

## California Regional Water Quality Control Board, San Diego Region

May 5, 2016

Via Email Only

Mr. Richard Boon, Chief  
Orange County Stormwater Program  
OC Public Works  
2301 N. Glassell Street  
Orange, CA 92865-2773

**In reply refer to/attn:**  
**Place ID:794813:ERyan**

### **Subject: Comments on Draft South Orange County (San Juan Hydrologic Unit) Water Quality Improvement Plan – Provision B.2 Priority Water Quality Conditions and Proposed Strategies**

Dear Mr. Boon:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) appreciates the opportunity to comment on the draft priority conditions and potential strategies of the South Orange County (San Juan Hydrologic Unit) Water Quality Improvement Plan (Plan). The draft Plan, Sections 1 and 2, were submitted on April 1, 2016, pursuant to provisions B.2 and F.1, of Order No.R9-2013-0001, as amended (Order). Provision B.2 of the Order requires Copermittees to assess receiving water conditions and impacts from MS4<sup>1</sup> discharges. In addition, provision F.1 of the Order also requires the Copermittees to consider recommendations and input from Consultation Panel and the public.

### **COMMENTS**

The San Diego Water Board reviewed the draft Plan and submits the following comments to the Copermittees:

#### **Section 1 – Introduction**

##### **Section 1.1**

1. The draft Plan states that the “... *plan applies a watershed-scale perspective combined with a focus on system and function and the ways these are affected by the MS4...*” and “...*involves defining broader concepts of condition that more closely relate to **beneficial uses** ...*” (emphasis added). The San Diego Water Board agrees with the holistic approach of the draft Plan and the approach in assessing the conditions and impacts to

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<sup>1</sup>Municipal Separate Storm Sewer System (MS4), as defined in attachment C, Order R9 2013-0001, as amended

receiving waters in the watershed. However, it is not clear if the draft Plan is relying on the definitions of “MS4” and “beneficial uses<sup>2</sup>” from the Order, or if the draft Plan is relying on a revised version of these definitions in the data assessment, CCME<sup>3</sup> indices and mapping. Because the approach taken in the draft Plan relies on these terms as the basis of the draft proposed Priority Water Quality Conditions (PWQCs) and potential strategies, the draft Plan should include in this section the definition of “MS4” and “beneficial uses” from the Order.

2. The draft Plan should provide a brief explanation clarifying what the terms “MS4” and “beneficial uses” would include with regards to the data sets assessed for the draft Plan.

## Section 1.2

3. The draft Plan provides an explanation of “catchment boundaries” and “extent of catchments with MS4 infrastructure.” Figure A-1 provides a map legend identifying “MS4 Catchments.” It is not clear in this discussion what these terms mean and how the areas on the maps were determined. The draft Plan should clarify what these terms mean.
4. The Draft Plan states that Figure A-2 contains data points that are from “...*differing points in time.*” It is not clear what time frame is being referenced to establish natural stream conditions. This also appears to be inconsistent with statements made in the draft Plan made further on (section 2.1) that the data used for establishing the PWQCs are from 2010 forward. 10. The draft Plan should clarify the extent of the data time frame that was used.
5. Figure A-3: The draft Plan should explain the difference between the three channel types and provide a brief description of the criteria or method for assessment. The draft Plan data assessment relies on these designations and the MS4 catchment area as part of the rationale for the draft priority conditions. The discussion identifies only two channel types, however, Figure A-3 identifies three types.
6. Section 1.2.2: The draft Plan should clarify where and how the limit of urbanization is defined to clarify the rationale for selecting the non-priority water quality conditions.

## Section 2 – Priority Water Quality Conditions

### Section 2.1

7. The draft Plan should clarify why some data groups prior to 2010 were used in the condition assessment since data prior to 2010 is included on Figure A-1.

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<sup>2</sup> Beneficial Uses, as defined in attachment C, Order R9 2013-0001, as amended

