



March 29, 2017

ATTN: Jun Zhu  
Los Angeles Regional Water Quality Control Board  
320 W 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

*Submitted via email*

**Re: Comment Letter – Revisions to the Los Angeles Region 303(d) List**

Dear Dr. Zhu,

Farm Bureau of Ventura County (FBVC) appreciates the opportunity to provide comments on the proposed revisions to the Clean Water Act Section 303(d) list of impaired waterbodies in the Los Angeles Region [hereinafter referred to as the 303(d) list], which was distributed for public review on February 8, 2017.

Farm Bureau manages the Ventura County Agricultural Irrigated Lands Group (VCAILG), which acts as a unified discharger group for Ventura County farmers complying with the *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands within the Los Angeles Region* (Order No. R4-2016-0143). This order, also known as the Conditional Waiver, incorporates requirements that provide for agriculture's compliance with total maximum daily load (TMDL) allocations. Farm Bureau also serves as a stakeholder representative in watershed groups within Ventura County and collaborates on TMDL development and implementation.

Approximately 98 of the new 303(d) listings being proposed by the Los Angeles Regional Water Quality Control Board (Regional Board) are in Ventura County, and many are apparently driven by data collected through VCAILG's Conditional Waiver monitoring program. We have reviewed these proposed listings, and found numerous factual and legal errors that must be corrected. In some cases, the errors or ambiguities in the proposed listings are such that we and our technical consultants found it impossible to properly analyze them.

The development and implementation of TMDLs represents a significant investment of our members' resources, and compliance imposes a significant burden on agricultural operators, so it is critical that the 303(d) list be based on sound science and methodologies. We therefore ask that the issues identified in this letter be addressed, and that the proposed 303(d) list be revised and released for another 60-day comment period before adoption.

The requested modifications fall into four general categories:

1. New Category 4 and 5 listings that should not be listed due to incorrect thresholds being applied for the beneficial use and incorrect interpretation of the data (e.g. mismatched units, incorrectly assigned sample locations). This comment category also addresses the issue of

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agricultural drains and ditches — which are not legally recognized as waterbodies — being inappropriately included in the listings.

2. Potential delistings that may be justified if all watershed data were evaluated (e.g. TMDL monitoring program and all wastewater treatment plant NPDES monitoring).
3. New Category 5A listings that should be categorized as Category 5B because TMDLs already exist to address the pollutants.
4. Errors in the listing information that make it difficult to fully evaluate the listings. Examples include inconsistencies between the Category 5 list (Appendix B) and the Proposed updates to the 303(d) list (Appendix A), incorrect HUC/Calwater designations, incorrect beneficial uses listed for the applicable water quality objectives, and inconsistent use of thresholds for interpreting narrative objectives.

The remaining sections of this letter provide the detailed list of requested changes to the 303(d) list and the rationale for the requests. In summary, FBVC requests that all waterbody pollutant combinations in **Table 1** not be listed on the 303(d) list, that waterbody pollutant combinations in **Table 3** and **Table 4** be designated as being addressed by a TMDL if they remain on the 303(d) list after the reassessment, and the errors and inconsistencies identified in Comment IV be addressed for all waterbodies. Furthermore, FBVC supports the 303(d) list comment letter submitted by the Stakeholders Implementing TMDLs in the Calleguas Creek Watershed.

## I. REQUESTED MODIFICATIONS TO THE LISTING STATUS

Based on a review of the proposed Category 4 and 5 waterbody pollutant combinations, FBVC has identified a number of waterbodies that we feel should either be delisted based on available data, or which should not be listed based on errors in the evaluation. The requested modifications are shown in **Table 1**, below, with a summary of the justifications for the requested change. A detailed discussion of each of the justifications follows the table.

<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
Boulder Creek (Ventura County)	Chlordane	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> <li>• J-flagged data incorrectly used in assessment (WARM).</li> </ul>
Boulder Creek (Ventura County)	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Boulder Creek (Ventura County)	Specific Conductivity	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Boulder Creek (Ventura County)	Toxicity	<ul style="list-style-type: none"> <li>• Listed based on toxicity observed during a single sampling event (6/4/07). According to the Listing Policy, a larger number of samples is required to justify this listing.</li> </ul>

<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
McGrath Lake Agricultural Drain	Bifenthrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
McGrath Lake Agricultural Drain	Chlordane	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>This pollutant is already covered by the McGrath Lake PCBs, Pesticides and Sediment Toxicity TMDL.</li> </ul>
McGrath Lake Agricultural Drain	Chlorpyrifos	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
McGrath Lake Agricultural Drain	DDT	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>This pollutant is already covered by the McGrath Lake PCBs, Pesticides and Sediment Toxicity TMDL.</li> </ul>
McGrath Lake Agricultural Drain	Toxaphene	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>This pollutant is already covered by the McGrath Lake PCBs, Pesticides and Sediment Toxicity TMDL.</li> </ul>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	DDD	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	DDE	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	Dimethoate	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	Specific Conductivity	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>

<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	Total Dissolved Solids	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> <li>Salts criteria do not apply below Potrero Rd.</li> </ul>
Calleguas Creek Reach 3 (Potrero Road upstream to Conejo Creek confluence)	Mercury	<ul style="list-style-type: none"> <li>Data and objectives have different units (ng/L vs. µg/L); data do not exceed objectives.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Ammonia	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>TMDL data demonstrates delisting possible.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Bifenthrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Chloride	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Cyfluthrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Cypermethrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Malathion	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Mercury	<ul style="list-style-type: none"> <li>Data and objectives have different units (ng/L vs. µg/L); data do not exceed objectives.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Permethrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>This pollutant is already covered by the Calleguas Toxicity TMDL.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Specific Conductivity	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Sulfates	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>

<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Total Dissolved Solids	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Calleguas Creek Reach 12 (was Conejo Creek/Arroyo Conejo North Fork)	Chlorpyrifos	<ul style="list-style-type: none"> <li>Data does not appear to be from a station in Reach 12.</li> </ul>
Calleguas Creek Reach 12 (was Conejo Creek/Arroyo Conejo North Fork)	Diazinon	<ul style="list-style-type: none"> <li>Data does not appear to be from a station in Reach 12.</li> </ul>
Calleguas Creek Reach 12 (was Conejo Creek/Arroyo Conejo North Fork)	Malathion	<ul style="list-style-type: none"> <li>Data does not appear to be from a station in Reach 12.</li> </ul>
Calleguas Creek Reach 12 (was Conejo Creek/Arroyo Conejo North Fork)	Temperature, water	<ul style="list-style-type: none"> <li>Inappropriately applied beneficial use criteria (see temperature comment below)</li> </ul>
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody. *</li> </ul>
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Nitrogen	<ul style="list-style-type: none"> <li>Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody. *</li> </ul>
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Sulfate	<ul style="list-style-type: none"> <li>Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody. *</li> </ul>
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Specific Conductivity	<ul style="list-style-type: none"> <li>Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Total Dissolved Solids	<ul style="list-style-type: none"> <li>Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No. 2	Toxaphene	<ul style="list-style-type: none"> <li>J-flagged data incorrectly used in assessment.</li> </ul>

