



County of San Diego

DEPARTMENT OF PUBLIC WORKS

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RICHARD E. CROMPTON
ASSISTANT DIRECTOR

May 28, 2010

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Townsend:

COMMENT LETTER – 2010 INTEGRATED REPORT / SECTION 303(d) LIST

Thank you for the opportunity to comment on the Draft 2010 Section 305(b) and 303(d) Integrated Report for the State of California. Our comments are presented below:

1. Decision ID 5360 - Buena Creek, Nitrate and Nitrite

There is one Line of Evidence (LOE) available to support listing Buena Creek as impaired by nitrate and nitrite (Decision ID 5360, LOE 6542). Nitrate and nitrite are classified as conventional pollutants, not toxicants. Therefore, per Table 3.2 in the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy), a minimum of five samples are required to support listing. LOE 6542 consists of four of four samples exceeding the relevant water quality objectives. Since only four samples are available, and since nitrate and nitrite are conventional pollutants, Buena Creek should not be listed for these pollutants.

2. Decision ID 5280 - Agua Hedionda Creek, Manganese

There is one LOE available to support listing Agua Hedionda Creek as impaired by manganese (Decision ID 5360, LOE 3184). Two of four samples collected between March and September 2002 at one station in Agua Hedionda Creek (33.14887, -

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117.29758) exceeded the 0.05 mg/l Basin Plan water quality objective. According to the 2007 Surface Water Ambient Monitoring Program (SWAMP) report for the Carlsbad Watershed, these data were collected at Agua Hedionda Creek Station 6 (904CBAQH6). One of the four results in the SWAMP database is flagged as "Estimated; non-compliant with associated QAPP" and should be removed from the analysis. This non-compliant result was 0.051 mg/l, leaving only one of three valid results that exceeded the WQO. This is insufficient evidence to support listing.

The County of San Diego made this same comment during the San Diego Regional Water Quality Control Board's public comment process. The SDRWQCB responded as follows: "*The Regional Board staff agrees with this comment and recommends that the listing of Agua Hedionda Creek for impairment by manganese be removed from the 2008 303(d) List. Regional Board staff verified that one of the two Agua Hedionda Creek manganese exceeded samples was estimated data (collected September 18, 2002). This data point was removed from the assessment. Therefore only one of three samples exceeded the manganese criteria in Agua Hedionda Creek.*" (Comment ID: 319)

No additional information has been provided by the State Water Resources Control Board (SWRCB), yet Agua Hedionda Creek remains listed for manganese. Again, we request that it be removed from the list.

3. Decision ID: 16488 - Pacific Ocean Shoreline, Coronado HA, at Silver Strand, Enterococcus

SWRCB staff's review and conclusion for Decision ID 16488 can be summarized as follows: SWRCB staff conducted an evaluation of the San Diego region AB411 beach data, including data for the Pacific Ocean Shoreline, Coronado HA, at Silver Strand. SWRCB staff assessed dry weather data (April 1st to October 31st) for this beach and revised the recommendation to list based on section 3.3 and 4.3 of the Listing Policy. Five of 177 dry weather single samples exceeded the criteria, which does not exceed the allowable limit based on the application of a four percent exceedance threshold for AB 411 data as required by section 3.3 of the Listing Policy. Three of 26 geo-metric mean calculations exceeded the recreational use dry weather geometric mean criteria, and this exceeds the allowable limit in Table 4.2.

It appears that data from 2002 are from the San Diego Bay side of the Silver Strand, and, therefore, should not be used to support listing of the Pacific Ocean Shoreline, Coronado HA, at Silver Strand. Dry weather data from 2003 to 2007 consist of 114 data points from which 88 geometric means can be calculated. Out of the 88 geometric means, only two exceeded the 35 MPN/100ml standard, which represents only 2% of the samples. Therefore, neither the single sample maximum nor geometric mean LOEs support listing of this segment.

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4. Definition of Conventional Pollutants and Toxicants

Tables 3.1 and 3.2 from the Listing Policy are used inconsistently. The definitions of toxicants and conventional/other pollutants should be clearly established to ensure a consistent application of the Listing Policy throughout the State. Nitrogen, phosphorous, and sulfates are examples of pollutants for which Tables 3.1 and 3.2 are used inconsistently in Region 9.

5. Guidelines for Use of Photo Documentation

Clear guidelines should be developed for the use of photo-documentation evidence to support a listing. For example, photo documentation was the only LOE used to list the Tijuana River for sedimentation/siltation. Because a link to the data was not provided, the quality and quantity of photo documentation evidence could not be reviewed. Moreover, the requirement for analytical testing data such as total suspended solids in addition to photo documentation would appear to be appropriate in order to support a sedimentation/siltation listing. This same comment was made during the SDRWQCB's public comment period. The response received was "Comment noted."

Sincerely,



CID TESORO, LUEG Program Manager
Department of Public Works

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