

October 20, 2016

Mr. Jay Simi  
Water Resource Control Engineer  
California Water Quality Control Board  
Central Valley Division  
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*Delivered via email only to: Jay.Simi@waterboards.ca.gov*

**SUBJECT: CVCWA COMMENTS ON PROPOSED 303(D) LIST REVISIONS**

Dear Mr. Simi:

Attached you will find comments prepared on behalf of the Central Valley Clean Water Association (CVCWA) by its consultant Larry Walker Associates. CVCWA appreciates the opportunity to provide comments on the proposed revisions to the Clean Water Act Section 303(d) list of impaired water bodies (303(d) List) within the Draft 2014 Integrated Report. CVCWA represents the interests of more than 60 publically owned treatment works (POTWs) in the Central Valley in regulatory matters related to water quality and the environment. CVCWA's member agencies are directly and indirectly impacted by the proposed update to the draft 303(d) list.

We recognize that this evaluation required significant effort from the Central Valley Regional Water Quality Control Board (Regional Water Board) staff to compile a large amount of data and prepare the detailed assessment according to the impairment listing requirements of the federal Clean Water Act (Listing Policy).<sup>1</sup> However, several issues have been identified with the recommended new listings during review of the corresponding fact sheets and are summarized in the attached comments.

Thank you for the opportunity to review the proposed revisions and provide comments. Please feel free to contact me at 530-753-6400 if you have any questions.

Sincerely,

Jenny Bayley, Project Engineer

Larry Walker Associates

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<sup>1</sup>State Water Resources Control Board. *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List*. Adopted September 30, 2004 and Amended February 3, 2015.

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2015/020315\\_8\\_amendment\\_clean\\_version.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf)

## SPECIFIC COMMENTS ON PROPOSED NEW 303(D) LISTINGS

Upon review of the fact sheets for specific new listings (in particular, of those that require TMDL development), a number of issues have been identified. These comments are summarized below, including minor editorial errors.

### Specific Comments on Proposed New 303(d) Listings

Water Body	Pollutant	Comment
Anderson Creek (Shasta County)	pH	The Regional Board Staff conclusion may be based on data that has been "double-counted" since the two lines of evidence appear to reference the same dataset. Also, the data reference did not include results for the specific station cited (Anderson Creek on Ash Creek Road - 508XACACR) so the data could not be reviewed.
Bell Creek (Tuolumne County)	Indicator Bacteria	The number of exceedances for fecal coliform stated in the staff conclusion needs to be revised from "five of 16 samples" to "four of 16 samples" to be consistent with the lines of evidence.
Brack Tract Drain, at Woodbridge Rd (San Joaquin County)	Arsenic	The referenced dataset for the first Line of Evidence (LOE ID: 60635) inappropriately includes only total arsenic data while the stated criteria is based on the dissolved portion. Also, only a subset of the provided dataset is referenced in the staff conclusion (i.e., additional results collected during 2010 do not appear to have been included in the assessment). It is quite possible that similar issues occur with other listings.
Cantua Creek	Boron	The stated number of samples exceeding the evaluation guideline needs to be revised in the Regional Board Staff conclusion to be consistent with the single Line of Evidence and referenced dataset (i.e., "two of the seven samples" to "three of the seven samples").
Coon Creek (from confluence of Orr and Dry Creeks to East Side Canal, Placer and Sutter Counties)	Indicator Bacteria	The Regional Board Staff conclusion regarding fecal coliform needs to be revised to be consistent with the second Line of Evidence (i.e., one exceedance out of six samples), <i>"A single water sample analyzed for fecal coliform did not exceed the evaluation guideline for water contact recreation."</i> Also, the Line of Evidence pertinent to E.coli needs to be revised such that the "Water Quality Objective/Criterion" is specific to E.coli (fecal coliform concentration according to the Tulare Lake Basin Plan is shown) and the total number of water samples analyzed needs to be made consistent (i.e., "31" or "32?").
Deadman Creek (Merced County)	Arsenic	The referenced dataset for the first Line of Evidence (LOE ID: 62201) inappropriately includes only total arsenic data while the stated criteria is based on the dissolved portion. Also, only a subset of the provided dataset appears to have been included in the assessment.
Deer Creek (Tulare County)	Chlorpyrifos	The total number of samples needs to be made consistent within the first Line of Evidence, LOE ID: 62621 (i.e., six or four total samples), as well as the Regional Board Staff conclusion. Also, the total number of sediment results (i.e., single or four total samples) needs to be made consistent as stated within the Regional Board Staff conclusion and the second Line of Evidence (LOE ID: 78656).