<sup>3</sup> CCME – Canadian Council of Ministers of the Environment

8. The draft Plan should include a more robust discussion on the rationale describing why the pre-2010 data was not used in the prioritization assessment. It is not clear how “...*diminishing problems associated with confounding* ...” is the basis for only using post-2010 data. Historic trends are key indicators to the natural state of streams and can provide collaboration with the selection of the priorities based on current (post-2010) data sets. It would be helpful to know what the historic trends generally were in the watershed from the pre-2010 data set. In addition, not all data sets post-2010 capture information in the watershed that is present in the pre-2010 data sets which may also be reflective of current conditions. The identification PWQCs should consider known historical versus current water quality conditions<sup>4</sup>.
9. The draft Plan should clarify how “non-MS4” catchments are defined and used with the limits of propagation (LOP) since this rationale is used to identify areas that are considered non-PWQCs.
10. The draft Plan should provide an explanation on how the newly developed California Stream Condition Index (CSCI) will be used for future watershed assessments and if the CCSI would result in similar conclusions when compared to the IBI data sets used to inform the draft Plan.
11. The draft Plan should provide an explanation on what is meant by a “...*significant transition from MS4 to non-MS4...*” land uses.
12. The draft Plan should clarify what is meant by “non-MS4” land uses.
13. The draft Plan should provide an explanation on why the LOP do not result in stream systems artificially being eliminated from the PWQC process if there are historical data pre-2010 or other indications of stressors. The draft Plan should also clarify whether or not stream systems outside of the LOP are impaired or if they have not yet been assessed.
14. Figure A-9: It is not clear what the term “un-engineered” stream reach means and the rationale used for this term in the LOP. The draft Plan should provide a more robust explanation on the rationale for this category of non-PWQCs.
15. Figure A-11: It is not clear how the assessment of trash was characterized and how the three categories of assessment are defined. The draft Plan should clarify why trash is “not present” in MS4 catchment areas since this is counter-intuitive to trash issues in urbanized areas.
16. Table 1:
  - Are the non-PWQCs based on post-2010 data only? The draft Plan should clarify whether or not the pre-2010 data corroborates with the assessments in this table.

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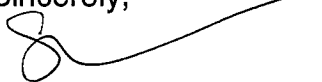
<sup>4</sup> section B.2.a (5), R9 2013-0001, as amended

- The draft Plan should clarify the rationale used for a “lack of on-going exceedances”. It is not clear how “reasonably good conformance with water quality objectives” is used to identify the non-priority designation.
  - The draft Plan should clarify what constitutes a “very low intensity of a specific beneficial use”. It is not clear how this designation supports the selected rationale for a non-priority water quality condition. The draft Plan should also clarify how this condition impacts the beneficial use.
  - The draft Plan should provide a description of which stream reaches in the watershed have been designated with a low intensity beneficial use. All stream reaches have been designated with beneficial uses regardless of the channel structure.
  - The draft Plan should provide a rationale on how the intensity of a designated beneficial use is defined. This appears inconsistent with a statement made later in the draft Plan that “...*contact recreation is not considered to have a significant intensity of beneficial use...*”
  - The draft Plan should clarify the term “unattainable beneficial use.” It is not clear how this rationale supports the selected non-priority water quality designation. In addition, the draft Plan should clarify how the beneficial use is not attainable. It is technically feasible to modify these types of drainage facilities to support attainment of the designated beneficial uses for the stream reaches.
  - The draft Plan should clarify what categories of sources are not controllable by the MS4.
  - The draft Plan should clarify or describe the categories of data gaps that exist.
17. The San Diego Water Board agrees with the Copermittees’ approach to defining the high priority water quality conditions by splitting the watershed into coastal beaches and inland streams. The draft Plan should clarify the criteria and areas that the Copermittees will use to prioritize efforts for HPWQC beaches and streams.
18. Figure A-13: The red areas on the map correlate to the legend identifying these areas as coastal marsh. This designation seems inconsistent with the inland location of these areas. The draft Plan should confirm this is the correct map designation.
19. Figure A-16: The legend indicates “surf spots”. It is not clear how this designation is a high value area or how it is related to the high intensity beneficial use discussion in section 2. Other recreational uses in the coastal areas can be classified as high intensity uses. The draft Plan should identify these areas as high intensity beneficial use areas, which may include activities other than solely surfing.

20. All Maps: The draft Plan should clarify that the watershed boundary identified on the maps and in the legend is not inclusive of all watershed areas in the Plan area. Some watersheds, particularly those that cross into either San Diego County or Camp Pendleton, do not appear to be included in the data assessment process. The draft Plan should clarify whether or not these areas were considered in the selection of the HPWQCs or the rationale for excluding these areas from the draft Plan.

The San Diego Water Board looks forward to working with the Copermittees and the Consultation Panel in developing a Water Quality Improvement Plan capable of restoring beneficial uses in the San Juan Creek watershed management area. If you have questions on the above items, please do not hesitate to contact me at [Erica.Ryan@waterboards.ca.gov](mailto:Erica.Ryan@waterboards.ca.gov) or 619-521-8051.

Sincerely,



Erica Ryan, CPSWQ  
Water Resource Control Engineer  
Storm Water Management Unit