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San Francisco Bay Regional Water Quality Control Board

ATTN:

Barbara Baginska
San Francisco Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Comments on Pillar Point Harbor and Venice Beach TMDL- October 13, 2020 Draft Staff Report

Dear Ms. O'Hara,

The San Francisco Bay Regional Water Quality Control Board (RWQCB) has developed a draft staff report for the Total Maximum Daily Load for Indicator Bacteria in Pillar Point Harbor and Venice Beach (Half Moon Bay) to address bacterial impairment.

The San Mateo Resource Conservation District (RCD) appreciates the opportunity to comment on the October 13, 2020 Draft Staff Report. We recognize that it can support the RCD's collaborative work with landowners in the contributing watersheds, and local, state, and federal partners to restore and enhance water quality. We would like to acknowledge the dedication and hard work that went into the development of this staff report. Notably, Barbara Baginska has been a transparent and communicative project partner throughout the process. Her work in collating previously collected data and summarizing findings is tremendous. This is a large undertaking and it has not gone unnoticed. We look forward to continuing to work with the Regional Board.

Considering our role in the watershed, our comments focus on ensuring that the TMDL leads to implementation of effective projects that target data-supported sources of bacteria to Pillar Point Harbor and Venice Beach. The staff report does a great job of outlining findings from previously collected data and reports but does not, in all cases, adequately reflect those findings when prioritizing potential bacterial sources or in recommending implementation actions. The RCD has been working to understand and improve water quality in Pillar Point Harbor for around 15 years. We have a high level of expertise on the Harbor and its contributing watersheds and thus comments will focus on PPH rather than on Venice Beach.

In June 2020, we presented to the Harbor District a summary of our understanding of bacterial pollution at the Harbor based on existing scientific data and presented next steps for reducing bacterial loads to the Harbor. As described in previous RCD reports and in the staff report, bacterial pollution in the Harbor primarily comes from upland sources.

Chronic vs. Intermittent and Potential Sources of Bacteria

In the June 2020 presentation we separated bacterial sources into four categories: [1] not likely to be chronic sources of bacteria; [2] likely chronic sources that cannot be controlled; [3] likely chronic sources that have begun to be controlled; and [4] sources that need additional investigation. This categorization system facilitates prioritization of sources based on incidence (i.e. chronic vs intermittent) and allows for prioritization of sources based on scientific evidence that target where bacteria IS, rather that where it might be.

Chronic sources of bacteria are those that are likely to consistently contribute to the bacterial issue and are likely to have the biggest impact on bacterial water quality. Based on previous RCD reports that were summarized in the staff report, we consider the following sources as non-chronic: boats in the inner harbor, the outer harbor, dogs on beaches, homeless encampments, RV dumping, and sanitary sewer overflows.

The staff report only refers to chronic sources once, on page 4-7, in regard to human associated bacteria from “chronic minor leakage of sewer lines” and intermittent SSO incidents as sources of human associated bacterial contamination but the same rationale is not used when prioritizing other potential sources of bacteria.

Overall, the staff report does not make adequate distinction between chronic and intermittent sources of bacteria. Prioritization of potential sources of bacteria should consider the episodic or chronic nature of the source contamination. Ignoring the distinction between intermittent and chronic sources may at times run the risk of directing funds and efforts to reduce potential and intermittent sources of bacteria rather than addressing data-supported chronic sources that have been demonstrated to be most harmful to water quality. We are not advocating that the Regional Board ignore potential sources that may cause intermittent increases in bacterial concentrations but instead suggesting that priorities be made based on chronic bacterial sources and factor in previous findings.

Mismatches between source analysis and prioritization in Pillar Point Harbor

The source analysis for Pillar Point Harbor does not support prioritization of boats in the harbor as a chronic source. Although multiple prioritization criteria (identified on page 4-2) are taken into consideration, fundamentally the regulations in the TMDL should be based on science. As noted in the staff report, boats in the inner-harbor have been shown *not* to be a source of chronic bacterial pollution at the beaches in Pillar Point Harbor yet live-aboard boats are prioritized as “High” in terms of Relative Load Ranking”. Furthermore, finding from UC Davis in the 2014 SID demonstrate that live-aboard boats *cannot* be a source of fecal pollution at

Capistrano Beach. Although the corresponding implementation actions for the Harbor District (i.e. boosting "no dumping" education efforts to vessel owners) is generally a good practice, it does not reflect findings for how to mitigate the problems addressed in the TMDL.

The staff report uses the following rationale to support prioritization of boats: "given the high rate of exceedances of bacteria water quality objectives observed even during dry weather, and the level of recreational and commercial boat traffic, the harbor with its activities is a likely significant source of bacterial contamination". Again, data has not shown boats to be a source of chronic pollution nor has data shown elevated bacteria in the inner or outer harbor. Indeed, the surveys about boat discharges referenced on page 4-7 would be considered relevant if we had no data from the inner and outer harbor at PPH, but we do; data from the RCD monitoring report was summarized in the staff report and the Regional Board drew the same overall conclusions (page 2-16).

