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# CITY OF ORANGE

## PUBLIC WORKS DEPARTMENT

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January 31, 2006

Selica Potter, Acting Clerk to the Board  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



303 (d) Deadline: 1/31/06

**RE: 2006 Proposed Revisions to the Clean Water Act (CWA) Section 303(d) List**

Dear Ms. Potter:

The City of Orange appreciates the opportunity to comment on the State's proposed 303(d) listing of impaired water bodies within Region 8. We commend the State for conducting an open and public process. We have reviewed the County of Orange's comments on the proposed listings and the City fully supports those comments. We would also like to reiterate some of those concerns regarding the proposed listing of Peters Canyon Channel for DDT and Toxaphene.

We do not agree that the water body should be listed based on one sample location and applying the results to the entire water body. Peters Canyon Channel flows for several miles and any proposed listing should be representative of the entire water body. Failure to include data that does not represent the entire water body misrepresents existing water quality and unnecessarily misapplies regulations.

We also are concerned that Commercial and Sport Fishing is the identified impaired beneficial use for Peters Canyon Channel. As noted in the County's comment, Commercial and Sport Fishing is not listed as a beneficial use for Peters Canyon Channel in the Water Quality Control Plan for Region 8. There cannot be an impairment for a beneficial use that does not exist. During most of the year the flows in Peters Canyon Channel consist mainly of nuisance urban runoff such as irrigation. It is unlikely that commercial fishing can exist in shallow water that is only a few inches deep. There are also portions in the upper part of the watershed where Peters Canyon Channel becomes an underground storm drain that does not lend itself to fishing at any time.

In addition, we are concerned that the most recent data is not being used. As noted in the Fact Sheet, the most recent data does not show any exceedances. The proposed listing relies on older data and may not be representative of the water quality as it exists now. Section 3.10 of the Listing Policy requires showing a trend in declining water quality. This is inconsistent with the latest sampling data.