<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
Ellsworth Barranca	DDE	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> <li>• J-flagged data incorrectly used in assessment.</li> </ul>
Fox Barranca	DDE	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Honda Barranca <sup>1</sup>	DDD	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Honda Barranca <sup>1</sup>	DDE	<ul style="list-style-type: none"> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Rio De Santa Clara/Oxnard Drain No. 3	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>• Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Rio De Santa Clara/Oxnard Drain No. 3	Nitrogen	<ul style="list-style-type: none"> <li>• Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Rio De Santa Clara/Oxnard Drain No. 3	Sulfate	<ul style="list-style-type: none"> <li>• Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Rio De Santa Clara/Oxnard Drain No. 3	Specific Conductivity	<ul style="list-style-type: none"> <li>• Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Rio De Santa Clara/Oxnard Drain No. 3	Total Dissolved Solids	<ul style="list-style-type: none"> <li>• Maintained as a brackish waterbody therefore criteria do not apply.</li> <li>• Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.*</li> </ul>
Rio De Santa Clara/Oxnard Drain No. 3	Toxicity	<ul style="list-style-type: none"> <li>• Insufficient exceedances to warrant listing.</li> </ul>
La Vista Drain (Ventura County)	Chlordane	<ul style="list-style-type: none"> <li>• Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>• J-flagged data incorrectly used in assessment.</li> </ul>
La Vista Drain (Ventura County)	Chlorpyrifos	<ul style="list-style-type: none"> <li>• Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>

<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
La Vista Drain (Ventura County)	Copper	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
La Vista Drain (Ventura County)	DDD	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody</li> </ul>
La Vista Drain (Ventura County)	DDE	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody</li> </ul>
La Vista Drain (Ventura County)	DDT	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
La Vista Drain (Ventura County)	Indicator Bacteria	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
La Vista Drain (Ventura County)	Mercury	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Data and objectives have different units (ng/L vs. µg/L); data do not exceed objectives.</li> </ul>
Santa Clara Drain	Chlordane	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara Drain	Chlorpyrifos	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara Drain	Cypermethrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara Drain	DDD	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using COMM criteria; public access is prohibited by chain link fencing and locked gates.</li> </ul>
Santa Clara Drain	DDE	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using COMM criteria; public access is prohibited by chain link fencing and locked gates.</li> </ul>
Santa Clara Drain	DDT	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using COMM criteria; public access is prohibited with chain link fencing and locked gates.</li> </ul>

<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
Santa Clara Drain	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Santa Clara Drain	Specific Conductivity	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Santa Clara Drain	Sulfates	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara Drain	Total Dissolved Solids	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Santa Clara Drain	Toxaphene	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara River Reach 3	Chlordane	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara River Reach 3	Chlorpyrifos	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara River Reach 3	Cyfluthrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Criterion listed is for 2,4,5-TP, not cyfluthrin.</li> </ul>
Santa Clara River Reach 3	Cypermethrin	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara River Reach 3	DDD	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Santa Clara River Reach 3	DDE	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Santa Clara River Reach 3	DDT	<ul style="list-style-type: none"> <li>Data from agricultural drain rather than waterbody used as basis for listing decision.</li> </ul>
Santa Clara River Reach 3	Mercury	<ul style="list-style-type: none"> <li>Data and objectives have different units (ng/L vs. µg/L); data do not exceed objectives.</li> </ul>



<b>Table 1. Waterbody-pollutant combinations that should not be listed</b>		
<b>Waterbody segment</b>	<b>Pollutant</b>	<b>Justification</b>
Tapo Canyon	Chlordane	<ul style="list-style-type: none"> <li>Includes LOE for toxicity to support the chlordane listing. This LOE should be removed since there is a separate LOE specifically for toxicity.</li> </ul>
Tapo Canyon	DDD	<ul style="list-style-type: none"> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> <li>Includes LOE for toxicity to support the DDD listing. This LOE should be removed since there is a separate LOE specifically for toxicity.</li> </ul>
Tapo Canyon	DDE	<ul style="list-style-type: none"> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> <li>Includes LOE for toxicity to support the DDE listing. This LOE should be removed since there is a separate LOE specifically for toxicity.</li> </ul>
Tapo Canyon	Nitrogen, Nitrate	<ul style="list-style-type: none"> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Tapo Canyon	Specific Conductivity	<ul style="list-style-type: none"> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Wheeler Canyon/Todd Barranca	Chlordane	<ul style="list-style-type: none"> <li>J-flagged data incorrectly used in assessment.</li> <li>Includes LOE for toxicity to support the chlordane listing. This LOE should be removed since there is a separate LOE specifically for toxicity.</li> </ul>
Wheeler Canyon/Todd Barranca	Specific Conductivity	<ul style="list-style-type: none"> <li>Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody.</li> </ul>
Ventura River Reach 3	Mercury	<ul style="list-style-type: none"> <li>Data and objectives have different units (ng/L vs. µg/L); data do not exceed objectives.</li> </ul>
<p>*Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2 and Rio De Santa Clara/Oxnard Drain No. 3 are not listed in the Basin Plan and therefore do not have assigned beneficial uses but they are tributaries to Mugu Lagoon which does not have a MUN beneficial use and are brackish waterbodies that would not support the MUN beneficial use.</p> <p>1. Please review the name of this waterbody, our understanding is that it is Hondo Barranca.</p>		

**1. Agricultural Drain monitoring data incorrectly used as basis for listing decisions.**

There are multiple instances where VCAILG monitoring data from agricultural drains that discharge to waterbody reaches were used to list these waterbody reaches. The drains are not listed tributaries or waterbodies in the Basin Plan and are not located within the waterbody that is being listed. As a result, the data should not be used for the listing decisions for these waterbodies. Calleguas Creek Reach 2 and Reach 4 were listed using data from the VCAILG monitoring sites 02D\_BROOM (Reach 2) and 04D\_ETTG and 04D\_LAS (Reach 4), which are the locations of agricultural drains which drain to Reach 2 and 4. Santa Clara River Reach 3 was listed using data from the VCAILG sampling location S03D\_BARDS,

which is located on an agricultural drain that ultimately discharges into Santa Clara River Reach 3. These agricultural monitoring sites were selected to be representative of agricultural discharges to Calleguas Creek Reaches 2 and 4 and Santa Clara River Reach 3, and are not representative of receiving water conditions. Therefore, data collected from these sites cannot be used to list the downstream Calleguas Creek or Santa Clara River Reaches. All listings should be evaluated to ensure that the monitoring locations were in receiving waters rather than agricultural drains.