This TMDL is in response to elevated bacteria at the beaches not in the outer or inner harbor. Data does not support the assertion that boats are a primary source of dry season bacterial exceedances of the water quality objectives.

Jurisdictional Boundaries of Implementing Entities

Figure 1-1 "Location of Pillar Point Harbor and Venice Beach" on page 1-2 shows the combined catchments draining to Pillar Point Harbor and Venice Beach but does not show subdrainages or separate jurisdictions among the implementing parties. Figure 2-7 "Project Area Location and Surroundings" on page 2-7 shows the sub drainages/watersheds discharging to Pillar Point Harbor and Venice Beach but does not show jurisdictional boundaries of the implementing parties. This report would benefit from an additional map showing jurisdictional boundaries of each entity that discharge indicator bacteria or have jurisdiction over such discharges. As currently presented the staff report lacks clarity in terms of the jurisdiction of implementing parties. For example, Harbor District jurisdiction extends only to the high-water mark, beyond which jurisdiction belongs to the County of San Mateo; this is not clearly reflected in the staff report.

Consideration of Previous Efforts

Staff report states that "work completed in the past five years and ongoing efforts to implement actions to reduce bacteria loads into beaches will be considered as progress toward attaining the TMDL". Please specify the date upon which this will be honored. As currently stated, it is unclear when this five-year timeline will begin.

Furthermore, some implementing actions include language reflecting the above statement while others do not. For example, Table 7-4 "Phase 1 Implementation Actions and Schedule for Vessels and Amenities in Pillar Point Harbor" states "Begin or Enhance 'no dumping' education efforts to vessel owners". The wording of this statement makes it clear that previous and continued efforts will be considered while for other actions this is not clear. All implementing

actions should include language such as “begin or enhance” that clearly state that previous and ongoing efforts to monitor and control potential sources of bacteria will be considered by the Board.

Redundant and misplaced emphasis of implementation actions for PPH

Overall, the draft TMDL implementation actions for PPH are targeted to the harbor, yet water quality data and studies show that the primary sources of the bacterial exceedances are not from the harbor itself, but rather from upland sources. As written the TMDL’s emphasis on the harbor itself for implementation actions will likely direct limited funds to costly, yet much less effective measures. We have laid out specific concerns to PPH implementation actions in the following discussion.

Row 2 in Table 7 -4 “Implementation Actions and Schedule for vessels and Amenities in PPH” states that “within six months of the effective date of the TMDL” the Harbor District must “submit a plan and implementation schedule listing steps to”: “1) Evaluate effectiveness and proper performance of sewage collection systems (sewage dump stations, sewage pumpout stations, sewer lines, etc.) for the harbor marina and harbor amenities; 2) Inspect sewer and stormwater laterals and all other components connecting facilities at PPH to the sanitary sewer system; 3) prioritize sewer system repairs and public restrooms repairs in the harbor; and 4) Establish and implement a protocol to enhance efforts to identify and correct illicit sewage dumping from boats in inner and outer harbor”.

Has data shown sewage dump stations, sewage pumpout stations, or sewer lines on HD property to be sources of bacteria to the harbor? The RCD’s dye tests have yet to identify issues in the sewer system at the harbor. Furthermore, although sample size is small, MST from stormwater outfalls at the harbor have yielded very few identifications of the human marker. So, why are these targeted in implementation actions?

Furthermore, the implementation actions call for redundant evaluations and studies. Implementation Action 2 requires “inspection of sewer and stormwater laterals and other components connecting facilities at PPH to the sanitary sewer system”. The Harbor District and RCD have already taken these steps. In 2018, we conducted a CCTV inspection of the stormwater lines on Harbor District property and directed repairs and replacements when appropriate. We identified a large deposit of fats, oils, and grease, which was removed in the summer of 2020. Furthermore, we dye tested parts of the sewer line at PPH in 2017 and found no intrusion to the stormwater line and very few hits for Human MST have been found at the Harbor. Though the sample size for the MST analysis was small, the findings of these evaluations show that sewer line intrusions are highly unlikely to be a source. As such, why mandate actions targeting study and actions for sewer and stormwater laterals that have shown to be insignificant?

Implementation Action 4 requires the establishment and implementation of “a protocol to enhance efforts to identify and correct illicit sewage dumping from boats in inner and outer

harbor. As previously discussed, water quality data indicates that this is not a chronic source of bacteria and thus requires minimal correction. Obviously, there must be occasional illicit discharges from boats, and increased the outreach and identification of discharges do not pose a serious expenditure but again, this does not target a proven contribution to the chronic bacterial problem at the beaches in Pillar Point Harbor. Furthermore, Harbor District routinely dye tests live-aboard boats—has the Regional Board pursued the results of these dye tests?

In summary, implementation actions at the Harbor should be based on scientific evidence from the Harbor rather than based on the potential presence of intermittent pollution sources in the Harbor.

The RCD is committed to continuing our work in collaboration with the RWQCB and other public and private partners to improve watershed and ecological health. We hope that with incorporation of this feedback as well as that of partners in the watershed, this TMDL can facilitate bacterial waste load reductions and improve water quality in Pillar Point Harbor and Venice Beach.

Sincerely,

Kellyx Nelson
Executive Director