Water Body	Pollutant	Comment
Delta Waterways (eastern portion)	Oxygen, Dissolved	<i>This comment also applies to all other new proposed listings for dissolved oxygen.</i> The assessment should consider an averaging period or some other method to take into account the effect of daily cycling of dissolved oxygen that can occur due to site specific conditions (as a result of low flow, algae growth, etc.). Any impairment listing for a general parameter such as dissolved oxygen should consider a wider range of constituents and underlying causes of dissolved oxygen depression. Moreover, any available continuous datasets should be considered in the evaluation.
Delta Waterways (southern portion)	Aluminum	The proposed impairment listing is based on four of four samples above the California secondary maximum contamination level (MCL) or consumer acceptance level (200 ug/L), which were collected by the City of Tracy for NPDES permit No. CA 0079154 (Order No. R5-2007-0036) in 2007, 2008, 2009, and 2010. The single Line of Evidence (LOE ID: 62742) states that samples were collected from "stations R-6" (i.e., according to the permit, "R-006" is located at Grant Line Canal). Appendix J of the Draft 2014 Integrated Report specifies that this Delta portion includes the San Joaquin River and Old River among others. Additional data within the southern portion of the Delta Waterways should be considered in the evaluation to make a more robust assessment. For instance, monitoring data is collected from water bodies within this area in support of the NPDES program for multiple agencies.
Delta Waterways (southern portion)	Iron	<i>Same comment as similar listing above, "Delta Waterways (southern portion)" for Aluminum.</i>
Delta Waterways (southern portion)	Manganese	<i>Same comment as similar listing above, "Delta Waterways (southern portion)" for Aluminum.</i>
Delta Waterways (western portion)	Arsenic	The "Fraction" shown within the one Line of Evidence needs to be revised from "Fish fillet" to "Shellfish."
Elk Bayou (Tulare County)	Ammonia as N, Total	Although the proposed listing is for Total Ammonia, the "Water Quality Objective/Criterion" shown within the single Line of Evidence (78427) appears to refer to the water quality objective for the unionized form of ammonia (0.025 mg/L). The Data Reference only contains total ammonia data.
Freshwater Creek (Little Valley to Salt Creek, Colusa County)	Indicator Bacteria	Also, the Line of Evidence pertinent to E.coli needs to be revised such that the "Water Quality Objective/Criterion" is specific to E.coli (fecal coliform concentration according to the Tulare Lake Basin Plan is shown). The Objective/Criterion Reference shown in both Lines of Evidence is the Tulare Lake Basin Plan, rather than that for the Sacramento-San Joaquin River Basins.
Honcut Creek (Butte and Yuba Counties)	Indicator Bacteria	The Tulare Lake Basin Plan is referenced in two of the three Lines of Evidence, rather than the Sacramento-San Joaquin Rivers Basin Plan.
Hospital Creek (San Joaquin and Stanislaus Counties)	Arsenic	It appears that the referenced dataset in the third Line of Evidence (LOE ID: 64748) inappropriately includes only total arsenic data while the stated criteria is based on the dissolved portion. Also, the dataset provided for the second Line of Evidence does not appear to be the correct reference as the files do not include arsenic results, therefore, the data could not be reviewed.