In addition, La Vista Drain and Santa Clara Drain were listed as new waterbodies never before included in the previous 303(d) list, even though data has been collected on both agricultural drains by the MS4 program since the early 1990s. These waterbodies are not designated in the Basin Plan or listed as tributaries in the Basin Plan appendices. The La Vista Drain is an agricultural drain designed to convey excess agricultural irrigation water from agricultural lands, and as such, it is predominantly an open ditch that flows alongside W. Los Angeles Avenue and then along Santa Clara Avenue where it becomes the Santa Clara Drain.

Additionally, inclusion of the COMM beneficial use for the Santa Clara Drain is inappropriate, as public access is prohibited because of fencing and locked gates maintained by the Ventura County Watershed Protection District. It is inappropriate to apply the MAR and EST beneficial uses to the Santa Clara Drain because the drain is located upstream of Highway 101 and is not tidally influenced. The monitoring location on each drain was selected to represent agricultural discharges for the Agricultural Waiver and was not designed to characterize receiving waters. Because these are agricultural drains and not tributaries, they should be removed from the Draft Category 5 list.

McGrath Lake Agricultural Drain is also an agricultural drain comprised of a small open ditch that conveys water from surrounding agricultural lands. A monitoring site was selected on this drain for VCAILG Conditional Waiver monitoring to represent agricultural discharges and was not designed to characterize receiving waters. Moreover, discharges from this drain are already being addressed under the McGrath Lake PCBs, Pesticides and Sediment Toxicity TMDL, which has identified this drain as the “Central Ditch” (the Monitoring Program for the Conditional Waiver also identifies this monitoring site as the Central Ditch). Implementation activities that reduce loadings of chlorinated pesticides and PCBs will also reduce loadings of toxaphene, bifenthrin and chlorpyrifos. For the foregoing reasons, McGrath Lake Agricultural Drain should be removed from the Draft Category 5 list.

**Requested Action:**

- **Remove all listings shown in Table 1 that were based on VCAILG Conditional Waiver monitoring data from agricultural drains not representative of the listed waterbody, and evaluate remaining listings to ensure no other listings are based on agricultural drain monitoring rather than receiving water monitoring.**
- **Remove La Vista Drain and Santa Clara drain from the list as they are agricultural drains and not waterbodies that fall under the jurisdiction of the 303(d) list.**

- **Remove the McGrath Lake Agricultural Drain because it is not a waterbody that falls under the jurisdiction of the 303(d) list, and because there is an effective TMDL that addresses discharges from this agricultural drain (“Central Ditch”) to McGrath Lake.**

**2. *Remove any pollutant listing based on municipal drinking water objectives where the MUN beneficial use does not apply.***

Numerous listings were based on water quality objectives for the protection of municipal drinking water for waterbodies that do not have applicable municipal drinking water beneficial uses. Many of the waterbodies listed are brackish waterbodies for which no beneficial uses are designated, or waterbodies designated for the municipal beneficial use with an asterisk (i.e., P\*) in the Basin Plan. The asterisked MUN beneficial use should not be used to propose new 303(d) listings. Fact sheets for previous 303(d) listing cycles have clearly noted that the asterisked MUN beneficial uses should not be used for 303(d) listing purposes.

State Board Resolution No. 88-63 (Sources of Drinking Water) and Regional Board Resolution 89-03 Incorporation of Sources of Drinking Water Policy into the Water Quality Control Plans) state, “All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic waters supply and should be so designated by Regional Boards... (with certain exceptions which must be adopted by the Regional Board).” The Regional Board adopted a Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 4, 1994, that included provisions to implement State Water Board Resolution 88-63.

On May 26, 2000, the USEPA approved the revised Basin Plan, except for the implementation plan for potential MUN-designated water bodies. On August 22, 2000, the City of Los Angeles, City of Burbank, City of Simi Valley, and the County Sanitation Districts of Los Angeles County challenged USEPA’s water quality standards action in the U.S. District Court. On December 18, 2001, the court issued an order remanding the matter to USEPA to take further action on the 1994 Basin Plan consistent with the court’s decision. On February 15, 2002, USEPA revised its decision and approved the 1994 Basin Plan in whole. In its February 15, 2002 letter, USEPA stated:

*“EPA bases its approval on the court’s finding that the Regional Board’s identification of waters with an asterisk (“\*”) in conjunction with the implementation language at page 2-4 of the 1994 Basin Plan, was intended “to only conditionally designate and not finally designate as MUN those water bodies identified by an (“\*”) for the MUN use in Table 2-1 of the Basin Plan, without further action.” Court Order at p. 4. Thus, the waters identified with an (“\*”) in Table 2-1 do not have MUN as a designated use until such time as the State undertakes additional study and modifies its Basin Plan. Because this conditional use designation has no legal effect, it does not constitute a new water*

*quality standard subject to EPA review under section 303(c)(3) of the Clean Water Act (“CWA”). 33 U.S.C. § 1313(c)(3).”<sup>1</sup>*

In addition to the above decision, the Basin Plan states that until the additional study is undertaken and the Basin Plan is modified, “no new effluent limitations will be placed in Waste Discharge Requirements as a result of these designations”. The Regional Board has also determined that water quality objectives applicable to the MUN beneficial use will not be used to assess impairments under the 303(d) listing programs. For constituents that only have objectives that are applicable to the MUN beneficial use, the decision fact sheets for the 303(d) listing process state that there are no applicable water quality objectives in waterbodies designated with an asterisk (“\*”). In the 2010 listing cycle, a number of 303(d) listings were actually removed based on this determination. Below is an example of the language from a listing decision for Los Angeles River Reach 1:

*“The listing for aluminum in this water body was originally based on data assessed using the MCL for aluminum. Since MUN is a “potential” beneficial use, it is not appropriate to use the MCL to evaluate aluminum data from this reach. Thus, there is no aluminum objective for this reach and the original listing is faulty.”*

Based on this evidence, it is clear that for waterbodies with a MUN designation that includes an asterisk (“\*”), water quality objectives specific to the MUN beneficial use are not applicable. As such, water quality data collected in these receiving waters should not be compared to water quality objectives applicable to the MUN beneficial use.

The listings of total dissolved solids, sulfates, and conductivity are all based on secondary maximum contaminant levels applied to protect the MUN beneficial use. In addition, Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2 and Rio De Santa Clara/Oxnard Drain No. 3 are maintained as fresh/brackish water via tide gates on both drains and do not have designated MUN beneficial uses. Therefore, the listing of TDS, sulfate, and specific conductivity is inappropriate, as naturally occurring levels of these three constituents in groundwater entering both drains within the footprint of Naval Base Ventura County far exceed the secondary MCLs upon which these listings are based.

USEPA validated this reasoning in its “TMDLs for Pesticides, PCBs and Sediment Toxicity for Oxnard Drain 3”,<sup>2</sup> where the MUN beneficial use was not considered to be “relevant to the impairments” addressed by the TMDL and so was not included in the TMDL. Additionally, Calleguas Creek Reach 2 and Reach 4 are considered brackish waterbodies according to the California Toxics Rule thresholds and are designated with an asterisked MUN beneficial use. Due to the brackish nature of these waterbodies, other Basin Plan objectives for TDS and sulfate are not considered to be applicable to Reach 2 or Reach 4 below Laguna Road. For all of these reasons, these proposed listings summarized in **Table 1** should be removed.

