Appendix K. Summary of Comments and Staff Responses to Comments

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Comment #:303d_001 Commenter: David Athey - City of Atascadero

Date Comment Received: 4/16/2009

Comment: "Email from D. Athey. "The City formally requests copies of the following information according to the public's rights under the California Public Records Act (GOVT. CODE §§ 6250 - 6276.48):

- Any written communication, email or otherwise, regarding the 303d listing of *E. coli* for Atascadero Creek.
- The written scientific or other appropriate criteria relied upon to decide to list *E. coli* on the 303d list.
- Copies of the data sheets, sampling logs, sampling diary information and chains of custody for the *E. coli* sampling.
- Any other written communication related to the E. Coli 303d listing for Atascadero Creek.

Please contact me with an approximate cost of getting copies of this information. I am happy to save paper if some of this is in electronic format. Thanks for your help."

Response: "E-mail response from M. Adams. "Dave Innis forwarded this request to our admin staff and to me. I think I can provide you with most of the information you are looking for in electronic formats. If you go to the Central Coast Waterboard website and click on the link (under Announcements) to "Proposed Revisions to the 303(d) List . . ." you will have access to the entire data set that was used for all Atascadero Creek assessments. The "Fact Sheets" at this site also contain the information you requested about the criteria used to assess E. coli data. You can also go directly to the Atascadero Creek assessments by clicking on this link http://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d/appendix_f/00876.shtml#4296. If you still need additional information, please re-submit your request to Sue Gerdsen directly. There are about 30 binders (one fore each month of monitoring conducted) that contain the field data sheets, COC forms and the lab reports. There are no written communications (other than this current email thread) regarding E. coli and Atascadero Creek. Please feel free to contact me directly if you have questions about the fact sheets (the link above) or the data. "

Comment #: 303d_002 Commenter: David Athey - City of Atascadero

Date Comment Received: 4/22/2009

Comments and Responses: Summary of phone conversation clarifying questions for D. Athey. This is my [Mary S. Adams] summary of our conversation.
D.A. How to find data and information used for the listing process?
MSA. Walked him through the Appendix F on the website (where all information released to the public was posted). Showed him how to download all the data used files and how to find the information he needed within those files. DA. What is the listing policy, is that the same as the Basin Plan?
MSA. I explained that the listing policy is the State's approved guidance document for developing the Section 303(d) List of Impaired waters. I also navigated with him to the site where the document is available.
DA. What is the benchmark (or historic data used) to say that theses creeks have not always had these levels of bacteria?
MSA. As far as I know there is no historic bacteria data set for Atascadero Creek or any local area. However, there are several creeks and rivers that do not have any evidence of impairment from bacteria. In fact all the creeks in the Santa Lucia (Big Sur) Hydrologic

Unit are not listed for anything. So there are several areas that do not have evidence of a problem.
DA. When will CCAMP be monitoring in the Salinas Watershed again?
MSA. January - December of 2011
DA. Would like his staff to collect split samples with the CCAMP staff.
MSA. We welcome you to join us as often as you like.
DA. said that his questions were answered and our conversation satisfied his request

Comment #: 303d_003 Commenter: Jill Murray - City of Santa Barbara

Date Comment Received: 4/13/2009
Comment: Email from J. Murray. Requesting information on the basis of the toxicity listing in Mission Creek.
Response: "Our records show that it was listed based on a fish kill (we think in the early 90's). Mission Creek was listed in 1998 for "Unknown Toxicity". So it is already on the list. There are two ways to get something off the list (as stated in the Listing Policy). First, de-list based on enough data showing that there is not an impairment. This would require a minimum 28 toxicity samples and no more than 1 toxic result. We do not have a data set like that yet. Alternatively, de-list a water segment/pollutant combination if the initial listing was based on faulty data. We do not have any data for the initial listing, it was based on a reported fish kill, and the cause of the fish kill is unknown. This is why it was listed for unknown toxicity.
We have discussed this Mission Creek Listing internally to see if we could justify de-listing. The listing is not based on faulty data and we do not have the sample count to de-list. So, we decided that we would like to have some additional data to support the de-listing based on lack of supporting evidence. FYI, CCAMP was focused in Santa Barbara last year and we have collected an additional 2 rounds of toxicity data at Mission Creek. We will use this data (in combination with the older data) and lack of any recent fish kill information to re-evaluate the Toxicity listing for Mission Creek in 2010.
I hope this helps to clarify and please give me a call if you have other questions!"

Comment #: 303d_004 Commenter: Jill Murray - City of Santa Barbara

Date Comment Received: 4/14/2009
Comment: Email from J. Murray. "We have 7 additional samples for Mission Creek, five low flow and two storm, all testing fathead minnow using ABC labs, and all showed no toxicity problems. Can you include that in your data set, if we review our sampling protocols with you? Also, are you planning on doing enough toxicity testing prior to the next listing cycle? "
Response: "Yes, We can include your data and are required to include all data that are submitted. This current assessment only uses data up through December 2006. Also, note that Mission Creek toxicity is not scheduled for TMDL consideration until 2021, and is considered a low priority. Also note that we (staff) are already discussing how we can delist it under the "faulty data" clause of the Policy in 2010.
I suggest the following approach. Please submit that data (as well as any relevant data you would like us to consider) in a couple of months when we solicit data for the 2010 assessment. We will be sending a formal solicitation letter out (for the 2010- 303(d) assessment) in August.
FYI, CCAMP completed toxicity for three test species at the Montecito St bridge in August and in February, so that is 6 more samples. This, in combination with your samples will not get us to 28, but with 18 samples and no historic data top support the toxicity listing (other than a reported fish kill due to unknown causes) I think we can support the delisting.

I did not follow this logic in the 2008 assessment because with only the 4 samples this time, I did not feel that we had enough evidence to delist."

Comment #: 303d_005 Commenter: Jill Murray - City of Santa Barbara

Date Comment Received: 4/14/2009
Comment: E-mail from J. Murray. "Sycamore Creek is newly listed for Na and Cl, because of the beneficial use of Ag. I really don't think it's used for ag - what/when is the process for changing the beneficial use? Sorry in advance if it's in black and white somewhere I should have already looked! Jill"
Response: "Revising or removing a beneficial use requires a public process leading to a Basin Plan amendment approved by the Regional Board, the State Board, the Office of Administrative Law (OAL) and EPA (for surface waters only). Generally, we may not remove a beneficial use if it is an "existing use" (40 CFR 131.10). An existing use is a use that was actually attained in a waterbody on or after November 28, 1975, whether or not they are included in the water quality standards (40 CFR 131.3 (e)). The de-designation of the use must consider anti-degradation."

Comment #: 303d_006 Commenter: Jill Murray - City of Santa Barbara

Date Comment Received: 4/15/2009
Comment: Email from J. Murray. "For the Sycamore Creek fecal coliform listing, the objective says that "no less than five samples" need to be collected for thirty days - did you sample that frequently? The description says you sampled monthly."
Response: "No, we did not collect multiple samples in a 30 day period. Let me explain how our staff interpreted the objective for use here. The objective of 400 is not confined to having 5 samples in the 30 day period (that is specific to applying the geomean objective of 200 MPN/100mL). The Basin Plan states that "no more than 10% of the total samples during any 30 day period" shall exceed 400 MPN/100mL. So whether we have 1 or multiple samples in a 30 day period, no more than 10% of those can exceed the objective. This is how the objective was applied in our Region and State-wide."

Comment #: 303d_007 Commenter: Jill Murray - City of Santa Barbara

Date Comment Received: 4/15/2009
Comment: Email from J. Murray. "how can you use the EPA objectives for E. coli if they are not in the Basin Plan? And then, given you are using them for some of the creek segments, why 235, since that is the standard for a designated freshwater beach. The standard for an infrequently used area is 576."
Response: "The short answer is that EPA told us to use 235, which we did without question. Also the 303(d) listing policy (see section 6.1.3) specifically provides guidance for using Non-Basin Plan criteria in the 303(d) assessment. Basically, we can identify "Evaluation Guidelines" that apply to a beneficial use (or are used to interpret a narrative basin plan objective) if they meet the following criteria: 1) applicable to the beneficial use 2) protective of the beneficial use 3)linked to the pollutant under consideration 4)well described 5)identifies a range above which impacts occur. Based on these criteria, the EPA E. coli and Enterococcus criteria are acceptable for use. "

Comment #: 303d_008 Commenter: William Stevens - NOAA

Date Comment Received: 4/21/2009
Comment: Email from W. Stevens requesting clarification on the basis of the Delisting for sediment in the Salinas River.

Response: Email to W. Stevens. “The Salinas River was delisted for sedimentation based on staff recommendations in the Preliminary TMDL Project Report (Attached). The recommendation is as follows:” The TMDL for sediment for the main stem of the Salinas River should be put on hold pending the outcome of a watershed assessment. If a watershed assessment can’t be performed, staff recommends delisting the Salinas River for impairment due to sediment since there is not enough evidence to support the current listing. I have updated the fact sheet for Lower Salinas River and Sediment to include this information and to further clarify the rationale.
I hope this helps and feel free to contact me directly if you have additional questions.”

Comment #: 303d_009 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Is there a guideline for phosphorus?
Response: No, staff intends to use the NNE tool to develop a regionally relevant evaluation guideline for phosphorus, as we have done with nitrate. We could have used a statewide phosphorus guideline value as identified by State Board in their staff report but decided to wait and develop regionally relevant number based on Central Coast data.

Comment #:303d_010 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Are staff still completing assessments?
Response: No, the assessment is complete for this listing cycle. The next assessment will be for the 2010 Section 303(d) list and will include data through 2008.

Comment #:303d_011 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Is there a summary report for this effort and are the data used for the assessments available to the public?
Response: As part of the workshop, staff provided an online demo of how to find the draft list, factsheets, underlying data and navigate the website. Blosser Channel was used an the example.

