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August 12, 2016

Ms. Xueyuan Yu
San Diego Regional Water Quality Control Board
2375 Northside Dr #100
San Diego, CA 92108
via email: sandiego@waterboards.ca.gov

Subject: Review and Comment of the Draft 2014 California Section (§) 303(d)/305(b) Integrated Report

Dear Ms. Yu,

The Cities of Vista and Oceanside (Cities) have reviewed the Draft 2014 California §303(d)/305(b) Integrated Report dated July 12, 2016. We appreciate the opportunity to provide comments to the San Diego Regional Water Quality Control Board (Regional Board) on this important document. This letter provides an overview of our key comments and then provides specific comments organized by constituent.

General Comments

1. Selenium Standard Misapplied During Listing Assessment
The Regional Board utilized a criterion for total selenium of 0.005 mg/L from 40 CFR 131.38 (the Regional Board also references the San Diego Basin Plan, which in turn references 40 CFR 131.38) in the listing evaluations for selenium. The data collected as part of the Surface Water Ambient Monitoring Program (SWAMP) in 2002 in the San Diego region were analyzed for dissolved selenium. The regulation (40 CFR 131.38) clearly states that the criterion for selenium applies only to total selenium, not dissolved selenium. Therefore, the dissolved selenium samples included in the listing assessment should not be used as lines of evidence (LOEs) to support selenium listings.
2. Inconsistent Application of Listing Policy for Conventional and Other Pollutants
Listings for conventional and other pollutants do not appear to follow the guidance presented in Table 3.2 of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy). The exceedances of conventional and other pollutants needed to place a water body on the §303(d) list should be greater than or equal to five. However, numerous listings, including total nitrogen, total phosphorus, benthic community, and surfactants are included on the Draft 2014 §303(d) list based on exceedance

counts of less than five. More detail is provided below regarding comments for specific decision IDs.

3. Consider Recent Data Before Making A Listing Decision

Although acknowledged by the Regional Board, the age of some of the data used in the listing analysis was greater than 10 years for numerous waterbodies and therefore not likely representative of current water quality conditions. Inclusion of data greater than 10 years old, and arguably greater than five years old, will likely not result in a §303d list that is representative of water quality conditions in San Diego County and therefore not useful in the development of water quality priorities. If the Regional Board is required to list a waterbody using available data, please review listings off-cycle with additional available information not included in the Draft 2014 §303(d) listing evaluation.

4. The Cities would like to state our support of the County of San Diego's general comments on the 2014 §303(d) list, specifically general comments 5, 6, and 7 related to the benthic community listings.

Specific Comments by Constituent

1. Surfactants

Agua Hedionda Creek was listed for surfactants (MBAS) based on one LOE, and the listing referenced the San Diego County Municipal Copermittee (Copermittee) monitoring data from 2001 to 2008 as the basis of the listing. Further examination of the available data resulted in the following comments:

- Agua Hedionda Creek, Decision ID 47481; the single LOE states that eight of 11 samples collected by the Copermittees between 2001 and 2008 at AHC-MLS and AHC-TWAS-1 exceeded the criterion for surfactants (MBAS) (0.5 mg/L). According to the 2014-2015 Copermittee monitoring report (Transitional Monitoring and Assessment Program Report for the Carlsbad Watershed Management Area (2014-2015)), zero of two dry weather and zero of two wet weather samples at AHC-TWAS-1 exceeded the criteria between 2001 and October 2010. Additionally, between 2001 and October 2010, zero of three dry weather and zero of 31 wet weather samples collected at AHC-MLS exceeded the criterion. A total of 38 samples were collected between 2001 and October 2010, with zero exceedances of the criterion for surfactants (MBAS). Table 3.2 of the Listing Policy states that a minimum of seven exceedances are needed to list a waterbody for a conventional or other pollutant with 38 samples. These data do not meet the listing criteria for listing Agua Hedionda Creek for surfactants (MBAS).

RECOMMENDATION

- Recommend removal of Agua Hedionda Creek for surfactants (MBAS) from the Draft 2014 §303(d) list; the total number of exceedances for Agua

Hedionda Creek is zero of 38 (AHC-MLS and AHC-TWAS-1). There appears to be a discrepancy in the Regional Board's data analysis.

2. **Diazinon**

Diazinon was banned from sale in 2005, and since that time significant decreases in concentrations of this pesticide have been observed in receiving water bodies in San Diego County. Due to the inclusion of data greater than 10 years old in the Draft 2014 §303d list evaluation, the number of exceedances for this pesticide meets listing criteria in some water bodies. However, due to the ban on sales of Diazinon in the past 11 years, evaluation of the data should be limited to data collected since the time of the ban. Additionally, sections 3.10 and 4.10 of the Listing Policy allow for the inclusion of trend evaluation during §303d list development. Agua Hedionda Creek is currently proposed for listing on the Draft 2014 §303d list for Diazinon; however there have been no exceedances of the criterion for Diazinon since the early 2000's at any of the stations included in the analysis.

- Agua Hedionda Creek, Decision ID 47453; LOE ID 72872 states that nine of 28 samples exceeded the criterion for Diazinon at AHC-MLS and AHC-TWAS-1 between 2001 and 2008. Re-analysis of available data (Transitional Monitoring and Assessment Program Report for the Carlsbad Watershed Management Area (2014-2015)) shows that there have been zero exceedances of the criterion for Diazinon since 2006 at these two monitoring locations (zero of 18 samples during wet and dry weather). Based on the age of the exceedances and significantly decreasing trend results (step six of section 3.10 of the Listing Policy) this pollutant is not likely to exceed the criterion in the future. Therefore, Diazinon should not be included on the 2014 §303d list for Agua Hedionda Creek. See Attachment A for a table of monitoring results.