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<sup>1</sup> Language adapted from the 2014 National Pollutant Discharge Elimination System permit findings for wastewater treatment plants in the Calleguas Creek Watershed.

<sup>2</sup> Total Maximum Daily Loads for Pesticides, PCBs, and Sediment Toxicity in Oxnard Drain 3. Approved by USEPA on October 6, 2011.

The proposed Calleguas Creek Reach 2 dimethoate listing was based on three lines of evidence, which the Fact Sheet states all show no exceedances (this appears to be a typo). However, it appears that the only line of evidence that shows an exceedance is based on the potential (P\*) MUN, which, as described above, cannot be used to justify a listing. Furthermore, the fact sheet cites a guideline from the California Department of Health Services Notification Levels (1 µg/L) which has not yet gone through the formal MCL regulatory process, and it is not clear that this threshold would meet the Listing Policy requirements.

**Requested Action:**

- **Revise all of the new listings in the fact sheets to ensure that none are based on municipal drinking water objectives when the MUN beneficial use does not apply.**
- **Remove the segment-pollutant combinations for total dissolved solids, specific conductivity, sulfates, nitrogen, nitrate, dimethoate, and other MUN-based pollutants listed in Table 1 above from the 303(d) list.**

**3. *Reassess mercury listings using correct objective and correct units.***

The data used to assess mercury for Calleguas Creek Reach 3, Reach 4, La Vista Drain, Santa Clara Reach 3, and Ventura River Reach 3 are in ng/L and the objective is in µg/L. The data have to be converted to the same units as the objective before an exceedance can be determined. Our consultants believe that after this calculation has been performed, the waterbodies will no longer meet the listing guidelines for mercury. Additionally, although a California Toxics Rule objective exists for mercury, an EPA nationally recommended criterion was used for the assessment. Regional Board staff should explain why they used a recommended criterion instead of an established water quality objective.

**Requested Action:**

- **Repeat the mercury analysis after correcting the units error.**

**4. *Remove toxicity Lines of Evidence (LOE) from pollutant fact sheets when an LOE specifically for toxicity already exists.***

Numerous pollutants listed for Calleguas Creek Reach 3, Tapo Canyon and Wheeler Canyon/Todd Barranca include an LOE to support the pollutant listing, when a toxicity LOE already exists for the waterbody. These pollutant-specific toxicity LOEs include no scientific evidence that the specific pollutant was the cause of observed toxicity and so should be removed from the fact sheet. The toxicity LOE listed for the waterbody is sufficient as it is intended to identify the cause of observed toxicity through established and accepted methodologies.

**5. *Incorrect location and data were used for listings in Reach 12.***

The name of the monitoring site presented in the fact sheet for chlorpyrifos, diazinon and malathion listings in Calleguas Creek Reach 12 is unclear. The University site is in Reach 3, not 12, and TO1 is an MS4 discharge characterization site, not a receiving water monitoring location. Therefore, TO1 should not be used for a 303(d) listing decision, and University

data are not from Reach 12. A review of the datasets provided in the link on the fact sheet only show data from University (ME-CC) and the number of samples appears to match up with the sample numbers shown in the fact sheet. As a result, it appears that the chlorpyrifos, diazinon and malathion listings do not apply to Reach 12.

In addition, FBVC requests that only data collected after applicable pesticide-use restrictions were in place for these pesticides be considered in the listing decisions. Data from the Calleguas Creek TMDL watershed monitoring program that were not used in the assessment (see Comment II) demonstrate a marked reduction in these pesticides in receiving water since the use restrictions were implemented (approximately 2009 to present), particularly for receiving waters downstream of urban areas (e.g., Reach 12). Given the changed condition resulting from the pesticide-use restrictions, monitoring data collected prior to 2009 are not representative of current waterbody conditions for these constituents. Therefore, these constituents should not be listed unless data collected after the use restrictions were implemented demonstrates continued impairment.

**Requested Action:**

- **Remove listings for Reach 12 that are not based on receiving water data from that reach.**
- **Remove listings for chlorpyrifos, diazinon, and malathion based on historic data that are not representative of conditions after implementation of pesticide-use restrictions.**

**6. *Ensure no J-flagged data were used in the assessment.***

The listing policy specifically prohibits the use of J-flagged (“estimated”) data that fall below the quantitation limit but above the water quality standard. Section 6.1.5.5 of the Listing Policy specifically states:

*“When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis. The quantitation limit includes the minimum level, practical quantitation level, or reporting limit.”*

All listings based on the use of J-flagged data should therefore be removed from the draft 303(d) list. Specific instances are included in **Table 1** and further explained in **Table 2** below, but this list is by no means inclusive; this significant error will have to be addressed by a thorough review of all listing data to confirm that no J-flagged data were used to justify listings.

<b>Table 2. Incorrect use of J-flagged data</b>		
<b>Segment</b>	<b>Pollutant</b>	<b>Comment</b>
Boulder Creek (Ventura County)	Chlordane	The LOE for Chlordane erroneously states that three out of five samples exceed the objectives. A review of the data shows that only 1 out of 5 samples exceed indicated criteria. The remaining 4 results were (1) not detected and (2) “estimated” (J-flagged) by the laboratory because results were below the reporting limit. Because only 1 sample showed an exceedance, this listing should be removed as it does not meet the binomial test limits set forth in the Listing Policy.
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No. 2	Toxaphene	The Lines of Evidence (LOE) for Toxaphene lists the number of exceedances incorrectly at two. However, only one of six samples exceeded the indicated criterion. The other sample was reported by the laboratory as “estimated” (J-flagged). Because only one of six samples showed an exceedance, this listing should be removed as it does not meet the binomial test limits set forth in the Listing Policy.
Rio de Santa Clara/Oxnard Drain No. 3	Chlordane	The LOE for Chlordane erroneously states that four out of five samples exceed the objectives. A review of the data shows that only 3 out of 5 samples exceed indicated criteria. The remaining 2 results were (1) not detected and (2) “estimated” (J-flagged) by the laboratory because results were below the reporting limit.
La Vista Drain	Chlordane	The LOE for chlordane shows that one of the samples used to justify the listing is based solely on estimated (J-flagged) data because results were below the reporting limit. Because Chlordane has only one detected value for two sampling events, more monitoring data are needed to justify the listing and the proposed listing should be removed. Additionally, refer to comment 1 regarding the inappropriateness of this drain being a listed waterbody.