Comment #:303d_012 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Concern was expressed for the potential sources identified on Blosser Channel. First is the property actually a permitted Confined Animal Facility? Second, Kay Mercer expresses concern that TMDL implementation would require unreasonable requirements of other landowners throughout the watershed.
Response: First, we need to explain the unique situation in this watershed. A single land owner has a small pasture that frequently holds several cattle or horses. During storm events the property drains to the Blosser channel. Second, “Confined Animal Facility" is a legal term that implies a permitted facility; this is not a permitted facility. Therefore, we will change the Potential Source to "Intensive Animal Feeding Operations" to avoid confusion. Finally, Potential sources identified in the 303(d) assessment are not based on source analysis and are simple based on staff knowledge. In a TMDL, sources are identified and implementation is specific to the sources identified in that process.

Comment #:303d_013 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Shannon Sweeney, City Santa Maria, expressed concern that the recent stormwater data collected by City of Santa Maria staff does not show elevated nutrient and pH levels. Therefore she is concerned that the TMDL will conflict with the listings.
Response: We encourage the City to submit all their monitoring data to us for the next 303(d) assessment. The solicitation will begin later this year. All data submitted with be considered (in addition to older data already assessed). Also note that storm water flows are expected to differ from ambient data sets (like the data collected by CCAMP and the CMP for Agriculture which monitor monthly. This is why the Lines of Evidence (LOEs) are specific to each waterbody, beneficial use, pollutant and data source. LOEs characterize the spatial and temporal representation of the data (for each project) and allow the reader to see the differences between storm water and ambient data sets.

Comment #:303d_014 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Was NNE peer reviewed?
Response: Yes - see the reference for this document

Comment #:303d_015 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Does it show how inputs were used in NNE? Show what nutrient was limiting?
Response: 1) We used the entire CCAMP Data set, including monthly data for at least one year at 190+ monitoring sites throughout the Region. Within this data set we identified a set of reference sites that met Basin Plan Objectives for Dissolved Oxygen (those sites that never have DO levels below 5.0 mg/L for WARM and 7.0 mg/L for COLD. Comparing the reference sites to all sites we established a nitrate threshold of 1.0 mg/L. This is the level above which we predict there to be a biostimulatory problem. 2) Note that there are situations where elevated nitrate is not causing a biostimulatory problem at one location but downstream where more sunlight or phosphorus is added the problem occurs. 3) The NNE tool can be used to determine endpoints on a site specific basis and we feel that this is more appropriate in the TMDL process. For the purpose of screening data to determine impairment we have identified a single number for nitrate to use Region wide.

Comment #:303d_016 Commenter: Verbal from Public Workshop

Date Comment Received: 4/22/2009
Comment: Are there any listings for phosphorus?
Response: None yet – Staff intend to develop a regionally relevant evaluation guideline for phosphorus using the NNE model for the 2010 assessment.

Comment #:303d_017 Commenter: Dorena Goding – State Water Board

Date Comment Received: 4/22/2009
Comment: E-mail from D. Goding. Please revise Enterococcus LOEs for streams and rivers to use the freshwater criteria (instead of the marine criteria)
Response: This is a mistake. We should not have applied a marine standard to freshwater streams. We will revise to use the freshwater standard (61 MPN/100mL). As a result of this change the following creeks are now "not supporting" REC1 due to Enterococcus: San Lorenzo River, Soquel Creek and Tembladero Slough

Comment #:303d_018 Commenter: Chris Coburn - County of Santa Cruz

Date Comment Received: 5/15/2009
Comment: Phone Conversation. What is the basis of the Soquel Lagoon listing for Nutrients? Based on data collected by Santa Cruz County staff and grant data from the CLEAP project, County of Santa Cruz feels this listing is not warranted.
Response: Staff reviewed historic 303(d) files for supporting documentation and found none. Staff also looked at the CCAMP data for Soquel Creek at the rail road trussel (304SOQ). This site is at the upper end of the Lagoon and the highest nitrate measured there is 0.5 mg/L as N. This decision was changed to Delist. The LOE for CCAMP data at 304SOQ has been copied from Soquel Creek to Soquel Lagoon to support this decision.

Comment #: 303d_019 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/15/2009
Comment: Phone Conversation. Request to extend the public comment period.
Response: Staff encouraged Mr. Wagner to send a letter requesting the extension but told him that it was unlikely that we would extend the Public Comment period.

Comment #: 303d_020 Commenter: Brandon Steeps - GeoSyntac Consultants

Date Comment Received: 5/15/2009
Comment: Phone Conversation: Request to extend the public comment period.
Response: Staff encouraged Mr. Steeps to send a letter requesting the extension but told him that it was unlikely that we would extend the Public Comment period.

Comment #: 303d_021 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/15/2009
Comment: E-mail. Request further detail on the location of the CCLEAN monitoring site and the listings for Chlorpyrifos.
Response: Staff provided the location of the CCLEAN monitoring site (located at Laurel St.) and an additional monitoring site on Branciforte Creek above the confluence with Carbonera Creek. Staff reviewed the data which is the basis of the listing recommendation and told Chris that the two exceedances were from San Lorenzo River at Laurel and at Tait (Crossing Rd.) in May of 2006.

Comment #: 303d_022 Commenter: Dane Hardin - Applied Marine Sciences

Date Comment Received: 5/15/2009
Comment: Phone Conversation. Request information - why wasn't the CCLEAN Mussel tissue data used in this assessment.
Response: Staff mistakenly assumed that all data referenced in the CCLEAN report submitted during the public data solicitation (December 2007-January 2008) were submitted with the CCLEAN data. This was not the case. CCLEAN staff has now submitted and that data was assessed and included in the final draft proposed changes to the Section 303(d) List of Impaired Waters.

Comment #: 303d_023 Commenter: Dane Hardin - Applied Marine Sciences

Date Comment Received: 5/15/2009
Comment: Phone Conversation. Request information - why weren't the CCLEAN 30-day averages for Chlordane and PCBs included in this assessment?
Response: Staff has worked with State Board and Regional Board staff to identify appropriate criteria as stated in the Listing Policy (Section 6.1.5.6). Staff used 30-day

averages provided by CCLEAN staff with the 4-day average criteria (CTR, 2000 - criteria continuous concentrations).

Comment #: 303d_024 Commenter: Bob Barrett - City of Santa Cruz

Date Comment Received: 5/22/2009
Comment: Phone Conversation. Data request - the chlorpyrifos data is not included in the file referenced in the Line of Evidence. Please provide the data.
Response: Bob is correct. The file used as the reference for this fact sheet does not contain the data for chlorpyrifos. This is an error. Staff provided the data directly to County of Santa Cruz staff and have revised the fact sheet references to attach the correct data file.

Comment #: 303d_025 Commenter: Bob Barrett - City of Santa Cruz

Date Comment Received: 5/22/2009
Comment: Phone Conversation. Request to extend the public comment period.
Response: Staff encouraged Mr. Steeps to send a letter requesting the extension but told him that it was unlikely that we would extend the PC period.

Comment #: 303d_026 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/22/2009
Comment: Phone Conversation. What is the basis of the 13 year maximum for TMDL Development? Is this a requirement or guidance?
Response: Staff provided the EPA memo stating the 13 year guidance (USEPA Memorandum, August 9, 1997). This memo states "Each State schedule should reflect the State's own priority ranking of the listed waters and be integrated with the Environmental Performance Partnership Agreement process. These State schedules should be expeditious and normally extend from eight to thirteen years in length..." and lists several factors that States should include in their prioritization process. However, the memo also states that "...once a waterbody is put on a list and a time schedule is specified for completing the TMDLs for that waterbody, the TMDL for that waterbody should generally be completed within that timeframe; the schedule should not be extended beyond that time frame simply because a new list is developed. "

Comment #: 303d_027 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/22/2009
Comment: Phone Conversation. Concern was expressed for the delisting of Stillwater cove. Steve Shimik stated that the beach has been posted on numerous occasions.
Response: Stillwater Cove beach is not exceeding the allowable frequency per the Listing Policy for data assessed (January 2004 – December 2006). Therefore, it qualifies for de-listing per the listing policy.

Comment #: 303d_028 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/22/2009
Comment: Phone Conversation. Request information - why wasn't the CCLEAN Mussel tissue data used in this assessment.
Response: Staff explained that this was an omission of information and the CCLEAN data will be assessed before the July Board meeting.

Comment #: 303d_029 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 4/30/2009

Comment: Via phone conversation request for the basis of the Salinas River delisting for sedimentation.

Response: sent via E-mail. "The Salinas River was de-listed for sedimentation based on staff recommendations in the Preliminary TMDL Project Report (Attached here). The recommendation is as follows: The TMDL for sediment for the main stem of the Salinas River should be put on hold pending the outcome of a watershed assessment. If a watershed assessment can't be performed, staff recommends de-listing the Salinas River for impairment due to sediment since there is not enough evidence to support the current listing. I also updated the fact sheet for Lower Salinas River and Sediment to include this information and to further clarify the rationale. This will be available before the Board Meeting in July."

Comment #: 303d_030 Commenter: Department of Fish and Game

Date Comment Received: 5/21/2009

Comment: Support proposed listings for low dissolved oxygen in Bennett Slough, Carneros Creek, Elkhorn Slough, Moro Cojo Slough, Moss Landing Harbor, Old Salinas River and Tembladero Slough.

Response: Comment noted.

Comment #: 303d_031 Commenter: Department of Fish and Game

Date Comment Received: 5/21/2009

Comment: Support proposed listing for nitrate in Tembladero Slough

Response: Comment noted.

Comment #: 303d_032 Commenter: Department of Fish and Game

Date Comment Received: 5/21/2009

Comment: Recommend listing for nitrate in Bennett Slough, Carneros Creek, Elkhorn Slough, Moro Cojo Slough, Moss Landing Harbor and Old Salinas River.

Response: The specifically mentioned waters were not listed for nitrate because either the MUN beneficial use is not designated for that waterbody or the nitrate levels did not warrant listing relative to that water quality objective. In addition, staff did not apply the aquatic life evaluation guideline (based on the NNE tool) to waters outside of the Lower Salinas watershed. However, it is the intent of staff to further develop the NNE tool and apply a nitrate objective for aquatic life beneficial uses throughout the Region in the 2010 assessment. Therefore, Bennett Slough, Elkhorn Slough Moro Cojo Slough, Moss Landing Harbor and Carneros Creek will be assessed at that time. Old Salinas River is proposed to be added to the list for nitrate.

