CITY OF SAN DIEGO
MEMORANDUM

DATE: October 6, 2005

TO: Honorable Deputy Mayor and City Council

FROM: Richard Mendes, Deputy City Manager

SUBJECT: Stormwater Monitoring

On May 6, 2005, the City of San Diego received a Notice of Violation (NOV) from the San Diego Regional Water Quality Control Board, Region 9 (Regional Board) for failure to conduct required follow-up investigations of dry weather field screening results. The NOV requires that the City ensure that adequate corrective measures are implemented immediately to address these violations. The City provided an interim response to this NOV to the Regional Board on Friday, August 26, 2005. Funding of $1.1 million will be required to allow the Storm Water Pollution Prevention Division to hire as-needed consultant services to perform follow-up investigations as required by the Regional Board.

Additionally, there are three areas that may potentially cause significant costs/ fines should the City neglect to immediately address these issues. The areas and required amounts are as follows:

1. Chollas Creek TMDLs ($75,000)
   Approximately 1.4 miles of Chollas Creek within the City of San Diego has been designated as "impaired" pursuant to Section 303(d) of the Clean Water Act. Accordingly, the Regional Water Quality Control Board has established "Total Maximum Daily Loads" (TMDLs), the maximum concentrations of copper, zinc, and lead. While the City is attempting to modify the Regional Board's decision, additional water quality monitoring is needed to characterize sources of pollution in anticipation of the Regional Board issuing Waste Load Allocations to designate the level at which various entities can discharge these contaminants. Funding of $75,000 is requested to complete comprehensive water quality monitoring and review alternative best management practices.

2. Areas of Special Biological Significance ($75,000)
   The State of California Water Resources Control Board has recently begun to enforce a prohibition of storm water discharges into more than 30 "Areas of Special Biological Significance" (ASBS) along the California coast. The City of San Diego currently discharges storm water into ASBS 29, the San Diego/La Jolla Ecological Reserve, located off the coast of La Jolla Shores. The City has been ordered by the State Board to cease discharging storm water into the ASBS. Storm Water Division staff is pursuing an "exception" from the discharge prohibition. According to an August 18, 2005 letter from the State Board, the exception application is due in May, 2006 and must include:

a. Documentation of the effect of storm water on the ASBS (status and description of marine life, natural background of the ASBS, and a quantitative analysis of marine life near the discharge and at a reference location away from the discharge),

b. An assessment of all available historic data on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in the runoff and in the ambient marine water of the ASBS,

c. Characterization of the watershed areas in terms of land use, density, impervious surfaces, pesticide and herbicide application rates, existing pollution controls, compliance history, and

d. An analysis of the environmental impacts of alternatives to the discharge.

The $75,000 requested would pay for the required data collection and analyses.

3. Cleanup and Abatement Order ($250,000)
At its August 10, 2005 meeting, the San Diego Regional Water Quality Control Board approved moving forward to finalize Tentative Cleanup and Abatement Order No. R9-2005-0126: Cleanup of Marine Sediments in San Diego Bay adjacent to Shipyard Leaseholds. Regional Board staff was directed to present to the Board the Technical Report to support their tentative Cleanup and Abatement Order. The tentative order names the City of San Diego as one of eight parties potentially responsible for implementing the cleanup, which Regional Board staff estimates could cost $96,000,000. The City needs to hire an expert to evaluate the various studies that have led to the Board's order as well as the Regional Board's own yet-to-be-released technical report. The Storm Water Division needs to evaluate and present a convincing position regarding the City's liability in this matter in preparation for pre-hearing/hearing processes scheduled for later this year, and subsequently, issuance of the final order. The $250,000 requested would pay for expert consulting services to ensure that this issue is resolved with no more than fair liability for the City.

Richard Mendes