**Requested Action:**

- **Review all fact sheets and LOEs for the use of J-flagged data and remove any instances where J-flagged data were used.**
- **Delist toxaphene for Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No. 2, chlordane for La Vista Drain (though we also disagree with the listing of this as a waterbody to begin with), and any other pollutants listed in Tables 1 and 2 that lack the minimum number of exceedances required to justify a listing.**

**7. *Remove listings where a waterbody assessment does not meet listing thresholds based on data provided.***

Finally, the toxicity listing for Rio De Santa Clara/Oxnard Drain No. 3 does not meet the minimum requirements to be listed according to the Listing Policy (pg. 9). According to the Listing Policy, a waterbody can be listed only when the number of exceedances meets the binomial test; in the case of this waterbody, four samples were collected and only one sample showed an exceedance. However, two exceedances would be required for the waterbody to be added to the 303(d) list. Therefore, toxicity was incorrectly listed for this waterbody and should be removed entirely from the 303(d) list.

**Requested Action:**

- **Remove the toxicity listing for Rio De Santa Clara/Oxnard Drain No. 3, based on failure to meet listing threshold requirements in the Listing Policy.**

**II. REQUESTED REASSESSMENTS USING COMPLETE DATA SET**

As manager of the VCAILG program, FBVC is a stakeholder in the Calleguas Creek Watershed TMDL monitoring program and represents the agricultural responsible parties listed in the TMDLs. As such, FBVC supports the comments made by the Stakeholders Implementing TMDLs in the Calleguas Creek Watershed regarding the use of all appropriate monitoring data for the 303(d) listing process.

The assessments for the Calleguas Creek watershed do not appear to include any of the submitted Calleguas Creek Watershed TMDL monitoring data, monitoring data from the Camarillo Sanitary District, or monitoring data from the Simi Valley Wastewater Treatment Plant. All of this monitoring data has been provided to the Regional Board in annual monitoring reports and all data were collected using approved QAPPs. As a result, there is no reason why this data should not be included in the 303(d) listing process. Please refer to the letter submitted by the Calleguas Creek Watershed Stakeholders for details regarding the waterbody/pollutant combinations eligible for delisting. While this comment is specific to knowledge regarding monitoring programs in the Calleguas Creek Watershed, it should be applied to the other watersheds in Ventura County.

**Requested Action:**

- **Reassess all Ventura County waterbodies using all available data.**

**III. REQUESTED CATEGORY ASSIGNMENT CHANGES**

**8. *Correct pollutants listed as Category 5A that should be 5B based on coverage by an existing TMDL.***

There are number of proposed new listings for pollutants that are already covered by an existing TMDL and are incorrectly categorized as 5A. Although we contend that all of these listings should be removed entirely because of the issues detailed in Comment I, if they are not removed they should, at a minimum, be changed from 5A to 5B as applicable.

Because discharges from the McGrath Lake Agricultural Drain (i.e., “Central Ditch”) are already being addressed by the McGrath Lake PCBs, Pesticides and Sediment Toxicity TMDL (effective June 30, 2011), toxaphene should be changed from Category 5A to Category 5B. A Calleguas Creek nutrient TMDL addressing nitrogen has been in effect since 2003, including for Reach 9A where a new 5A listing for nitrite is proposed. In 2006, the Toxicity and OC Pesticide and PCBs TMDLs for the Calleguas Creek watershed were established to address chlordane, chlorpyrifos, DDT, DDE, DDD, dieldrin, PCBs, sediment toxicity, and toxaphene.



The La Vista Drain and Santa Clara Drain ultimately flow into Calleguas Creek Reach 4 (was Revolon Slough Main Branch), and although we oppose the inclusion of these listings on the grounds that they are not waterbodies, the actual receiving waters are already addressed by an OC Pesticides and PCBs TMDL, the Toxicity TMDL, the Salts TMDL, the Nitrogen TMDL, and the Metals TMDL, and therefore all of these proposed listings should be Category 5B. Furthermore, two other segments were listed for chlorpyrifos – Honda Barranca and Duck Pond Agricultural Drains – but were correctly listed as Category 5B, citing the 2006 Toxicity TMDL.

The nitrogen, nitrate listings on Boulder Creek and Tapo Canyon are being addressed under the Santa Clara River TMDL, in effect since 2004.

- We request that any listings in **Table 3** and **Table 4** that are maintained after addressing the issues in Comment I also be corrected to be designated in Category 5B.

**Table 3. 303(d) Category 5A listings which should be changed to 5B listings**

<b>Segment</b>	<b>Pollutant</b>	<b>Proposed 303(d) Category</b>	<b>Requested 303(d) Category</b>	<b>Existing TMDL</b>
McGrath Lake Agricultural Drain	Toxaphene	5A	5B	PCBs, Pesticides and Sediment Toxicity TMDL <sup>1</sup>
Calleguas Creek Reach 2 (estuary to Potrero Rd)	Specific Conductivity	5A	5B	CCW Salts TMDL <sup>2</sup>
	Total Dissolved Solids	5A	5B	CCW Salts TMDL <sup>2</sup>
Calleguas Creek Reach 3 (Potrero Road upstream to Conejo Creek)	Mercury	5A	5B	CCW Metals TMDL <sup>3</sup>
Calleguas Creek Reach 4	Mercury	5A	5B	CCW Metals TMDL <sup>3</sup>
	Specific Conductivity	5A	5B	CCW Salts TMDL <sup>2</sup>
	Total Dissolved Solids	5A	5B	CCW Salts TMDL <sup>2</sup>
	Sulfates	5A	5B	CCW Salts TMDL <sup>2</sup>
Calleguas Creek Reach 9A	Nitrogen, Nitrite	5A	5B	CCW Nitrogen TMDL <sup>4</sup>
Calleguas Creek Reach 12	Chlorpyrifos	5A	5B	CCW Toxicity TMDL <sup>5</sup>
	Diazinon	5A	5B	CCW Toxicity TMDL <sup>5</sup>
Honda Barranca	DDT	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
Fox Barranca	DDE	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
Rio De Santa Clara/Oxnard Drain No. 3	Toxicity	5A	5B	Oxnard Drain #3 Pesticides, PCBs, Sediment Toxicity TMDL <sup>7</sup>
La Vista Drain (Ventura County)	Chlorpyrifos	5A	5B	CCW Toxicity TMDL <sup>5</sup>
	Chlordane	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	DDT	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	DDE	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	DDD	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	Copper	5A	5B	CCW Metals TMDL <sup>3</sup>
	Mercury	5A	5B	CCW Metals TMDL <sup>3</sup>

Segment	Pollutant	Proposed 303(d) Category	Requested 303(d) Category	Existing TMDL
Santa Clara Drain	Chlordane	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	Chlorpyrifos			CCW Toxicity TMDL <sup>5</sup>
	DDD	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	DDE	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	DDT	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
	Nitrogen, Nitrate	5A	5B	CCW Nutrients TMDL <sup>4</sup>
	Specific Conductivity	5A	5B	CCW Salts TMDL <sup>2</sup>
	Sulfates	5A	5B	CCW Salts TMDL <sup>2</sup>
	Total Dissolved Solids	5A	5B	CCW Salts TMDL <sup>2</sup>
	Toxaphene	5A	5B	CCW OC Pesticides and PCBs TMDL <sup>6</sup>
Tapo Canyon	Nitrogen, Nitrate	5A	5B	Santa Clara River Nitrogen TMDL <sup>8</sup>
Boulder Creek (Ventura County)	Nitrogen, Nitrate	5A	5B	Santa Clara River Nitrogen TMDL <sup>8</sup>