Comment #: 303d_033 Commenter: Department of Fish and Game

Date Comment Received: 5/21/2009

Comment: Recommend listing for phosphate in Bennett Slough, Carneros Creek, Elkhorn Slough, Moro Cojo Slough, Moss Landing Harbor, Old Salinas River and Tembladero Slough.

Response: Currently there is no evaluation guideline for phosphate. However, it is the intent of staff to further develop the evaluation guideline for phosphate and aquatic life beneficial uses and use this guideline Region wide in the 2010 listing assessment.

Comment #: 303d_034 Commenter: Department of Fish and Game

Date Comment Received: 5/21/2009

Comment: Recommend listing for ammonia in Bennett Slough, Elkhorn Slough and Moss Landing Harbor.

Response: Staff was unable to determine exceedances of the Central Coast Basin Plan General Objective for unionized ammonia from the Elkhorn Slough data set for several reasons. First, data were not provided in a way that staff could calculate unionized ammonia. Second it is not transparent if the pH and temperature data are collected in the field for data pre 2006. For future data submittals please provide the following information: either calculated unionized ammonia data (based on field measurements of water temperature and pH) or provide total ammonia results, field measurements of pH and water temperature in the same file and format so that Waterboard staff can make the calculations.

Comment #: 303d_035 Commenter: Department of Fish and Game

Date Comment Received: 5/21/2009

Comment: Oppose delisting Tembladero Slough for ammonia.

Response: Staff determined that the frequency of un-ionized ammonia exceedances (of the General objective) warrants delisting. This assessment was based on data from both CCAMP and the Cooperative Monitoring Program for Agriculture. No other data set provided unionized ammonia data.

Comment #: 303d_036 Commenter: Citizens to protect tract 1998

Date Comment Received: 5/22/2009

Comment: Concern that the approved project to fill East Meadow Creek and grade this land will result in bacterial pollution to and eventual listing of Meadow Creek.

Response: There were no data submitted to staff during the public data solicitation period (December 2006 - February 2007) for Meadow Creek or its tributaries. Comment was forwarded to Stormwater Program staff.

Comment #: 303d_037 Commenter: Susan Harvey - North County Watch

Date Comment Received: 5/24/2009

Comment: "Please instruct our citizens group on how we can provide public comments on this issue to the CCWRQCB, as well as comments on the City's Storm Water Management Plan [City of Arroyo Grande] currently in preparation."

Response: This letter was forwarded to Stormwater Program Staff

Comment #: 303d_038 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "In general, we are highly supportive of the new listings. We have specific comments/additions detailed below. But we are concerned with the process from this point forward: the RWQCB must find a way to create and implement TMDLs and address pollution issues more quickly than is presently occurring." The letter concludes with "We recognize that the exercise of 'listing' does little to improve water quality. The primary message of this comment letter is for the Board to move ahead very quickly to create and implement TMDLs. We have already waited a third of a century for TMDLs to be created for some waterbodies. Critical, high priority waterbodies such as the Salinas River and Reclamation Canal should not wait any longer for attention. The Regional Board must take action now."

Response: Noted. Staff agrees that the current TMDL prioritization will result in addressing more than 160 pollutant listings in the Lower Salinas and Reclamation Canal watersheds. Staff acknowledges that the magnitude of water quality pollution in these watersheds is the highest in the Region and therefore feels that re-prioritizing TMDLs to focus there is critical.

Comment #: 303d_039 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "We are very pleased that the Central Coast Regional Water Quality Control Board (RWQCB) staff has taken a broader look at Central Coast waters. This broader look has – for the first time – given us a more complete impression of the health of our waters." and goes on to comment, "We especially appreciate the use of a nitrate standard protective of aquatic health. Using the more lax drinking water standard is not protective of all beneficial uses and the aquatic health level of protection is more appropriate. We commend the Board and staff for this thoughtful approach."

Response: Comment noted.

Comment #: 303d_040 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "While we understand the enormity and complexity of the task, we are concerned with the lateness of this report. This report is the 2008 biennial report – due in 2008, not mid-2009. It

is the predictability of when the draft report will be released for comment that is problematic. We trust work is well underway for the 2010 report and that it will be completed on time. We look forward to commenting on the 2010 draft report. Completing the Integrated Report on time is the first step to improving water quality in our impaired watersheds."

Response: Comment noted.

Comment #: 303d_041 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "We would like the RWQCB and staff to consider two additional listings (for the same waterbody)...We believe the CCLEAN data that you already have supports listing Monterey Bay as impaired for PCBs and perhaps DDT. The DDT and PCB laden sediments are often referred to as the "bathtub ring" around Monterey Bay. NOAA published a report, using CCLEAN data, indicating that PCBs are being delivered down-current from San Francisco Bay. Listing Monterey Bay as impaired for PCBs would support the PCB listing in the San Francisco region. DDT, carried by sediments from the Pajaro and Salinas rivers would support sediment and DDT TMDLs in these rivers. This listing would also bring attention to the value of healthy riparian corridors along our waterways. We believe you already have in your possession the CCLEAN data to support listing Monterey Bay as impaired for DDT and PCB."

Response: Staff mistakenly assumed that all data referenced in the CCLEAN report submitted during the public data solicitation (December 2007-January 2008) were submitted with the CCLEAN data. This was not the case. CCLEAN staff has now submitted that data and was assessed and included in the final draft proposed changes to the Section 303(d) List of Impaired Waters.

Comment #: 303d_042 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "We would like the Board and staff to reconsider several beach delistings in Santa Cruz County plus Lovers Point (Monterey County), and Stillwater Cove in Pebble Beach (Monterey County)." This request is based on recent (2009) data from the Santa Cruz County website. This data shows that there are several beach closing in Santa Cruz County. "Monterey County data is found at: http://www.co.monterey.ca.us/health/beaches/. The current listing for Lovers Point Beach shows little problem but news reports occasionally report closures due to high bacteria levels. See: http://www.ksbw.com/news/13857649/detail.html." This data also shows beach closures due to elevated bacteria levels.

Response: Staff will re-evaluate new info and resolve issues with State Waterboard and USEPA with respect to the Beach data assessments. Any modifications to the 2008 Integrated Report will be addressed in a supplemental report to the Board.

Comment #: 303d_043 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "Creating TMDLs is the next, and most critical, step in improving water quality. USEPA guidance found at: http://www.epa.gov/OWOW/tmdl/ratepace.html#N_2_#N_2_ specifies that the time between listing and TMDL completion dates should be 13 years or [much] less. We are struck by the tardiness of TMDL completion...One-third of a century from listing to TMDL completion is simply not acceptable."

Response: Comment noted.

Comment #: 303d_044 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "Changing listing criteria is also not an acceptable mechanism to extend TMDL deadlines. Again, Elkhorn Slough provides an example: The RWQCB is suggesting a delisting of impairment for pathogens (we assume listed in 1990, although it is never shown) and a new 2008 listing for E. coli with a new TMDL completion date of 2021. Sliding the elapsed time from 31 to 13 years is unacceptable. The 'refinement' of listing criteria is a positive development but should not cloud the date of the original listing. There are several additional occurrences of this refinement and date slippage in the Salinas watershed – an area we all agree is critically important to quickly address. The time from initial listing to TMDL completion must be transparent. All instances – and there are many - of delistings and relistings should carry-forward the original listing date."

Response: Comment noted. Staff supports the current TMDL prioritization schedule and reiterates it will result in addressing more than 160 pollutant listings in the Lower Salinas and Reclamation Canal watersheds. Staff acknowledges that the magnitude of water quality pollution in these watersheds is the highest in the Region and therefore feels that re-prioritizing TMDLs to focus there is critical.

Comment #: 303d_045 Commenter: Steve Shimek - Monterey Coastkeeper

Date Comment Received: 5/26/2009

Comment: "We are offering a mixed message: while we believe decades for TMDL implementation is far too long, we also agree with staff's Salinas River and Reclamation Canal priorities (meaning that some impaired waterbodies may have to wait even longer before being addressed). The bottom line is that the Central Coast Regional Water Quality Control Board must move quickly and decisively to create TMDLs to address impairments.

The RWQCB must find a way to create literally hundreds of TMDLs over the next decade."

Response: Comment noted. Staff agrees that the current TMDL prioritization will result in addressing more than 160 pollutant listings in the Lower Salinas and Reclamation Canal watersheds. Staff acknowledges that the magnitude of water quality pollution in these watersheds is the highest in the Region and therefore feels that re-prioritizing TMDLs to focus there is critical.

Comment #: 303d_046 Commenter: Hillary Hauser - Heal the Ocean

Date Comment Received: 5/26/2009

Comment: "Both Carpinteria Marsh (El Estero) and Goleta Slough Estuary were previously removed from the List during the Regional Board's last listing cycle, over Heal the Ocean's objection, and we ask that the Board reconsider this removal during this cycle for the important reasons cited in this letter." Additional information supports both listings. In Carpinteria Marsh, as Heal the Ocean pointed out to the Board in the 2006 listing cycle, recent studies conducted through the UCSB Carpinteria Salt Marsh Reserve program under the direction of Dr. W. Ferrin, revealed sedimentation and water quality as two of the most important management issues affecting the long-term health and preservation of the Marsh. These water quality issues are identified in the Management Plan for Carpinteria Salt Marsh Reserve: A Southern California Estuary." In Goleta Slough, staff should consider additional evidence including "study done by Dr. Mark Holmgren" which documents the flood event of 1995 in which sediment loads "brought with it seeds and sprouts from upland vegetation. In addition, the level of the soil in the Slough built to a height above that at which ocean tides can exert their effects." Heal the Ocean also includes this information: "County of Santa Barbara spends hundreds of thousands of dollars every year to dredge the Slough for the purpose of removing excess sediment."

Response: This was de-listed based on lack of supporting documentation for the initial listing. There was no data and the listings were based on staff observations of sediment in the watersheds. Staff recommends that Heal the Ocean provide the mentioned documentation and highlight the evidence supporting the sedimentation problems for the 2010 listing cycle. The public solicitation for data and information is scheduled to begin this fall.

