

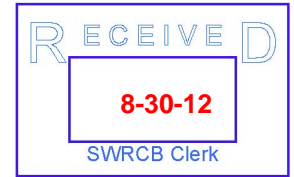
# CITY OF DANA POINT



DEPARTMENT OF PUBLIC WORKS

August 30, 2012

Submitted via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**Subject: Comment Letter: California Ocean SWQPA Amendments**

Dear Ms. Townsend:

The City of Dana Point appreciates the opportunity to comment on the proposed amendment of the Water Quality Control Plan for Ocean Waters of California, dated July 25, 2012, addressing implementation of State Water Board resolutions 2010-0057 and 2011-0013 designating State Water Quality Protection Areas ("SWQPS") to protect State Marine Protected Areas ("MPAs"). We support the need to address water quality objectives within MPAs, where appropriate, taking into account local considerations.

Please note that I was fortunate enough to attend the Board workshop on August 22, 2012 and provided public testimony regarding our concerns with the draft amendment. Please consider those comments as a part of our public record for this amendment. As you may recall, our biggest concern was with the very large storm drain outlet at Salt Creek, the extension of our proposed Headlands MPA to include Salt Creek, and our inability to meet the proposed standards at this location.

Subsequent to my public testimony I received a very nice call from Mr. Dominic Gregorio. He explained in some detail the storm water discharge implementation provisions for wet weather in paragraph E5(c)1 which I will investigate further. That said, in the limited amount of investigation that I have been able to do in two days uncovered one significant and easily remedied concern with sampling for this standard and which I think is consistent with our conversation. **Please define the E5(c)1 sampling location by reference to the existing EPA mixing zone standard per 40 CFR 125.121. Using the EPA standard will ensure consistent and uniform sampling results and provide the requisite compliance measure.**

We also further discussed my concern with the lack of natural source exclusion provisions within the amendment. He further indicated that Staff will be adding non-anthropogenic language into the amendment similar to what is included in the ASBS Special Protections Amendment. Subsequent to our conversation I looked up that language and believe it to be the following:

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"The following non-storm water discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, slope stability or occur naturally: ..."

(vi) Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff." [from ASBS Special Protections]

I would ask that this language be modified because in its current form it will not address natural source exclusion for virtually any storm drain outlet, particularly in urban settings. This is because virtually all storm drain outlets have some amount of co-mingling between anthropogenic and non-anthropogenic sources. In the case of Salt Creek we have both coastal bluff groundwater containing several natural contaminants mixed with residential anthropogenic contribution. **Please alter the language to accomodate natural source exclusion for proven non-anthropogenic sources. Suggest adding (vii) Natural non-anthropogenic contaminants.**

Since we have not received any responses to comments from our first letter, dated April 17, 2002 as of yet, and very few adjustments were made to the subsequesnt draft in response to our comments we must ask that these April 17 comments be retained in the public record as viable concerns. We also note that the inclusion of the E5(c)1 stormwater discharge implementation paragraph without accomodating the CWA MEP standard appears to be an unfunded mandate.

Thank you again for the opportunity to provide comments. Please contact me at (949) 337-0512 or [bfowler@danapoint.org](mailto:bfowler@danapoint.org) if you have questions.

Sincerely,



Brad Fowler  
Director of Public Works and Engineering Services

cc: Mary Anne Skorpanich, County of Orange  
BJF/ga