1. The McGrath Lake PCBs, Pesticides and Sediment Toxicity TMDL. RS 2009-006. Approved by USEPA on June 30, 2011.
2. The Calleguas Creek Watershed Salts TMDL. RS 2007-016. Approved by USEPA on December 2, 2008.
3. The Calleguas Creek Watershed Metals TMDL. RS 2006-012. Approved by USEPA on March 26, 2007.
4. The Calleguas Creek Nitrogen TMDL. RS 2002-017. Approved by USEPA on June 20, 2003.
5. The Calleguas Creek, Its Tributaries, and Mugu Lagoon Toxicity, Chlorpyrifos and Diazinon TMDL. RS 2005-009. Approved by USEPA on March 24, 2006.
6. Total Maximum Daily Load for Organochlorine Pesticides, Polychlorinated Biphenyls, and Siltation in Calleguas Creek, its Tributaries and Mugu Lagoon. RS 2005-010. Approved by USEPA on March 24, 2006.
7. Total Maximum Daily Loads for Pesticides, PCBs, and Sediment Toxicity in Oxnard Drain 3. Approved by USEPA on October 6, 2011.
8. Santa Clara River Nitrogen Compounds TMDL RS 2003-011. Effective on March 23, 2004.

In addition, we believe the Calleguas Creek Watershed Toxicity TMDL should cover all new listings in the watershed for pyrethroids and organophosphate pesticides (e.g., malathion), if they are not removed as requested in the first comment. The Toxicity TMDL includes a trigger for additional investigation if ongoing toxicity is identified in the watershed. The toxicity trigger has resulted in the identification of pyrethroids as a potential cause of toxicity, and the Conditional Waiver includes a bifenthrin water quality benchmark triggering management practice implementation in response to exceedances, in addition to the organophosphate pesticides included in the TMDL. Additionally, the structure of the TMDL is designed to proactively prevent toxicity and therefore it is not necessary to develop another TMDL for these constituents. As a result, if the waterbodies are placed on the 303(d) list as new listings, we request that the waterbodies in **Table 4** be moved from 5A to 5B.

**Table 4. Pyrethroid and Organophosphate listings covered by the existing Toxicity TMDL<sup>1</sup>**

Segment	Pollutant	Proposed 303(d) Listing Category	Requested 303(d) Listing Category
Calleguas Creek Reach 4 (was Revolon Slough Main Branch)	Bifenthrin	5A	5B
	Cyfluthrin	5A	5B
	Cypermethrin	5A	5B
	Malathion	5A	5B
	Permethrin	5A	5B
Calleguas Creek Reach 12 (was Conejo Creek/Arroyo Conejo North Fork)	Malathion	5A	5B
Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Bifenthrin	5A	5B
Honda Barranca	Bifenthrin	5A	5B
Santa Clara Drain	Cypermethrin	5A	5B
1. The Calleguas Creek, Its Tributaries, and Mugu Lagoon Toxicity, Chlorpyrifos and Diazinon TMDL. RS 2005-009. Approved by USEPA on March 24, 2006.			

**Requested Action:**

- **Change all pollutant-waterbody segment combinations in Table 3 and Table 4 from 5A to 5B or 4A based on coverage by an existing USEPA approved TMDL.**

**9. *Remove waterbody-pollutant combinations for agricultural drains listed as Category 2.***

Two new agricultural drains were included inappropriately on the Category 2 list (i.e., assessed for listing) and should be removed: Drain Along Gerry Road to Calleguas Creek Reach 9, and Oxnard Drain.

The Gerry Road agricultural drain is a small drainage ditch with intermittent flows that exists solely to collect non-potable water from the adjacent agricultural lands before it drains into Calleguas Creek Reach 9; it is not a tributary to Calleguas Creek Reach 9. A VCAILG monitoring site was selected on this drain to be representative of agricultural discharges to Calleguas Creek Reach 9 and is not representative of receiving water conditions. Accordingly, neither the MUN beneficial use nor the MAR beneficial uses apply to this agricultural drain.

The new listing for Oxnard Drain also should be removed from the Draft Category 2 list. The monitoring site indicated for this drain is located in the Ormond Beach Wetlands area

where flows from the Hueneme Drain, the J St. Drain (now “Chumash Creek”)<sup>3</sup>, and the Oxnard Industrial Drain (formerly known as the Oxnard Drain but now known as the “Ormond Lagoon Waterway”) commingle. In order to list the “Ormond Lagoon Waterway” (formerly the Oxnard Industrial Drain), a monitoring station would have to be established on that channel upstream of the wetlands area to ascertain water quality in that waterbody.

#### **IV. ADDRESS ALL OTHER INCONSISTENCIES AND ERRORS IN LIST**

FBVC’s staff and consultants have identified a large number of inconsistencies and issues in the list that should all be addressed prior to adoption. The summary below provides examples of issues identified. The list is not comprehensive, because in many cases the information provided made it difficult or impossible to conduct a proper analysis.

##### **10. Correct Appendix G fact sheets.**

The Appendix G fact sheets often include incorrect information and discussion. While most of the identified issues do not appear to impact the listing decisions, they make the review of information difficult. Examples of errors found include:

- **Incorrect Evaluation Guideline and Guideline Reference.** For example, the Evaluation Guideline (i.e., criterion) provided for cyfluthrin (a pyrethroid) in LOEs 84065, 83200 and 88712 actually is for the chlorinated herbicide 2,4,5-TP. The stated criterion (29 mg/L) was not found in the cited Guideline Reference. Many additional instances were noted in LOEs for phorate, dimethoate, disulfoton, endosulfan sulfate, and many other LOEs. Because the numeric guidelines (and reference documents from which these are obtained) form the basis for any listing, it is critical that these be carefully reviewed and verified prior to issuing the final fact sheets and 303(d) list.
- **Incorrect beneficial uses assigned to objectives.** For example, MUN beneficial uses listed when aquatic life objectives are presented in the fact sheet.
- **Incorrect beneficial uses assigned to a waterbody.** For example, MUN beneficial uses assigned to a tidally influenced waterbody (e.g., Duck Ponds Agricultural Drain), and MAR and EST beneficial uses assigned to a waterbody that is too far upstream to be tidally influenced (e.g., Wheeler Canyon/Todd Barranca).
- **Incorrect TMDLs assigned to a pollutant.** For example, for chlordane in Calleguas Creek Reach 2, the applicable TMDL is listed as the Calleguas Creek Metals TMDL. It should be the Organochlorine Pesticides, PCBs, and Siltation TMDL.
- **Incorrect QAPPs identified.** For example, the VCAILG QAPP is often referenced for the Ventura County MS4 monitoring data set.
- **Incorrect number of samples evaluated and incorrect number of criteria exceedances.** For example, the number of samples evaluated for toxaphene on the Rio de Santa Clara/Oxnard Drain No. 3 and on Wheeler Canyon/Todd Barranca is identified as 2 samples, whereas data files obtained from the Regional Board website contain 5 samples for the date range indicated in fact sheets, including 3 samples with results of “ND”. Stating in fact sheets that a pollutant exceeds criteria in 100% of samples, instead of the