Water Body	Pollutant	Comment
Ingram Creek (from confluence with Hospital Creek to Hwy 33 crossing)	Arsenic	It appears that the referenced dataset in the fourth Line of Evidence inappropriately includes only total arsenic data while the stated criteria is based on the dissolved portion (LOE ID: 65012).
Kings River, Lower (Pine Flat Reservoir to Island Weir)	Ammonia as N, Total	Although the proposed listing is for Total Ammonia, the Regional Board Staff conclusion (and single Line of Evidence) appears to refer to the water quality objective for the unionized form of ammonia (0.025 mg/L). The Data Reference only contains total ammonia data.
Laguna Creek (tributary to Cosumnes River, Sacramento County)	Indicator Bacteria	The "Water Quality Objective/Criterion" within the single Line of Evidence for E.coli needs to be revised as it states the criteria for fecal coliform according to the Tulare Lake Basin Plan.
Laguna Creek (tributary to Cosumnes River, Sacramento County)	Oxygen, Dissolved	The total number of samples needs to be made consistent as stated within the single Line of Evidence and the Regional Board Staff conclusion (i.e., a total of 23 or 21 samples).
Main Drain (Kern County)	Ammonia as N, Total	Although the proposed listing is for Total Ammonia, the Regional Board Staff conclusion (and single Line of Evidence) appears to refer to the water quality objective for the unionized form of ammonia (0.025 mg/L). The Data Reference only contains total ammonia data.
Marsh Creek (Marsh Creek Reservoir to San Joaquin River; partly in Delta Waterways, western portion)	Bifenthrin	Both COLD Freshwater Habitat (COLD) and Warm Freshwater Habitat (WARM) beneficial uses are stated in the fact sheets. For the proposed new bifenthrin listing, the Lines of Evidence regarding bifenthrin in the water matrix indicate the designation of Warm Freshwater Habitat as the beneficial use for this stream segment, while the Cold Freshwater Habitat is shown for the Line of Evidence for bifenthrin in the sediment matrix. COLD is also shown on the fact sheet for multiple other pollutants. COLD is not a designated beneficial use for Marsh Creek, therefore, this use of COLD throughout the fact sheets should be corrected.
Mill Creek (Fresno County)	Alkalinity as CaCO <sub>3</sub>	Is a fact sheet available to support this listing? New listings for Mill Creek (Fresno County) for Alkalinity, Ammonia, and Toxicity are shown in the summary table on Page 21 of Appendix A to the Draft 2012 Integrated Report. Facts sheets for proposed listings are available for Total Ammonia as N and Toxicity.
Mill Creek (Fresno County)	Ammonia as N, Total	Although the proposed listing is for Total Ammonia, the Regional Board Staff conclusion (and single Line of Evidence) appears to refer to the water quality objective for the unionized form of ammonia (0.025 mg/L). The Data Reference only contains total ammonia data.
Mill Creek (Tulare County)	Ammonia (Unionized)	It does not seem appropriate for the Regional Board Staff conclusion to state the number of results as a summation of data for total ammonia and the unionized form (i.e., staff finding #3). Although this proposed listing is for Ammonia (Unionized), the first Line of Evidence (LOE ID: 79011) is based upon Total Ammonia data collected rather in Fresno County (new proposed separate listing for Total Ammonia).

Water Body	Pollutant	Comment
North Canyon Creek (El Dorado County)	Indicator Bacteria	The Tulare Lake Basin Plan is referenced in two of the three Lines of Evidence rather than the Sacramento-San Joaquin Rivers Basin Plan. The "Water Quality Objective/Criterion" stated in the first two Lines of Evidence should be revised to be specific to E.coli (instead of fecal coliform and toxic substances).
Old River (San Joaquin River to Delta-Mendota Canal; in Delta Waterways, southern portion)	Aluminum	The conclusion is based on a total number of 16 samples from four monitoring locations along Old River which were collected by the City of Tracy to fulfill requirements of NPDES permit No. CA 0079154 (Order No. R5-2007-0036). Only fourteen samples appear to be included in the Data Reference files. The new proposed Old River listing for Iron includes the following statement, "Samples were collected annually on 12/26/2007, 8/18/2008, 9/8/2009 and 8/3/2010 (except samples were not collected from stations R-002 and R-005 on 8/3/2010)." The number of exceedances and total samples stated both in the Regional Board Staff conclusion and single Line of Evidence for this listing (i.e., Aluminum) appear to need to be revised. It is important to note that the Listing Policy requires data used in the assessment to be temporally independent and the referenced dataset appears to have been collected during four annual events from 2007 to 2010. Additional data should be considered in the evaluation to make a more robust assessment. For instance, monitoring data is collected by other agencies within this area in support of the NPDES program.
Old River (San Joaquin River to Delta-Mendota Canal; in Delta Waterways, southern portion)	Iron	The conclusion is based on a total number of 14 samples from four monitoring locations along Old River which were collected by the City of Tracy to fulfill requirements of NPDES permit No. CA 0079154 (Order No. R5-2007-0036). It is important to note that the Listing Policy requires data used in the assessment to be temporally independent and the referenced dataset appears to have been collected during four annual events from 2007 to 2010. Additional data should be considered in the evaluation to make a more robust assessment. For instance, monitoring data is collected by other agencies within this area in support of the NPDES program.
Old River (San Joaquin River to Delta-Mendota Canal; in Delta Waterways, southern portion)	Lead	<p>The Regional Board Staff conclusion is incorrectly based upon the finding that 5 of 36 samples exceed the California Department of Public Health Primary maximum contaminant levels (MCLs) for Municipal &amp; Domestic Supply (MUN). These totals in the conclusion appear to be the summation of the first two Lines of Evidence. However, the first Line of Evidence indicates that that the five exceedances were of the Office of Environmental Hazard and Health Assessment Public Health Goal (PHG) for lead (0.2 ug/L), which is much lower than the Primary MCL (15 ug/L), the objective referenced in the second Line of Evidence (which shows zero exceedances of 27 samples). This listing needs to be reviewed to ensure that the number of exceedances and total samples are correct and are indeed being compared to the most appropriate objective.</p> <p>Also, additional data should be considered in the evaluation to make a more robust assessment. For instance, monitoring data is collected by other agencies within this area in support of the NPDES program.</p>