Comment #: 303d_047 Commenter: Hillary Hauser - Heal the Ocean

Date Comment Received: 5/26/2009

Comment: "As for the Pacific Ocean at Hammonds Beach, Heal the Ocean presents here new information (received in April 2009) that strongly implies that Hammonds Beach should remain on the 303(d) List for Fecal Pollution until proven otherwise." "More importantly, Heal the Ocean received in April 2009 the preliminary results of PhyloChip testing that has been performed on ocean-water samples collected in the Hammonds Beach and Butterfly Beach areas very near the Montecito wastewater outfall from November 2007 through November 2008). The PhyloChip, which helps researchers identify dangerous pathogens before they can affect humans, is a custom Affymetrix microarray developed by Lawrence Berkeley National Laboratory (it won the bronze prize in the 2008 Wall Street Journal Technology Innovation Awards). The PhyloChip detected in the ocean-water samples taken from Hammonds Beach and Butterfly Beach areas a positive reading for 2,800 species of human pathogens (out of 8,900 distinctive environmental and pathogenic microbial species the PhyloChip can detect.) Since Hammonds Beach is a very popular surfing and swimming spot, it must not be de-listed for fecal coliform or enterococcus!"

Response: Staff has identified errors in the Fecal Coliform data received from State Board and will re-evaluate new info and resolve issues with State Waterboard and USEPA with respect to the Beach data assessments. Staff will not de-list any beach based on the Fecal Coliform data until issues with these data have been resolved.

Comment #: 303d_048 Commenter: Hillary Hauser - Heal the Ocean

Date Comment Received: 5/26/2009

Comment: "Heal the Ocean is VERY opposed to the de-listing of Hammonds Beach for fecal coliform and enterococcus. The LOEs are old information. Hammonds Beach specifically exceeded state standards for both Fecal Coliform and Enterococcus on 12/15/2008 and 3/9/2009 (marked with a Warning), and was posted with a warning on February 9, 2009 for Enterococcus." In addition, Heal the Ocean report card grades between January 2007 and April 2009 resulted in 1-C, 2-Ds and 4-Fs (not all grades were provided). Furthermore, Heal the Ocean states "In its 2009 Beach Report Card, recently released, Heal the Bay commented that Santa Barbara's wet weather water quality is poor and below the state average. Of the seven beaches listed with poor wet weather water quality, four that received the worst grades (F) are: Goleta Beach, Arroyo Burro Beach, East Beach at Sycamore Creek and Hammonds Beach."

Response: Staff has identified errors in the Fecal Coliform data received from State Board and will re-evaluate new info and resolve issues with State Waterboard and USEPA with respect to the Beach data assessments. Staff will not de-list any beach based on the Fecal Coliform data until issues with these data have been resolved.

Comment #: 303d_049 Commenter: Hillary Hauser - Heal the Ocean

Date Comment Received: 5/26/2009

Comment: "We commend the Regional Board for (apparently) including many datasets to arrive at new listings that are important waterbodies to repair in the Central Coast Region. However, Heal the Ocean finds it odd that the listings are based on "Lines of Evidence" (LOEs) are very old (AB 411 test results from 2004, 2005 and 2006), which exclude more recent testing results and data-keeping from 2007 and 2008). In addition, the LOEs are not "Lines of Evidence" in any sense of the word, because no sources for this data are recorded anywhere in the proposed 303(d) List revision or the Draft 2008 303(d)/305(b) Integrated Report. (The AB 411 links for 2004, 2005, 2006 for each listing merely opens a large database of dates and times and results, and no indication is given as to who collected this information, whether County technician, Environmental Health employee, non-profit volunteers, school children or a local janitor.)"

Response: The public solicitation letter (dated December 4, 2006) requests the public to submit data and information to the Regional Board for assessment and inclusion in the 2008 Integrated Report - List of impaired Waters and Surface Water Quality Assessment [303(d) and 305(b)]. In this letter staff state that to be considered for the review process "...data and information must be submitted to the appropriate Regional Water Board no later than February 28, 2007". Therefore only data collected before that date are included in this assessment. In addition, staff included information on the project under which all data are collected in the lines of evidence.

Comment #: 303d_050 Commenter: Dane Hardin - Applied Marine Sciences

Date Comment Received: 5/26/2009

Comment: "Requests that staff review data that was summarized in a report that was submitted during the public comment period and recommends listing Dieldrin in Monterey

Bay (based on mussels tissue data) and concentrations of Chlordane, Dieldrin, p,p'DDT, p,p'DDE, p,p'DDD and PCBs in several rivers in the Monterey Bay area."
Response: The omission of these data in the current listing assessment was an accidental oversight. Staff did receive the summary report for these data during the Public comment period and will review these data and propose appropriate listing following the decision making rules in the Listing Policy.

Comment #: 303d_051 Commenter: Jolaine Gorrilla, Cuyama Resident and Organizing Committee, Save Cuyama Valley

Date Comment Received: 5/26/2009
Comment: "…it is imperative that the Cuyama Valley water basin and the Cuyama River be included in all plans and discussions of impaired waterways. These plans should also address the extremely critical ongoing overdraft, of the Cuyama water basin. Several large corporate farming operations are experiencing the growing issues of Cuyama Valley's constant lowering water levels. Many land owners and residents of Cuyama as well. This is harmfully impacting to all!"
Response: The 303(d) process applies to surface waters only. This comment was forwarded to Groundwater staff.

Comment #: 303d_052 Commenter: Richard Sweet - City of Santa Maria

Date Comment Received: 5/26/2009
Comment: Designation of Blosser, Bradley and West Main Street channels as waterbodies. The City states that these channels are engineered drainages designed to convey storm flows from the city and adjacent ag areas. No historic, relic water courses or waters of the state were involved in their designs.
Response: Staff has applied default beneficial uses to the three mentioned channels following the language in The California Water Code (CWC) and the Central Coast Basin Plan. CWC Section13050 (e) states the following: "Waters of the State" means any surface water or groundwater, including saline waters, within the boundaries of the state." Furthermore, The Basin Plan Chapter 2, Section I states that "surface water bodies within the Region that do not have beneficial uses designated for them in Table 2-1 are assigned the following designations: 1) Municipal and Domestic Supply or MUN, 2) Protection of both recreation and aquatic life. Staff interpreted this to include the following beneficial uses: MUN, Water Contact Recreation, Non-contact Recreation, Cold and Warm Freshwater Habitats."

Comment #: 303d_053 Commenter: Richard Sweet - City of Santa Maria

Date Comment Received: 5/26/2009
Comment: Beneficial uses assigned to the channels are inaccurate. These flood control channels should be removed from the listed water bodies in the basin plan and should have no related beneficial uses assigned to them
Response: This comment was forwarded to Triennial review staff. The Basin Plan in Chapter 2 designates beneficial uses of all waters of the state and the United States within the Region. Water bodies that are not identified in Table 2-1 are designated uses as set forth in Chapter 2, Section I. The Section 303(d) assessment was based on those designated uses. The Basin Plan Chapter 2, Section I establishes a rebuttable presumption of beneficial uses for those water bodies that are not specifically listed in Table 2-1.

Comment #: 303d_054 Commenter: Richard Sweet - City of Santa Maria

Date Comment Received: 5/26/2009

Comment: Beneficial uses assigned to the Santa Maria River are inappropriate. These include MUN and REC1.

Response: This comment was forwarded to Triennial review staff. The Basin Plan in Chapter 2 designates beneficial uses of all waters of the state and the United States within the Region. Water bodies that are not identified in Table 2-1 are designated uses as set forth in Chapter 2, Section I. The Section 303(d) assessment was based on those designated uses. The Basin Plan Chapter 2, Section I establishes a rebuttable presumption of beneficial uses for those water bodies that are not specifically listed in Table 2-1.

Comment #: 303d_055 Commenter: Richard Sweet - City of Santa Maria

Date Comment Received: 5/26/2009

Comment: Sanitary Sewer Overflows as a source of impairment should be removed because "the potential contribution of fully captured, infrequent releases from sanitary sewer is inconsequential compared to the regular releases of nutrients and pathogens from other potential sources."

Response: Staff has revised the Potential Sources to remove Sanitary Sewer Overflow in Santa Maria watershed.

Comment #: 303d_056 Commenter: Gordon Hensley - San Luis Obispo Coastkeeper

Date Comment Received: 5/26/2009

Comment: Generally supports all listings and supports de-listing only if water quality impairment is attained or if general pollutants are replaced by specific pollutants of concern.

Response: Comment noted.

Comment #: 303d_057 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: The City finds that the approach for the 2008 Proposed Listings does not sufficiently prioritize listings, resulting in potential lost opportunities for improving the most serious impairments. The City requests that the Board review the computer-generated proposed listings and create a rubric for identifying the most supported and serious threats, along with those in line with the Triennial Review and Vision, and clarify prioritization and rationale in the Final Integrated Report.

Response: Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years. Specifically, staff will complete TMDLs for pathogens in Aptos, Soquel and San Lorenzo watersheds by 2011 (32 waterbody-pollutant combinations). Staff plans to complete TMDLs for Santa Barbara beaches by 2013 (41 beach-pollutant combinations). In addition, staff identified the lower Salinas River watersheds and the lower Santa Maria watersheds as high priority. In the lower Santa Maria watersheds, staff may use a Watershed TMDL approach to maximize efforts to coordinate implementation and address multiple related and/or unrelated constituents in multiple waterbodies within the watershed. This approach will address more than 80 waterbody-pollutant combinations by 2013. In the lower Salinas River watersheds, staff plans to continue development of TMDLs for pesticides, nutrients and pathogen-related listings and incorporate listings for aquatic life related pollutants (i.e.

toxicity, dissolved oxygen, turbidity) by 2013, addressing more than 160 waterbody-pollutant combinations.

Comment #: 303d_058 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: As detailed in the attached comment letter on the Triennial Review process (Attachment 1), the City requests that the Board consider a Basin Plan Amendment that outlines TMDL approaches, bacteria objectives, and beneficial uses. The City suggests that the proposed 2008 bacteria listings region-wide be reassessed using objectives that the Board proposes in the Triennial Review.

Response: This comment was forwarded to Triennial review staff. In the 303(d) assessment all designated beneficial uses were assessed, including those that are assumed as stated in Chapter 2, Section I of the Basin Plan.

