay segments.

4. Reevaluate the Shellfish Harvesting Beneficial Use Designations

In general, the Port supports the modifications and clarifications made to the proposed 2010 Integrated Report for the majority of the San Diego Bay bacteria listings. There remains concern, however, that there are many shoreline segments within San Diego Bay listed for total coliform exceedances of the water quality objective for shellfish harvesting (SHELL) (70 organisms per 100 milliliters of water). Many of the segments found along San Diego Bay are small beaches used for recreational contact or are piers/berths for commercial marine vessels and cruise ships. As such, a SHELL beneficial use may be inappropriate for these segments.

The Port firmly believes in directing management efforts to address water quality impairments that impact the Water Quality Control Plan for the San Diego Basin (Basin Plan) designated beneficial uses and to work effectively to restore those areas to the uses in which they were intended. Total coliform itself has many components originating from natural sources (birds, re-growth, decaying organic matter, etc). Compliance with the current SHELL standard will be extremely difficult if the natural sources of bacteria remain a large portion of the problem. Therefore, it is important from a management perspective that waterbodies' beneficial uses must have been thoroughly researched and an evaluation made to their appropriateness prior to inclusion into the Basin Plan. The Port is concerned that many of the SHELL beneficial use designations included in the original Basin Plan document were applied very generally, and their inclusion had minimal scientific support or validation as to whether the use existed or had the potential to exist.

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For these reasons, the Port strongly supports a reevaluation of the shellfish harvesting beneficial use designation and encourages the SWRCB to do so in a manner that appropriately reflects the SHELL beneficial use, the waterbodies or segments it is applied to, and the water quality objective(s) that are necessary to protect such a use. In this manner, agencies can properly direct management efforts to restore those waterbodies to their intended use.

The Port wishes to extend its thanks to the SWRCB for providing the opportunity to comment on the proposed 2010 Integrated Report. The Port will provide additional clarification at your request. If you have any questions or concerns, please contact Karen Holman of the Environmental Services Department at (619) 725-6073 or kholman@portofsandiego.org.

Sincerely,



David Merk, Director
Environmental Services Department

DM:KH;jh
Attachment
File: 2008 303(d)
Docs #422396