Water Body	Pollutant	Comment
Old River (San Joaquin River to Delta-Mendota Canal; in Delta Waterways, southern portion)	Manganese	<i>Same comment as similar listing above for iron for the "Old River (San Joaquin River to Delta-Mendota Canal; in Delta Waterways, southern portion)."</i>
Oregon Creek (Yuba and Sierra Counties)	Copper	It is unclear if the data used as the basis for the listing is for total copper and is being inappropriately compared against criteria based on the dissolved portion of the metal. If this is the case, it is quite possible that similar inappropriate use of the metals data occurs with other listings. All of the other trace metal listings should be reevaluated to determine whether these were correctly developed.
San Joaquin River (Friant Dam to Mendota Pool)	pH	<i>This comment also applies to all other new proposed listings for pH.</i> The assessment should consider an averaging period or some other method to take into account the effect of daily cycling of pH that can occur due to site specific conditions (as a result of low flow, algae growth, etc.). Any impairment listing for a general parameter such as pH should consider a wider range of constituents and underlying causes of pH depression. Moreover, any available continuous datasets should be considered in the evaluation.
Snake River (Butte and Sutter Counties)	Indicator Bacteria	The Tulare Lake Basin Plan is referenced in the Lines of Evidence rather than the Sacramento-San Joaquin Rivers Basin Plan. Also, the "Water Quality Objective/Criterion" as shown is stated for fecal coliform for all three Lines of Evidence, but this should be corrected in the first two Lines of Evidence respectively for E.coli and Total Coliform.
Spanish Creek (Plumas County)	Indicator Bacteria	The statement within the Regional Board Staff conclusion needs to be revised such that three lines of evidence are available in the administrative record to assess this pollutant, rather than "one" as stated. Also, section 3.2 (numeric water quality objectives for conventional or other pollutants) of the Listing Policy should be referenced rather than section 3.1 (numeric water quality objectives for toxic pollutants). The "Water Quality Objective/Criterion" shown in the Lines of Evidence needs to be revised to be specific to E.coli rather than to fecal coliform and toxic substances.
Wadsworth Canal	Indicator Bacteria	The Tulare Lake Basin Plan is referenced in one Line of Evidence rather than the Sacramento-San Joaquin Rivers Basin Plan. The "Water Quality Objective/Criterion" shown in the Lines of Evidence needs to be revised to be specific to E.coli rather than to fecal coliform and toxic substances.
Walker Creek (Glenn County)	Indicator Bacteria	The Tulare Lake Basin Plan is referenced in the Lines of Evidence rather than the Sacramento-San Joaquin Rivers Basin Plan. Also, the "Water Quality Objective/Criterion" as shown is stated for fecal coliform for all three Lines of Evidence, but this should be corrected in two Lines of Evidence respectively for E.coli and Total Coliform.
Willow Slough Bypass (Yolo County)	Selenium	Within the second and third Lines of Evidence, the total number of samples needs to be made consistent in the "Data Used to Assess Water Quality" statements within the Line of Evidence and the Regional Board Staff conclusion (12 or 16 total samples).
Yuba River, South Fork (Spaulding Reservoir to Englebright Reservoir)	Copper	The total number of samples stated in the Regional Board Staff conclusion needs to be revised from "twenty-six" to "thirty-six" to be consistent with the two Lines of Evidence.