Comment #: 303d_059 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: The City requests that Mission Creek's listing for Unknown Toxicity be reassessed pursuant to the following delisting factors: a) Adverse Biological Response: The City understands that the listing was made in 1998, based on a conversation with a Department of Fish and Game staff about a fish kill in Mission Creek in the early 1990s. It is unclear who made the observation or whether a single or multiple specimens were observed (see attached email exchange with Christopher Rose, Attachment 2). Since then, no fish kills have been reported in the creek, and the adverse biological response is no longer evident. b) Water/Sediment Toxicity. The city and CCAMP have taken additional toxicity samples in the creek with no toxic results. While the total does not meet the data set size requirement in Table 4.1, when taken in conjunction the lack of exceedances, the original anecdotal listing, and the lack of ongoing adverse biological response, it supports a de-listing for Unknown Toxicity in Mission Creek.

Response: Staff based the recommendation "Do not de-list" on the lack of supporting evidence for the decision. There are currently 4 invertebrate and 4 vertebrate toxicity results available for assessment, none of which were toxic to test organisms. Staff agrees that the original listing is not based on data and is lacking supporting evidence. However, staff do not recommend de-listing at this time for several reasons: 1) staff will include recently collected toxicity data collected by both CCAMP and the City of Santa Barbara in the 2010 assessment and will reconsider the de-listing at that time, 2) in the absence of additional data, staff are not willing to recommend delisting and 3) Mission Creek Toxicity is not a high priority for TMDL completion in the next five years.

Comment #: 303d_060 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Arroyo Burro E. coli listings. The City requests that the listing be reassessed because of concerns with the objective used to determine exeedances for E. coli in freshwater. The USEPA criteria for *E. coli* in designated freshwater bathing beaches (235 MPN/100 ml) was used for all creek reaches. The City feels it would be more appropriate to use the criteria for "infrequent use coastal recreation areas," also defined as areas with "infrequently used full body contact recreation" (575 MPN/100 ml) for this creek, as all of the reaches are used infrequently for bathing (see pages from the bacteria Final Rule, Attachment 5).

Response: The Central Coast Basin Plan does not have levels of use associated with the Water Contact Recreation Beneficial Use. In the 303(d) assessment process staff did not

deviate from the Basin Plan and chose to use the most protective evaluation guideline for contact recreation. In addition, E. coli is a fecal coliform and therefore any evaluation guideline that is less protective than the Basin Plan Fecal Coliform objective for Contact Recreation (400 MPN/100 mL) is inappropriate.

Comment #: 303d_061 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Re-evaluate decisions to "not de-list" Arroyo Burro , Sycamore Creek and Mission Creek for fecal coliform. The listings are redundant in purpose and likely implementation BMPs with those for E. coli and will lead to allocation of resources that is not in line with water quality priorities or current science. Currently, almost every monitoring group in the area tests for E. coli and uses the results interchangeably or with a conversion factor for fecal coliform. The difference in the two measures in their potential sources and impacts is not sufficient to justify both listings.

Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for E. coli and Enterococcus without exception.

Comment #: 303d_062 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: "Re-evaluate decisions to “not de-list” Arroyo Burro , Sycamore Creek and Mission Creek for fecal coliform. The Board uses the fecal coliform standard of “not exceeding 400/100 ml in more than 10% of the samples in a 30-day period” in effect as a single sample maximum, and typically samples once per month. The City is not clear that this approach reflects the original intention of the objective or if it meets the statistical assumptions of the objective. The City requests that the Board demonstrate that the original objective for protecting human health was intended to act as a single sample maximum, or that it allows a single sample collected per month."

Response: Staff's use of the Basin Plan fecal coliform objective is consistent with the Listing Policy and all other Regions in the State. The Listing Policy also states in Section 6.1.5.6 “If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period.”

Comment #: 303d_063 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Re-evaluate decisions to "not de-list" Arroyo Burro, Sycamore Creek and Mission Creek for fecal coliform. Epidemiology studies do not support the use of fecal coliform.

Response: Staff did not make judgment in assessments and used Basin Plan objectives for total and fecal coliform as well as EPA Bacteria Criteria for E. coli and Enterococcus without exception.

Comment #: 303d_064 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Specifically for Sycamore Creek fecal coliform: The listing is based on monthly samples collected over 14 months. Basing a listing on a single year of data is questionable due to annual variations (see Attachment 8) and the data quantity may not meet the

requirements put forth in Section 6.1.5.4 of the Water Quality Control Policy for temporal representation.
Response: Staff based the decision on monthly sampling over a 14 month period. This is sufficient to meet listing policy requirements for temporal representation as stated in Section 6.1.5.3.

Comment #: 303d_065 Commenter: Cameron Benson - City of Santa Barbara
Date Comment Received: 5/26/2009
Comment: East Beach at Sycamore Creek for Enterococcus. This listing is based on the line of evidence for exeedances of the geomean criterion. The line of evidence for exeedances of the single sample maximum criterion does not support listing. The City requests that the proposed listing be reassessed for the following reasons: a. The Board converted values of "<10/100 ml" (i.e., below detection) to 10/100 ml prior to calculating geomeans. This approach is incorrect, particularly when a large portion of the values are below the detection limit, and can lead to a substantial overestimate of the number of exeedances (see Attachment 9). The most rigorous approach is to use Maximum Likelihood Estimation Methods (see summary in Attachment 9). Other approaches are arbitrary, but the City conducted a quick test replacing the values with "1," which leads to a lack of support for the listing.
Response: At this time staff does not recommend changing listing recommendations. Staff acknowledge that there are various methods to assess non-detect results (including using the Reporting Limit, 1/2 the reporting limit and Maximum Likelihood Estimates). For future assessments, staff will investigate using more rigorous methods. In addition, staff is currently working with State Board staff to further define guidance on assessment of bacteria data for beaches, specifically for calculation of Geomean values. This will include guidance on how to assess censored data (non-detect results). Staff will wait to make any changes until guidance is available for all Regions.

Comment #: 303d_066 Commenter: Cameron Benson - City of Santa Barbara
Date Comment Received: 5/26/2009
Comment: East Beach at Sycamore Creek for Enterococcus. This listing is based on the Line of Evidence for exeedances of the geomean criterion. The Line of Evidence for exeedances of the single sample maximum criterion does not support listing. The City requests that the proposed listing be reassessed for the following reasons: b. The time period analyzed had some of the highest rainfalls and worst water quality grades across California (see Heal the Bay data, Attachment 10) and the data quantity may not meet the requirements put forth in Section 6.1.5.4 of the Water Quality Control Policy for temporal representation.
Response: Staff's assessment does meet the criteria in the Listing Policy for temporal representation.

Comment #: 303d_067 Commenter: Cameron Benson - City of Santa Barbara
Date Comment Received: 5/26/2009
Comment: East Beach at Sycamore Creek for Enterococcus. This listing is based on the line of evidence for exeedances of the geomean criterion. The Line of Evidence for exceedances of the single sample maximum criterion does not support listing. The City requests that the proposed listing be reassessed for the following reasons: c. If the proposed listing is finalized, it gives East Beach at Sycamore Creek the same priority for solving water quality issues as East Beach at Mission Creek and Arroyo Burro Beach on the TMDL list. Given the Heal the Bay report card comparisons (see Attachment 11), this is

not in line with the Regional Board's Vision of prioritizing the most serious water quality threats. All South Coast Hydrologic Unit beaches are being addressed under a single TMDL project so they have the same priority, regardless of the severity of the problem or the specific pathogen indicator the listings are for.

Comment #: 303d_068 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Leadbetter Beach for Total Coliform. The City requests that this listing be reassessed because it is based on the SHELL beneficial use. Leadbetter beach is not designated specifically or implicitly for SHELL in the Table 2-1 of the Basin Plan (see Attachment 12). The Lines of Evidence for REC-1 and REC-2 beneficial use do not support listing.

Response: The Basin Plan Table 2-2 states that SHELL is designated as a "present and potential" beneficial use for the coastal waters between Point Arguello and Coal Oil Point and Between Coal Oil Point and Rincon Point. Staff interpreted this to include all beaches with the exception of State Parks where collection is specifically prohibited.

Comment #: 303d_069 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Arroyo Burro Beach for Total Coliform (Decision to Not Delist). The City requests that the decision be reassessed based on the calculation of the geomean, as described in 6.a. above. Furthermore, there is growing evidence that Total Coliform does not correlate with the risk for human illness and that regrowth occurs frequently in the environment, such as on sediment, leaf litter, and decaying wrack (see Attachment 13).

Response: Staff correctly interpreted the Ocean Plan Standards for Total Coliform.

Comment #: 303d_070 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: The City requests that the Board reassess Sycamore Creek for Sodium and Chloride for the following reasons: The listing is based on the beneficial use of agriculture. The City is not aware of any agriculture in Sycamore Creek watershed that draws (or has drawn in the past) water from the creek. Additional queries were made upon the release of the Integrated Report and no agricultural use has been identified.

Response: Noted. This comment was forwarded to the Triennial Review.

Comment #: 303d_071 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Sycamore Creek for Sodium and Chloride. The City requests that the Board reassess this listing for the following reasons: b. The source of sodium and chloride is likely erosion or dissolution of natural deposits, as values are high in the upper watershed (see Attachment 14). Salts and conductivity tend to be high in all South Coast Creeks and groundwater.

Response: Staff recognizes that elevated salt levels measured in lower Sycamore Creek may be from natural sources. However, because of the potential for anthropogenic sources (such as urban storm water runoff) these levels can not be ignored.

Comment #: 303d_072 Commenter: Cameron Benson - City of Santa Barbara

Date Comment Received: 5/26/2009

Comment: Sycamore Creek for Sodium and Chloride. The City requests that the Board reassess this listing for the following reasons: c. the listing for sodium and chloride is not a

high priority for the Board. Board staff suggested that the listing move forward, and the process for removing the beneficial use take place afterward. However, according to Board staff, the removal process is extensive:
Response: Comment noted.