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<sup>3</sup> On November 2, 2015, Ventura County Watershed Protection District renamed two drains in Oxnard: The Oxnard Industrial Drain (“Oxnard Drain”) was renamed “Ormond Lagoon Waterway”, and the J St. Drain was renamed “Chumash Creek”. Regional Board staff should update their records accordingly.

true figure of 40%, conveys an inflated impression of the degree of impairment by that pollutant in a waterbody. The inclusion of J-flagged data when enumerating exceedances (e.g., for chlordane in the same waterbodies) further exacerbates these numbering inaccuracies.

**Requested Action:**

- **Correct the Appendix G fact sheets for errors such as incorrectly assigned beneficial uses, existing TMDLs, QAPPs, and number of samples / number of exceedances.**

**11. Correct the Appendices and Fact Sheet Categories.**

Appendix A, Appendix B, Appendix C, and Appendix G are inconsistent, which makes the analysis of new additions very difficult since it is unclear which segment-pollutant combinations actually are new listings. Following are examples of a number of identified issues that need to be corrected to allow FBVC to fully vet and understand the proposed listings.

A number of proposed “name changes” in Appendix A are not shown in Appendix B and there are no associated fact sheets describing the name change (e.g., Reach 4 listings for chlorpyrifos and total DDT). This makes it very challenging to assess the validity or basis for the name change. In other instances, listed name changes are found in Appendix B or C but not supported by an explanation for the name change in Appendix G. The fact sheets for the following name changes should provide justification or explanation for the name change, as many appear to be switching tissue or sediment listings to water listings. If this is in fact the change being made, justification for the water listing needs to be provided in the fact sheet. It is not appropriate to characterize changing the medium that is the basis for the listing as a name change.

<b>CCW Segment</b>	<b>Pollutants</b>
Reach 1	Toxicity
Reach 2	Chlordane, endosulfan, toxaphene
Reach 4	Chlorpyrifos (tissue), fecal coliform, total DDT
Reach 12	DDT (tissue), ammonia
Rio De Santa Clara/Oxnard Drain No. 3	Toxicity
Duck Pond	ChemA

There are a number of inconsistencies where Appendix A does not include all of the new 2014 listings found in Appendix B. Below are a few examples of such inconsistencies.

<b>Table 6. Incorrectly listed waterbody segment-pollutant combinations</b>		
<b>Segment</b>	<b>Pollutant</b>	<b>Issue</b>
La Vista Drain	DDT	Not included as a new change in Appendix A but listed as a new 2014 5A listing in Appendix B.
Honda Barranca	Bifenthrin	Not included as a new change in Appendix A but listed as a new 2014 5A listing in Appendix B.
Rio De Santa Clara/Oxnard Drain No. 3	Total Dissolved Solids	Not included as a new change in Appendix A but listed as a new 2014 5A listing in Appendix B.
	Toxicity	Listed only as a “name change” in Appendix A but listed as a new 2014 5A listing in Appendix B.
Calleguas Creek Reach 2 (estuary to Potrero Rd)	Indicator Bacteria	Not included as a new change or “name change” in Appendix A but listed as a new 2014 5A listing in Appendix B. Please clarify if this is a new listing or a “coliform bacteria” name change as described for Calleguas Reaches 6, 9A, 10, and 11.
	PCBs	Not included as a new change in Appendix A but listed as a new 2014 5B listing in Appendix B.
	Toxicity	Not included as a new change in Appendix A but listed as a new 2014 5B listing in Appendix B.
	ChemA	Not included as a new change in Appendix A but listed as a new 2014 5B listing in Appendix B despite cited as a historical use of pesticides and lubricants.
Calleguas Creek Reach 4	Cyfluthrin	Not included as a new change in Appendix A but listed as a new 2014 5A listing in Appendix B.

There are also a number of instances where existing waterbody-pollutant listings from the 2010 303(d) list were not stated as delisted in Appendix A and do not appear in Appendix B, C, or G under the waterbodies to delist. We request clarification as to whether these waterbody-pollutant combinations are, in fact, being delisted, as some align with the assessment provided by the Stakeholders Implementing TMDLs in the Calleguas Creek Watershed.

<b>Table 7. Not described as delisted in Appendix A but not found Appendix B or C</b>	
<b>Segment</b>	<b>Pollutants</b>
Reach 2	Ammonia
Reach 3	Ammonia
Reach 4	Chlordane (tissue & sediment), DDT (tissue & sediment), PCBs (tissue), Toxaphene (tissue & sediment)
Reach 5	Chlordane (tissue & sediment), Chlorpyrifos (tissue), DDT (tissue & sediment), Dieldrin (tissue), Endosulfan (tissue & sediment), Nitrogen, PCBs (tissue), Toxaphene (tissue & sediment)
Reach 6	DDT (sediment)
Reach 9A	Chlorpyrifos, DDT (tissue), Dieldrin (tissue), Endosulfan (tissue), PCBs (tissue), Toxaphene (tissue & sediment)
Reach 9B	Endosulfan (tissue), Toxaphene (tissue & sediment)
Reach 10	DDT (tissue)
Reach 11	DDT (tissue), Endosulfan (tissue), Toxaphene (tissue & sediment)
Rio de Santa Clara / Oxnard Drain #3	Chlordane (tissue), DDT (tissue), Toxaphene (tissue)

**Requested Action:**

- **Correct the numerous inconsistencies described above in Table 5, Table 6, and Table 7 and ensure that all of the proposed 303(d) list appendices are internally consistent.**

**12. Correct the waterbody assigned Hydrologic Unit (HUCs) and Calwater numbers to reflect those listed in the Basin Plan.**

There are multiple instances of what appear to be incorrect Hydrologic Unit numbers (HUCs) and Calwater numbers assigned to the various waterways. For instance, a comparison of the 8 digit HUCs listed in Appendix B of the 303(d) list to the 12 digit HUCs listed in Appendix I of the Basin Plan indicate a number of inconsistencies such that waterbodies present in the Santa Clara River Watershed (e.g., Santa Clara River Reach 1, 2, and 3) are listed with a Calleguas watershed HUC (18070103) while the same reaches are listed as 18070102 in the Basin Plan. This makes identifying the location of unknown waterbodies not previously listed or described in the Basin Plan to assess if they are receiving waters that should be assessed especially difficult. A full review of the 303(d) List HUCs should be completed to correct all errors.