RECOMMENDATION

- Recommend Agua Hedionda Creek be removed from the Draft 2014 §303d list due to the ban on the sale of Diazinon, the significantly decreasing trends in Diazinon since 2005, no observed exceedances of Diazinon since 2006 (zero of 18 samples), and the likelihood that Diazinon will not exceed the criterion in the future.

3. **Selenium**

As stated in the general comment number 1 above, dissolved selenium samples collected as part of the SWAMP program were compared to the criterion for total selenium as part of the listing assessment. The listings for total selenium have been reevaluated based on data available from the San Diego County Copermittee Regional Monitoring Program. Results of the reanalysis are presented below.

- Agua Hedionda Creek, Decision ID 33134: LOE ID 3183 states that three of four total selenium samples collected as part of the SWAMP program exceeded the 40 CFR 131.38 criterion of 0.005 mg/L. However, examination of the California

Environmental Data Exchange Network (CEDEN) online database shows that the four selenium samples were analyzed for dissolved selenium instead of total selenium. Therefore, the criterion does not apply and the data should not be used in the listing evaluation. Additionally, the LOE should be updated to state that dissolved selenium were used in the analysis, and not total selenium.

LOE 77975 states that one of 28 samples collected as part of the San Diego County Copermittee Regional Monitoring program exceeded the total selenium criterion. Re-analysis of available data (Transitional Monitoring and Assessment Program Report for the Carlsbad Watershed Management Area (2014-2015)) show that between 1999 and October 2010, one of 30 wet samples and zero of three dry samples exceeded the criterion at AHC-MLS and zero of two samples exceeded during dry and zero of two samples exceeded during wet weather at AHC-TWAS-1. The assessment result is one exceedance out of 37, which does not meet the number of exceedances required to list the waterbody for selenium per Table 3.1 of the Listing Policy.

- Buena Vista Creek, Decision ID 42422: LOE 77985 references dissolved selenium collected as part of the San Diego Copermittee Regional Monitoring Program. As stated previously, total selenium should be used in the listing assessment for comparison with the criterion. Re-analysis of available data (Transitional Monitoring and Assessment Program Report for the Carlsbad Watershed Management Area (2014-2015)) shows that zero of three wet and zero of three dry samples collected at BVC-TWAS-1 exceed the total selenium criterion. The LOE should also be updated to reflect the total selenium results, and to remove references to dissolved selenium results.

LOE 6549 references dissolved selenium samples collected as part of the SWAMP program in 2002. These data should not be used in the listing assessment, as the criterion is for total selenium. The LOE references the San Diego Basin Plan, which in Table C-1 references the USEPA National Ambient Water Quality Criteria (40 CFR 131.38). As stated previously, 40CFR131.38 explicitly states that the selenium criterion is for total selenium.

- Loma Alta Creek, Decision ID 43254: LOE 77791 references dissolved selenium collected as part of the San Diego Copermittee Regional Monitoring Program. As stated previously, total selenium should be used in the listing assessment for comparison with the criterion. Re-analysis of available data (Transitional Monitoring and Assessment Program Report for the Carlsbad Watershed Management Area (2014-2015)) shows that zero of three dry and zero of three wet samples collected at LAC-TWAS-1 exceeded the criterion for total selenium. The LOE should be updated to reflect the total selenium results and to remove references to dissolved selenium results.

LOE 8875 states that three of three samples exceeded the criterion for selenium. The LOE references dissolved selenium, which should not be compared to the criterion for total selenium. These data should not be used in the listing assessment, as the criterion is for total selenium. The LOE references the USEPA

National Ambient Water Quality Criteria (40 CFR 131.38). As stated previously, 40CFR131.38 explicitly states that the selenium criterion is for total selenium.

RECOMMENDATION

- It is recommended that Agua Hedionda Creek be removed from the 2014 Draft §303(d) list for selenium, as the total number of exceedances of the total selenium criterion is one of 37 and does not meet the requirements for listing per Table 3.1 of the Listing Policy.
- It is recommended that Buena Vista Creek be removed from the 2014 Draft §303(d) list for selenium, as the total number of exceedances of total selenium is zero of six. This result does not meet the criteria for listing per Table 3.1 of the Listing Policy.
- It is recommended that Loma Alta Creek be removed from the 2014 Draft §303(d) list for selenium, as the total number of exceedances of total selenium is zero of six. This result does not meet the criteria for listing per Table 3.1 of the Listing Policy.

4. Indicator Bacteria

The indicator bacteria listings for Pacific Ocean Shoreline at Loma Alta HSA at Loma Alta Creek Mouth (Decision ID 43811) and Pacific Ocean Shoreline, San Luis Rey HU, at San Luis Rey River Mouth (Decision ID 44090) were examined. Although San Luis Rey is a category 4a waterbody, it should be noted that both listing evaluations included the shellfish objective. Neither Loma Alta Creek Mouth nor San Luis Rey River Mouth have a current beneficial use for shellfish (Basin Plan Table 2-3). This beneficial use should be removed from all future §303d listing assessments for these two water bodies.

RECOMMENDATION

- Remove assessment of the shellfish beneficial use from the §303d listing assessments for Loma Alta Creek Mouth and San Luis Rey River Mouth.

We thank you for consideration of our comments. If you have any questions or require additional information, please contact Cheryl Filar at (760) 643-5412 or email: cfilar@ci.vista.ca.us or Mo Lahsaie at (760) 435-5803 or email: mlahsaiezadeh@ci.oceanside.ca.us.

Respectfully Submitted,



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