Comment #: 303d_073 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper strongly opposes the de-listing of Hammonds Beach for fecal coliform. According to the Regional Board's fact sheets, the decision to de-list Hammonds Beach for fecal Coliform was made by comparing AB 411 data from 2004 to 2006 to the Ocean Plan fecal coliform criteria for Water Contact Recreation. Channelkeeper notes that this is an inaccurate and inappropriate comparison. AB 411 data is collected by the Santa Barbara County Public Health Department Beach Monitoring Program. This program uses the IDEXX Colilert-18 method to analyze water samples for *E. coli. E. coli* results are then presented as Fecal Coliform results.

Response: Thank you for bringing this to our attention. Staff has confirmed errors in the Fecal Coliform data received from State Board and will re-evaluate new info and resolve issues with State Waterboard and USEPA with respect to the Beach data assessments. Staff will not de-list any beach based on the Fecal Coliform data until issues with these data have been resolved.

Comment #: 303d_074 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Same comment as 303d_073 - but for Carpinteria State Beach.

Response: Staff will reevaluate new info and resolve issues with State Waterboard and USEPA with respect to the Beach data assessments. Staff will not de-list any beach based on the Fecal Coliform data until issues with these data have been resolved.

Comment #: 303d_075 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper strongly supports the Regional Board's decision to develop a numeric evaluation criterion to interpret the Basin Plan Water Quality Objective for biostimulatory substances. We also recommend that the Regional Board consider incorporation of this criterion into the next Basin Plan update.

Response: Comment noted.

Comment #: 303d_076 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper is disappointed that at least two major water quality datasets have not been included in this evaluation. The Santa Barbara Coastal Long Term Ecological Research program out of the University of California Santa Barbara has been compiling stream chemistry data throughout Santa Barbara coastal drainage area since the year 2000. The City of Santa Barbara also has an extensive creek monitoring program that has compiled years of pertinent water quality data. This is all public information that would be extremely valuable to the 303(d) revision process. Channelkeeper strongly recommends that the Regional Board contact both of these entities during the next stage of 303(d) revisions to incorporate these valuable datasets into the process.

Response: These two data sets were not submitted to us during the public solicitation period (December 2006-January 2007). Staff recommends that SBCK alert these entities

to the public solicitation period for the 2010 Integrated Report and request that they submit their data for that assessment.

Comment #: 303d_077 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Enterococcus Evaluation Criteria – The Regional Board has consistently used the USEPA single sample maximum allowable density for *Enterococcus* in marine waters of 104 MPN/100ml as an evaluation criterion for creeks throughout the region. These are freshwater systems. The most protective USEPA freshwater beach single sample maximum allowable density is 61 MPN/100ml, and this value should be used as the evaluation criteria for creek listings.

Response: Already Corrected. As a result of the is change the following creeks are now "not supporting" REC1 due to Enterococcus: San Lorenzo River, Soquel Creek and Tembladero Slough

Comment #: 303d_078 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper recommends that the Regional Board consider listing the Goleta Slough for sedimentation or siltation. County of Santa Barbara invests between $250,000- $500,000 a year to remove excess sediment in the Slough. Failure to remove these sediments would lead to the rapid collapse of flood control systems in Goleta. Clearly the County would not be spending this large sum of money to conduct routine dredging if sedimentation were not a problem in the Slough today.

Response: Staff requested that Santa Barbara Channelkeeper provide additional information and provide it during the public solicitation for data for the 2010 assessment which is scheduled to begin this Fall.

Comment #: 303d_079 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper supports all of the proposed listings for Atascadero Creek. Specifically listings for *E. coli, Enterococcus*, Low Dissolved Oxygen and Temperature

Response: Comment noted.

Comment #: 303d_080 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper also recommends that the Regional Board list Atascadero Creek for nitrate impairment. Eighty-one of 203 nitrate results submitted by Channelkeeper to the Regional Board exceed the 1mg/l evaluation criterion used to interpret the narrative Basin Plan objective for biostimulatory substances for other water bodies in the Central Coast Region.

Response: Staff only applied the evaluation guideline for nitrate (and aquatic life beneficial uses) to those waters in the Lower Salinas and Lower Santa Maria watersheds identified as "High Priority" for TMDL completion (by 2013). Staff intends assess all Central Coast Region Waters for biostimulatory substances (including Nitrate) in the 2010 assessment.

Comment #: 303d_081 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper supports all of the proposed listings for Cieneguitas Creek. Specifically listings for E. coli and Enterococcus

Response: Comment noted

Comment #: 303d_082 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper recommends that the Regional Board list Cieneguitas Creek for nitrate impairment. Fifty of 56 sample data points submitted by Channelkeeper to the Regional Board exceed the 1mg/l evaluation criterion used to interpret the narrative Basin Plan objective for biostimulatory substances for other water bodies in the Central Coast Region.

Response: Staff only applied the evaluation guideline for nitrate (and aquatic life beneficial uses) to those waters in the Lower Salinas and Lower Santa Maria watersheds identified as "High Priority" for TMDL completion (by 2013). Staff intend assess all Central Coast Region Waters for biostimulatory substances (including Nitrate) in the 2010 assessment.

Comment #: 303d_083 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper supports all of the proposed listings for Glen Annie creek. Specifically listings for Nitrate, E. coli and Enterococcus

Response: Comment noted

Comment #: 303d_084 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Thirteen of 49 Los Carneros Creek water quality measurements submitted by Channelkeeper to the Regional Board exceeded the evaluation criterion of 3.0 mS/cm to protect agricultural beneficial uses. Channelkeeper recommends that Los Carneros Creek be placed on the 303(d) list for conductivity impairment.

Response: Noted - this was an error of omission and staff will conduct the assessment. The new fact sheet will be summarized in the supplemental staff report to the Board for the July 2009 Board meeting this.

Comment #: 303d_085 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper supports the following proposed listings for Los Carneros Creek: E. coli, Enterococcus and Nitrate.

Response: Comment noted

Comment #: 303d_086 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper particularly supports the following listings in Maria Ygnacio Creek: E. coli and Enterococcus

Response: Comment noted

Comment #: 303d_087 Commenter: Ben Pitterle - Santa Barbara Channelkeeper

Date Comment Received: 5/26/2009

Comment: Channelkeeper supports all of the proposed listings for San Jose creek. Specifically, E. coli and Enterococcus

Response: Comment noted

Comment #: 303d_088 Commenter: Ben Pitterle - Santa Barbara Channelkeeper
Date Comment Received: 5/26/2009
Comment: Channelkeeper recommends that the Regional Board list Cieneguitas Creek for nitrate impairment. Fifty-eight of 73 sample data points submitted by Channelkeeper to the Regional Board exceed the 1mg/l evaluation criterion used to interpret the narrative Basin Plan objective for biostimulatory substances for other water bodies in the Central Coast Region.
Response: Staff only applied the evaluation guideline for nitrate (and aquatic life beneficial uses) to those waters in the Lower Salinas and Lower Santa Maria watersheds identified as "High Priority" for TMDL completion (by 2013). Staff intends assess all Central Coast Region Waters for biostimulatory substances (including Nitrate) in the 2010 assessment.

Comment #: 303d_089 Commenter: Ben Pitterle - Santa Barbara Channelkeeper
Date Comment Received: 5/26/2009
Comment: Channelkeeper recommends that the Regional Board list San Pedro Creek for trash. Channelkeeper regularly hosts creek cleanups along San Pedro Creek downstream of Hollister Avenue. The attached photos depict the quantity of trash that volunteers gathered from San Pedro Creek at each event.
Response: Staff requested SBCK gather supporting data and evidence and provide it this fall during the public solicitation for data and information for the 2010 assessment.

Comment #: 303d_090 Commenter: Ben Pitterle - Santa Barbara Channelkeeper
Date Comment Received: 5/26/2009
Comment: Channelkeeper recommends that the Regional Board list San Pedro Creek for nitrate impairment. Thirteen of 31 sample data points submitted by Channelkeeper to the Regional Board exceed the 1mg/l evaluation criterion used to interpret the narrative Basin Plan objective for biostimulatory substances for other water bodies in the Central Coast Region.
Response: Staff only applied the evaluation guideline for nitrate (and aquatic life beneficial uses) to those waters in the Lower Salinas and Lower Santa Maria watersheds identified as "High Priority" for TMDL completion (by 2013). Staff intend assess all Central Coast Region Waters for biostimulatory substances (including Nitrate) in the 2010 assessment.

Comment #: 303d_091 Commenter: Ben Pitterle - Santa Barbara Channelkeeper
Date Comment Received: 5/26/2009
Comment: Channelkeeper supports all of the proposed listings for San Pedro creek. Channelkeeper particularly supports the following listings: E. coli and Enterococcus
Response: Comment noted.

Comment #: 303d_092 Commenter: Chris Dellith-US Fish and Wildlife Service
Date Comment Received: 5/26/2009
Comment: We recommend that Oso Flaco Lake remain on the 303(d) list because nitrate concentrations exceed the levels that support aquatic life beneficial uses. Because nitrate values in Oso Flaco Lake are 30 times greater than the Central Coast Water Board's proposed screening value for aquatic life beneficial uses, Oso Flaco Lake is impaired by nitrate according to your standards and should not be removed from the 303(d) list for nitrate and these high nitrate levels are having an adverse effect on listed species (through the increase in biostimulation).

Response: Staff has changed the recommendation for Oso Flaco Lake to Do Not De-list, as available nitrate data warrant listing based on the Biostimulatory Substances narrative objective. This decision is supported by staff photo documentation of nuisance algal and aquatic vegetation, wide variation in dissolved oxygen levels and elevated chlorophyll concentrations. In the 2010 assessment, staff will conduct a comprehensive nutrient and aquatic life assessments with the intent of identify a numeric evaluation guideline for nutrients in Central Coast lakes.

