

## Mikhail Ogawa

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**From:** Gruber, Steve J <sjgruber@burnsmcd.com>  
**Sent:** Tuesday, November 11, 2014 10:19 AM  
**To:** Mikhail Ogawa  
**Subject:** FW: Carlsbad WQIP Consultation Panel Briefing

Mikhail,

Here are comments on the latest draft from me and Tory Walker. Please let me know if you have any questions and sorry for the delay in getting them in.

Thanks.

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1. The interim and final goals for the focus areas rely for the most part on a percent reduction in anthropogenic surface water runoff. Decreasing dry weather flows is a critical component of the strategies identified in the document and, if achieved, should have a dramatic, positive, impact on water quality. Given the reliance of the numeric goals on the percent reduction over time compared to baseline values, the WQIP should provide more information on the definition of baseline, the status of the data in achieving a baseline, and the approach that will be used to measure progress toward meeting the flow reduction goals (e.g., will there be a statistical comparison to baseline data for demonstrating effectiveness?). Establishing baselines can be difficult, particularly with the spatial and temporal variability in flows in urban drainages. We understand that many of these details may still need to be worked out, but without a clear idea on how progress will be defensibly quantified, we may not know if the goals are being met over time. Providing at least some information on how these critically important values will be established (rather than implying that the details will be figured out at a later date) would provide more credibility for the document.
2. Reducing anthropogenic surface water runoff will reduce the bacterial loads originating from the MS4, however, it should be acknowledged in the document that the concentration-based water quality standards for indicator bacteria still must be met. This is an important distinction because reducing dry weather runoff (i.e., flows) will not necessarily reduce bacterial concentrations. In fact, some studies have suggested that decreasing flow may actually increase bacterial concentrations in the MS4 and receiving waters. The exclusive reliance for the numeric goals on reducing anthropogenic surface water runoff appears to imply that water quality standards for indicator bacteria will be met, which may not be the case.
3. While the concept of focus areas (where initial efforts will likely yield greatest benefits) has merit, the creeks themselves should also be considered as "focus areas" (the entire lengths, including tributaries). These riparian systems are the receiving waters for the upland focus areas where strategies are being developed. Many opportunities for improving the water quality and overall health of these creeks have already been identified (e.g., in watershed management plans), and more can be identified, especially when Alternative Compliance options are given the import and weight they should be given. In-stream solutions may actually offer the most effective strategy for achieving lasting water quality; from small draws and roadside ditches, to ephemeral creeks, to perennial creeks, multiple benefits would accrue. As it is, this document does not include such solutions even though they are included in the permit.

The restoration/rehabilitation/creation of healthy stream systems has multiple benefits, as multiple functions are provided with properly engineered systems. As such, there are a number of funding mechanisms, incentive programs, etc. that should be considered, both existing and those that will be developed with Alternative Compliance. The multiple benefits also bring different sources of funding. While it is not within the scope of this document to identify these many and varied sources of funding, the document could be improved by giving this important strategy at least equal weight as the strategies put forth.

4. In line with the above, it is concerning that the goals and strategies of the WQIP, being developed solely for the HPWQCs (i.e., bacteria, eutrophic conditions) may inadvertently exclude many other practical solutions that may in fact have a greater overall benefit, but that are not perceived or understood as activities with direct benefits relative to the HPWQCs. This inevitably results in a much smaller toolbox than would otherwise be available. A comprehensive approach (or mindset) that fulfills the permit obligation to address HPWQCs, but also includes other practical solutions in the receiving waters will in the end be far more successful in improving our regional water quality.
5. As bacteria has been identified as the sole HPWQC (with the exception of the Loma Alta Slough, which can have its own specific strategies), with fairly well known anthropogenic sources, it makes sense that a meaningful strategy would focus on changing behaviors that generate those sources (e.g., over-irrigation). Public education is a proven approach that is included in the document, but to date the strategy has not been nearly as successful as it could be, primarily because it has not been given the weight it deserves. This is not a critique of the document; in fact, the strategy is properly identified as “Enhanced Education Program.” However, to be successful, this approach must impact hearts and not just minds. A public education program for storm water that impacts society in a lasting way is achievable, but will need to be a much more prominent feature of the overall strategy to be successful in achieving the water quality goals of the WQIP.