**Requested Action:**

- **Perform a full review of HUCs and Calwater numbers listed in Appendix B through F and correct any inconsistencies with the Basin Plan.**

**13. Correct or clarify inconsistencies in the staff report.**

There is inconsistent discussion about some proposed listings in the staff report, which should be clarified to avoid confusion. For instance, on page 10 of the Staff Report there is a discussion about existing TMDLs covering newly proposed pollutants: “For example, the proposed new listings for DDE and DDD in Calleguas Creek Reach 3 ... are being



*addressed by the Calleguas Creek Organochlorine Pesticides, PCBs and Siltation TMDL ... and would then be in Category 4A.”* However, we could find no listings of DDE and DDD for Reach 3 in any Appendix of the report including Appendix C – Category 4A Waterbody Segments. Furthermore, the Fact Sheets in Appendix G state that DDE and DDD should *not* be listed for Reach 3. We ask the RWQCB to either clarify or remove the above referenced statement, and clarify any other inconsistencies between the staff report and the list.

**Requested Action:**

- **Correct or remove language cited on page 10 of the staff report regarding DDE and DDD listing of Calleguas Creek Reach 3 and clarify any other identified inconsistencies within the staff report.**

**14. *Ensure that all thresholds being used for assessment are consistent and valid under the Listing Policy.***

In many cases, the same pollutant is assessed using different thresholds without any explanation for the basis of the threshold. Additionally, in several cases, an LC50 or threshold for individual species were used for the assessment. This is inconsistent with the Listing Policy, which states that it must be demonstrated that an evaluation guideline is *“applicable to the beneficial use, protective of the beneficial use, scientifically based and peer reviewed, and well described.”* Because it has not been demonstrated that the individual species’ response to these pollutants is applicable and protective of the beneficial use, these guidelines should not be used to make a listing. The Regional Board should review all assessments for consistency, especially for the pesticides (bifenthrin, cyfluthrin, cypermethrin, malathion, permethrin), as well as applicability to the beneficial use as described in the listing policy.

<b>Pollutant</b>	<b>Segment</b>	<b>Objective Used</b>
Bifenthrin	Boulder Creek (Ventura County)	0.0006µg/L (4-day average) from UC Davis <sup>1</sup>
	CCW Reach 4	0.0006µg/L (4-day average) from UC Davis <sup>1</sup>
	Honda Barranca	0.0006µg/L (4-day average) from UC Davis <sup>1</sup>
	Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	0.00397µg/L mean acute value for mysid from Cal Dept. of Fish and Game <sup>2</sup>
Cyfluthrin	CCW Reach 4	LC50: 29000µg/L from the USEPA OPP Pesticide Ecotox database. LOE states that this applies to 2,4,5-TP, not cyfluthrin.
	Santa Clara River Reach 3	LC50: 29000µg/L from the USEPA OPP Pesticide Ecotox database. LOE states that this applies to 2,4,5-TP, not cyfluthrin.
Cypermethrin	CCW Reach 4	0.002µg/L from the Cal Dep of Fish and Game <sup>2</sup>
	Santa Clara River Reach 3	0.002µg/L from the Cal Dep of Fish and Game <sup>2</sup>
	Santa Clara Drain	0.002µg/L from the Cal Dep of Fish and Game <sup>2</sup>
	Wheeler Canyon/Todd Barranca	0.002µg/L from the Cal Dep of Fish and Game <sup>2</sup>
Malathion	CCW Reach 4	0.28µg/L (4-day average) from UC Davis <sup>1</sup>
	CCW Reach 12	0.1µg/L USEPA <sup>3</sup>
	Tapo Canyon	0.28µg/L (4-day average) from UC Davis <sup>1</sup>
Permethrin	CCW Reach 4	0.0002µg/L from UC Davis <sup>1</sup>

1. Aquatic life water quality criteria derived via the UC Davis method: II. Pyrethroid insecticides. Reviews of Environmental Contamination and Toxicology 216:51-103.
2. Hazard Assessment of the Synthetic Pyrethroid Insecticides Bifenthrin, Cypermethrin, Esfenvalerate, and Permethrin to Aquatic Organisms in the Sacramento-San Joaquin River System; 2000. Cal Dept. of Fish and Game. Report 00-6.
3. National Recommended Water Quality Criteria (Red Book). 1976. United States Environmental Protection Agency. Office of Water. Office of Science and Technology.

The 303(d) list includes new listings for bifenthrin, cyfluthrin, cypermethrin, malathion, and permethrin in Ventura County watersheds. Currently no water quality objectives have been promulgated by USEPA or the State of California for these pollutants and so the criteria listed are from a variety of studies. Some issues with these criteria include the following (this list is by no means inclusive; a thorough review of all listings for these pollutants should be undertaken):

- The criterion used for listing bifenthrin on Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2 is 0.00397 µg/L based on the CDFG criteria. The selective use of a saltwater genus mean acute value is inappropriate when the CDFG study clearly states in the “Conclusions and Recommendations” section that “insufficient freshwater and saltwater acute toxicity data were available to calculate CMC values for bifenthrin.” The same use of a criterion unsupported by the study author(s) applies to cypermethrin on the Santa Clara Drain.
- Use of LC50 for listing of cyfluthrin for CCW Reach 4 and Santa Clara River Reach 3 is inappropriate. LC50s do not meet the standard set forth in the listing policy as stated on page 20: “*the evaluation guideline... identifies a range above which impacts occur and below which no or few impacts are predicted.*” By definition an

LC50 is simply the concentration at which half of the population of the tested species has died. The LC50 should not be used as the evaluation guideline.

- The criterion used for listing permethrin for Calleguas Creek Reach 4 is 0.0002µg/L based on the UC Davis<sup>4</sup> criteria. However, upon reviewing the UC Davis source, we found the listed chronic standard for permethrin is 2 ng/L (page 92), which is 0.002µg/L not 0.0002µg/L as listed in the 303(d) list.

**Requested Action:**

- **Review the guidelines used for interpreting narrative objectives and ensure that they are consistently applied and use correct unit conversions.**
- **Remove all guidelines that do not comply with the stated listing policy as described above.**

Farm Bureau appreciates the opportunity to comment on the 303(d) list and looks forward to continuing to work with the Regional Board to address these concerns. Thank you for your time and consideration of these comments. If you have any questions, please contact me at (805) 289-0155.

Sincerely,



John Krist, CEO  
Farm Bureau of Ventura County

cc: Edgar Terry, chairman, VCAILG Steering Committee  
Nancy Broschart, Farm Bureau of Ventura County  
Christ Scheuring, Legal Affairs Division, California Farm Bureau Federation

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<sup>4</sup> Aquatic life water quality criteria derived via the UC Davis method: II. Pyrethroid insecticides. Reviews of Environmental Contamination and Toxicology 216:51-103.