Comment #: 303d_093 Commenter: Chris Dellith-US Fish and Wildlife Service
Date Comment Received: 5/26/2009
Comment: "…we believe that your decision to remove Oso Flaco Lake from the 303(d) list of impaired water bodies is a discretionary action under Section 401 of the CWA as delegated to the CRWQCB by the U.S. Environmental Protection Agency (EPA). [Furthermore], five aquatic life beneficial uses (see above) have been designated for Oso Flaco Lake (CRWQCB 2006) that do not have numeric targets that define a threshold value for impairment of aquatic life by nitrate. Therefore, your decision to remove Oso Flaco Lake from the 303(d) list is a discretionary action on your part. Discretionary actions with a federal nexus (i.e., delegation of CWA authority by EPA to the CRWQCB) that may affect a listed species or critical habitat are subject to interagency consultation pursuant to Section 7(a)(2) of the Act."
Response: Oso Flaco Lake will not be delisted at this time, as available nitrate data warrant listing based on the Biostimulatory Substances narrative objective. This decision is supported by staff photo documentation of nuisance algal and aquatic vegetation, wide variation in dissolved oxygen levels and elevated chlorophyll concentrations. In the 2010 assessment, staff will conduct a comprehensive nutrient and aquatic life assessments with the intent of identify a numeric evaluation guideline for nutrients in Central Coast lakes.

Comment #: 303d_094 Commenter: Chris Berry - City of Santa Cruz
Date Comment Received: 5/26/2009
Comment: Our review of the data used to support this listing [for lower Newell Creek] does not indicate that there is cause for listing. These values are comparable to the other pH data collected by the City, as well as the data collected by Santa Cruz County, the RWQCB and the Coastal Watershed Council for other watersheds in the region. While there may be a seasonal trend of increasing pH in the summer time due to algal growth in the watershed, the data utilized to support the listing does not clearly show any impairment. Staff assessed the data according to the Listing Policy which states the following in Section 3.2: "using the binomial distribution, waters shall be placed on the section 303(d) list if the number of exceedances supports rejecting of the null hypothesis as presented in Table 3.2.

Comment #: 303d_095 Commenter: Chris Berry - City of Santa Cruz
Date Comment Received: 5/26/2009
Comment: "San Lorenzo River (SLR) and Tributary Chlorpyrifos, Chlordane and PCB Listing Decisions: "For a number of reasons, it also appears that listing of the SLR and tributaries for these contaminants should not occur until more data has been collected which would refine the geographic scope of the problem and levels of toxicity relative to the numerous beneficial uses designated for this watershed. Among the more specific reasons for this are the following:"1) "The Chlorpyrifos data shows 2 detections in each the SLR lagoon at Laurel Street and in a tributary to the lagoon, Branciforte Creek at Water Street. Upstream of the lagoon there is one detection (in 2 samplings) at Crossing Street and two

detections in Zayante Creek. While it is apparent that there is Chlorpyrifos in these stream reaches, there is insufficient data to support listing the entire 27 miles of the SLR 2)." Comments 2 -4 follow

Response: Staff agrees that there is no evidence of impairment above the confluence with Zyante Creek and the proposed listing will be revised to show that the impairment occurs in the River between the mouth and confluence with Zayante Creek.

Comment #: 303d_096 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: "San Lorenzo River (SLR) and Tributary Chlorpyrifos, Chlordane and PCB Listing Decisions: 2) "...it is unclear why Chlorpyrifos is detected at the Zayante site, but not at the Big Trees site immediately downstream. This may be due to the limited number of samples and the fact that most of the detections are very close to the detection limit, but regardless of the cause, illustrates the need for more a more rigorous sampling effort before any listing occurs. Among other things, we would like to see data that explores the seeming disappearance of Chlorpyrifos downstream from Zayante Creek at Big Trees, as well as confirmation of the very limited data for the Crossing Street site."

Response: Staff assessed the data according to the Listing Policy which states the following in Section 3.1: "using the binomial distribution, waters shall be placed on the section 303(d) list if the number of exceedances supports rejecting of the null hypothesis as presented in Table 3.1." The data support listing of the San Lorenzo River for Chlorpyrifos.

Comment #: 303d_097 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: "San Lorenzo River (SLR) and Tributary Chlorpyrifos, Chlordane and PCB Listing Decisions: 3) "It is notable that all of the contaminants in question bind strongly to soil. Given that most of the sample data supporting the listing proposal was collected during periods when there was likely elevated turbidity, there is a clear nexus with erosion and legacy contaminants which are bound to sediment which is then being transported to stream channels (for instance – in April 2006 there were numerous landslides due to the unseasonably wet spring, which may have increased mobilization of legacy pesticides which were then detected in the May 2006 sampling effort). Therefore – given that there are likely no remaining identifiable legitimate sources of these contaminants in the watershed, perhaps a more practical vehicle for reduction of this limited impairment is successful implementation of the existing sediment TMDL and development of turbidity TMDLS for the SLR and appropriate tributaries. Given the relatively low levels of contamination, the sparse nature of the dataset, the lack of apparent ongoing sources of the contaminants, the already cumbersome TMDL process, and the crisis-level economic environment, new listings for any of these contaminants seems ill-advised."

Response: The 303(d) assessment process is limited to identifying impairments and levels of these contaminants are exceeding relevant criteria. Staff disagree with the statement "that there are likely no remaining identifiable legitimate sources of these contaminants in the watershed" as Chlorpyrifos is still commonly found in urban areas.

Comment #: 303d_098 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: San Lorenzo River (SLR) and Tributary Chlorpyrifos, Chlordane and PCB Listing Decisions: 4) "While we acknowledge that any degradation of beneficial uses should be addressed and that presence of any of these contaminants in our watersheds is unfortunate, it would be useful to make clear in your process that the levels of detection of the various chemicals are extremely low – especially when compared to drinking water Maximum Contaminant Levels (MCLs) - and even drinking water Public Health Goals (PHGs) which are generally more protective of water quality than MCLs. Additionally, conventional drinking water treatment technology (i.e. carbon) effectively removes the contaminants of concern here."

Response: Comment Noted.

Comment #: 303d_099 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: "…we are concerned that (among other things) a) the substantial data the City has collected on Newell Creek and the mainstem SLR were not referenced in this endeavor – being that it represents the only multi-year 15-minute dataset that we are aware of in this watershed (and which we send to the RWQCB on an annual basis), b) that "absence of evidence is not evidence of absence", and c) that the listing process is proceeding with (apparently) little regard for the MUN beneficial use. Specifically with regard to Newell Creek, the decision to not list is entirely unprotective of the MUN beneficial use, as the only data referred to is the historic Santa Cruz County data which is of both low resolution and geographically removed from the area (i.e. downstream) where such data would yield any meaningful information regarding the MUN beneficial use. We are aware that limited additional high resolution monitoring is also currently being conducted on SLR tributaries by Santa Cruz County and hope that you will prioritize turbidity listings in your next 303d listing process as more data becomes available to you."

Response: Staff only evaluated data that was submitted to us during the public data solicitation period (December 2006-Febuary 2007). Staff did not assess turbidity data using the MUN objective for turbidity. Staff requests that the City of Santa Cruz submit all relevant and available data in the 2010 public data solicitation period, expected this fall. Staff also requests that the City of Santa Cruz list all waters that are sources of Municipal drinking water. Staff will apply the MCL for turbidity to these waters in 2010.

Comment #: 303d_100 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: "..the data used for assessment of Liddell Creek is unresponsive to the MUN beneficial use both because of the sample site location and because of its coarse nature. The City has several years of 15-minute turbidity data (as well as suspended sediment, bedload sediment, flow, general physical chemistry, sediment x-ray diffraction, isotope, and other data) on Liddell Spring – one of the primary tributaries of Liddell Creek and the only reach of the watershed truly befitting of the MUN beneficial use designation. Again, full review of all available data and its relation to the relevant beneficial uses will enable a more thoughtful listing approach for this creek in the future."

Response: Staff only evaluated data that was submitted to us during the public data solicitation period (December 2006-Febuary 2007). Staff did not assess turbidity data using the MUN objective for turbidity. Staff requests that the City of Santa Cruz submit all relevant and available data in the 2010 public data solicitation period, expected this fall. Staff also requests that the City of Santa Cruz list all waters that are sources of Municipal drinking water. Staff will apply the MCL for turbidity to these waters in 2010.

Comment #: 303d_101 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: "Like the decision regarding turbidity listings, the decisions regarding temperature listings are being made with incomplete information. The City has collected 30-minute temperature data at numerous locations throughout the SLR watershed as part of its ongoing Endangered Species Act Section 10 permit work with DFG and NOAA – NMFS. This data clearly shows routine exceedances of coho salmon temperature tolerance at numerous locations in the watershed. We understand that – as the southernmost stream in the extent of coho salmon range - the SLR is a primary focus of the current NOAA – NMFS coho recovery process. Therefore, it (again) seems advisable that the RWQCB consider all data available before making this listing decision and that – when doing so - the Board consider the SLR's important role in coho recovery."

Response: Staff only evaluated data that was submitted to us during the public data solicitation period (December 2006-Febuary 2007). Staff did not assess temperature data using evaluation guidelines for cojo. Staff requests that the City of Santa Cruz submit all relevant and available data in the 2010 public data solicitation period, expected this fall. Staff will evaluate all available data and will identify relevant temperature evaluation guidelines for the Santa Cruz area in the 2010 assessment.

Comment #: 303d_102 Commenter: Chris Berry - City of Santa Cruz

Date Comment Received: 5/26/2009

Comment: Majors Creek is incorrectly identified as being in Monterey County. Given the site descriptions and the data sources, it is obviously in Santa Cruz County. This is a City of Santa Cruz water source and does provide limited habitat for steelhead trout, California red-legged frog and possibly tidewater goby in the lower reaches of the stream. Though it was not reviewed as part of the listing process, the City has temperature, suspended sediment, bedload sediment, fisheries habitat, fisheries population, miscellaneous general physical chemistry, and other data for Majors Creek. Again, careful consideration of all available data and review within the context of the MUN and COLD beneficial uses should be conducted as part of this listing process.

Response: Staff confirmed that nine (of 20) lines of evidence (LOEs) for Majors Creek (Monterey County) also summarized data from Majors Creek (Santa Cruz County). Staff revised the nine LOEs and associated fact sheets for Majors Creek (Monterey County) to remove all Santa Cruz County data. This did not change any decisions. In addition, staff created nine new LOEs and five new fact sheets for Majors Creek (Santa Cruz County). This resulted in five "do not list" recommendations for the following pollutants in Majors Creek (Santa Cruz County): Dissolved Oxygen, E. coli, Nitrate, pH and Water Temperature.

