



August 12, 2016

VIA EMAIL TO: [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov)

Ms. Xueyuan (Helen) Yu  
San Diego Regional Water Quality Control Board  
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**Subject:** City of Laguna Beach Comments on CWA Section 305(b)/303(d) Integrated Report

To Ms. Xueyuan Yu:

The City of Laguna Beach (City) appreciates the opportunity to provide comments on the Draft 2014 Clean Water Act Section 303(d)/305(b) Integrated Report and 303(d) List for San Diego Region. The City supports comments submitted by the County of Orange and would like to take this opportunity to further elaborate on some specific concerns with the 2014 303(d) listing decisions.

It appears as if the Regional Water Board did not include all the available data as required by the Listing Policy, which states, "In developing the list, the State shall evaluate all existing readily available water quality-related data and information." All available data should be considered to ensure the 303(d) list reflects the current condition of our receiving waters. As stated in the Draft Integrated Report, a "significant amount of (available) data collected between August 2010 and July 2016" was not included in the analysis since only the data submitted as part of the 2010 solicitation was evaluated as part of this listing cycle.

The City requests that Board staff provide more details on the Regional Water Board's process to trigger an off cycle review and hopes that the process will be scheduled in a timely manner. The City has concerns that the 2014 listings are not representative of current conditions. Additionally, the inclusion of receiving water data collected between August 2010 and July 2016 could result in different listing decisions had the Board considered all available information.

In addition to the evaluation of data that is neither current nor relevant to existing conditions, the City would like to assert the position that it is premature and not appropriate to apply the State Board's biological guidelines to the current evaluation of possible impaired waters listings until these guidelines have been evaluated and adopted. The City has been advised that the State Water Board is in the process of developing guidelines for the use of biological information in the assessment of aquatic life uses, however these guidelines have neither been reviewed nor

adopted by the State Board. The City disagrees with the inclusion of a generalized statement that pollutant exceedances of water quality objectives contribute to degraded benthic communities. Our review suggests the lines of evidence need to be reconsidered. We provide the following concerns:

- Mercury has not been established as a stressor to benthic communities in Laguna Canyon Channel. The administrative record only lists one (1) dissolved mercury result for Laguna Canyon Channel at a concentration below the evaluation threshold, whereas the Fact Sheets indicates 23 exceedances in 23 samples. The discrepancies in the Fact Sheet and data files in the administrative record need to be reevaluated.
- Neither the presence of toxicity in ambient waters, nor exceedances of toxicity thresholds have been linked through monitoring studies to degraded stream benthic communities. This relationship has been reiterated several times in southern California regional studies including the Southern California Stormwater Monitoring Coalitions' Regional Watershed Monitoring Program in which the Regional Board is a participating member.

The City requests that any listings which have relied upon guidance not yet adopted by the State Board be removed until the biological objectives are finalized and San Diego specific reference conditions are better reflected in the assessment.

In addition to the above concerns, below is a summary of specific objections to 303(d) listing decisions:

- The Board's decision to include ***Pacific Ocean Shoreline, Laguna Beach HSA, at Broadway Creek*** is creating unnecessary replication of existing regulatory requirements. The City's beach, locally referred to as Main Beach, has existing 303(d) listings for the following two beach segments:
  - Pacific Ocean Shoreline, Laguna Beach HSA, at Main Beach (Do Not Delist)
  - Pacific Ocean Shoreline, Laguna Beach HSA, at Laguna Hotel (Delisted)

The beach segment ***Pacific Ocean Shoreline, Laguna Beach HSA, at Broadway Creek*** represents a section of beach geographically located between the above two 303d listed segments.

Both of the Pacific Ocean Shoreline segments listed in the above bullet points are also currently included in the revised Beaches and Creek Indicator Bacteria Total Maximum Daily Load Program per Attachment E.6 of the MS4 Permit. The City is developing a coordinated implementation approach under the Water Quality Improvement Plan to manage the two listed beach segments.

- The Laguna Canyon Channel Indicator Bacteria listing includes Total Coliform exceedances based on application of draft California Department of Public Health (CDPH) monitoring guidance for freshwater beaches. Laguna Canyon Channel has not been posted for health advisory warnings by CDPH for elevated Total Coliforms. The

fulfilled the listing policy requirements for the minimum exceedance count to place Laguna Canyon Channel on the 303(d) List.

It is the City's position that the Phosphorus and Nitrogen listings are premature and it is not appropriate to apply potential biological guidelines to the current evaluation of possible impaired waters. The City maintains that any listing decision should be deferred until such time that the State develops biological criteria using the nutrient numeric endpoint approach.

It is premature and not appropriate to apply these potential biological guidelines to the current evaluation of possible impaired waters listings. Thank you for providing an opportunity to comment on the 2014 Clean Water Act Section 305(b)/303(d) Integrated Report. If you have questions regarding these comments, please contact Mary Vondrak, City of Laguna Beach, Senior Water Quality Analyst at (949) 497-0781.

Respectfully,



David Shissler, P.E.  
Director of Water Quality