Comment #: 303d_103 Commenter: Paul Michael - NOAA

Date Comment Received: 5/26/2009

Comment: "because 70% of the listings occur in just four hydrologic units, we urge collaborative efforts to focus there. For example, the two major watersheds flowing into the sanctuary, the Pajaro River with 110 listings and the Salinas River with 168 listings make up approximately 1/3 of all listings in the Central Coast Region."

Response: Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years. Specifically, staff will complete TMDLs for pathogens in Aptos, Soquel and San Lorenzo watersheds by 2011 (32 waterbody-pollutant combinations). Staff plans to complete TMDLs for Santa Barbara beaches by 2013 (41 beach-pollutant combinations). In addition, staff identified the lower Salinas River watersheds and the lower Santa Maria watersheds as high priority. In the lower Santa Maria watersheds, staff may use a Watershed TMDL approach to maximize efforts to coordinate implementation and address multiple related and/or unrelated constituents in multiple waterbodies within the watershed. This approach will address more than 80 waterbody-pollutant combinations by 2013. In the lower Salinas River watersheds, staff plans to continue development of TMDLs for pesticides, nutrients and pathogen-related listings and incorporate listings for aquatic life related pollutants (i.e. toxicity, dissolved oxygen, turbidity) by 2013, addressing more than 160 waterbody-pollutant combinations.

Comment #: 303d_104 Commenter: Paul Michael - NOAA

Date Comment Received: 5/26/2009

Comment: "Approximately 50 listings were delisted from the 2006 303(d) list as generic impairments (i.e. nutrients, pesticides, pathogens, etc.) then re-listed on the 2008 list for more specific constituents such as nitrate, chlorpyrifos, E. coli, etc. In doing this, the proposed TMDL completion date was extended. While many of those dates have passed, we feel that if the water body was previously listed, the original TMDL completion date should be give priority." Three examples were provided, one extending the TMDL completion date to 31 years.

Response: As stated in the EPA memo dated August 9, 1997 “Each State's schedule should reflect the State's own priority ranking of the listed waters and be integrated with the Environmental Performance Partnership Agreement process. These State schedules should be expeditious and normally extend from eight to thirteen years in length..." and lists several factors that States should include in their prioritization process. Staff has considered these factors in the current proposed TMDL completion schedule. The List is required to be updated every two years, with a likelihood of more waterbody-pollutant combinations being added to the List than removed. Consequently, staff must re-prioritize, and therefore schedule completion for, a growing pool of waterbody-pollutant combinations during each listing cycle. Each listing cycle brings new information and knowledge that must be considered in the prioritization. Therefore, the probability exists that a waterbody-pollutant combination could be deemed high-priority during one listing cycle, but be superseded in priority by another in a future listing cycle. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_105 Commenter: Paul Michael - NOAA

Date Comment Received: 5/26/2009

Comment: "Realizing the workload this entails for Water Board staff, we encourage the Watershed TMDL approach to maximize efficiency and effectiveness.

Response: Comment Noted

Comment #: 303d_106 Commenter: Paul Michael - NOAA

Date Comment Received: 5/26/2009

Comment: "We also encourage the Water Board to rely on partners in the pursuit of water quality improvements." Comment also encourages coordination with both stormwater and agricultural regulatory programs to address the nearly 60% of listings with agriculture identified as a potential source and 41% with urban identified as a potential source.

Response: Comment Noted

Comment #: 303d_107 Commenter: Paul Michael - NOAA

Date Comment Received: 5/26/2009

Comment: "We must move forward to ensure that our collective efforts restore beneficial uses to Central Coast water bodies. One significant obstacle that we must continue to work together to overcome is that of on-farm co management for food safety and water quality. ... Without any scientific basis, many of the management measures installed to improve water quality have all been removed because of the Leafy Green Marketing agreement. The regulatory agencies should work with the buyers and auditors to find a middle ground on this issue."

Response: Comment Noted

Comment #: 303d_108 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "We appreciate that the data file used in this analysis was made available via the website. However, this file did not contain station identifiers and this prevented us from locating specific lines of data used in each assessment. Because of this, we could not evaluate the magnitude of the exceedance, or any other information that might better inform the result and the related analysis (except for those listings that were based on County data, in which case we looked at our own database)."

Response: Staff acknowledges this limitation and has provided the site information for all monitoring data received on the website (Appendix L located at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d_list.shtml). For future assessments, staff will include the sites file as a reference to each Line of Evidence and Fact Sheet so that it is downloadable. The effort to do this for the 2006 cycle would require us to open and attach the site file to each Line of Evidence (more than 11,000).

Comment #: 303d_109 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "We recommend that Soquel Lagoon be de-listed for nutrients based on the Comparative Lagoon Ecological Assessment Program (CLEAP) data that were not included in this analysis."

Response: The CLEAP data were not provided to Region 3 staff during the public data solicitation period (December 2006-Febuary 2007) and were therefore not included in this

assessment. Please provide those data for the 2010 assessment. The public solicitation period should begin this fall. Staff now recommends that Soquel Lagoon be removed from the 303(d) list of impaired waters based on CCAMP monitoring data at 304SOQ. At this location, the highest nitrate measured is 0.5 mg/L as N. This decision should be changed to Do not List. The LOE for CCAMP data at 304SOQ should be changed from Soquel Creek to Soquel Lagoon to support this decision.

Comment #: 303d_110 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "Similarly, we do recommend that Aptos Lagoon be listed based on the same analysis that did show that it was impaired by nutrients."

Response: The CLEAP data were not provided to Region 3 staff during the public data solicitation period (December 2006-Febuary 2007) and were therefore not included in this assessment. Please provide those data for the 2010 assessment. The public solicitation period should begin this fall.

Comment #: 303d_111 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: Santa Cruz County staff request that Sediment listings for the following creeks be moved to the "Being addressed by a TMDL" list and removed from the "TMDL required" list. “10 streams tributary to the San Lorenzo River are either an existing or proposed listing for sedimentation/ siltation, including: Bean, Bear, Boulder, Branciforte, Carbonera, Fall, Kings, Lompico, Shingle Mill and Zayante. Some of these listings are categorized as ‘being addressed’, while others are "TMDL Required”, depending on whether or not those waterbodies were listed on the 303(d) list prior to TMDL development. The source identification table (Table 4.4 (pg. 4-8) of the San Lorenzo River Watershed Siltation TMDL, September, 2002) identifies all of the above creeks with the exception of Fall Creek as contributors of sediment to the San Lorenzo River. Development of additional, individual TMDLs for each of these waterbodies would be a waste of resources considering that one already exists for the entire San Lorenzo River Watershed. Also, implementation of the San Lorenzo River sediment TMDL takes place on a watershed scale.”

Response: Staff agrees with the commenter that the impairment due to sediment in the ten waterbodies listed by the commenter is being addressed by an approved TMDL.The Technical Report for the San Lorenzo River TMDL for Sediment states (See Section 8.1.1): “…load reductions are necessary in all major tributaries and from all sources. Compliance with this amendment will be determined by monitoring representative locations in certain tributaries and by tracking all implementation actions taken.” In addition, the sources identified include both non-point and point sources and are present throughout the watershed. The regulatory mechanisms exist to address the identified sources. Consequently, staff is moving forward with implementation using the existing regulatory authorities; no new regulatory authority is required to implement the approved TMDL, which includes the tributary creeks: Bean, Bear, Boulder, Branciforte, Carbonera, Fall, Kings, Lompico, Shingle Mill and Zayante. Therefore, staff has changed the final listing decision to "being addressed by a USEPA approved TMDL" for Bean, Bear, Boulder, Branciforte, Fall, Kings and Zayante

Comment #: 303d_112 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "We do challenge the listing of Fall Creek for sedimentation. Fall Creek is underlain by granitic rock and most of the watershed is State Park. There are no Lines of Evidence in the current report, and our data collected between 1977 and 1990 reveal the highest turbidity reading of 18 NTUs. "

Response: Comment Noted. Staff does not recommend de-listing Fall Creek for sedimentation. Staff does recommend that County of Santa Cruz Staff submit all data and information available for the 2010 assessment.

Comment #: 303d_113 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: Santa Cruz County staff request that Pathogen indicators listings for the following creeks be moved to the "Being Addressed by a TMDL" List and removed from the TMDL Required list. "We similarly suggest that the proposed listings for *E.coli*, *Enterococcus* and Fecal Coliform for Branciforte and Zayante Creek should be indicated as being addressed through the recently adopted San Lorenzo River, San Lorenzo River Lagoon, Carbonera Creek and Lompico Creek Pathogens TMDL"

Response: The Central Coast Water Board approved the San Lorenzo River Estuary Pathogen TMDL in May 2009. However until this TMDL is approved by the USEPA the final listing decision for these waters will not be revised.

Comment #: 303d_114 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "A small number of samples (as few as two) were used to justify listing several waterbodies, most notably for chlorpyrifos. Listing a waterbody based on as few as two samples is in agreement with the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy). However, there are175 Category 5 waterbodies proposed for listing that will require Total Maximum Daily Loads (TMDLs) to be developed. Some of these TMDLs are not scheduled for development until 2021. Given that there are already insufficient resources for TMDL development, and much less for implementation the bulk of which falls to local jurisdictions, we propose that the listings supported by a minimal amount of data be placed on a watch list, instead of the 303(d) list. This would allow resources to be applied to the greatest, and most supported, issues facing Central Coast waterbodies. We also support the use of a watch list given the relative ease in listing a waterbody compared to the challenge of removing a waterbody from the list. "

Response: Comment Noted. The assessment is in agreement with the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (SWRCB, 2004). Section 3.1 of the Listing Policy states "Using the binomial distribution, waters shall be placed on the section 303(d) list if the number of measured exceedances supports rejection of the null hypothesis presented in Table 3.1." Table 3.1 shows that for up to 24 samples, 2 or more exceedances of the water quality criteria supports rejection of the null hypothesis.

Comment #: 303d_115 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "While useful as a general evaluation tool, grab samples are limited in temporal variability, and they represent quality conditions only for a specific point in time. Depending upon the time of day the sample is collected, the data may not be adequate to determine standard compliance for some parameters such as pH and dissolved oxygen, which naturally vary over a 24- hour period. "

Response: Comment Noted. The assessment is in agreement with the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (SWRCB, 2004).

Comment #: 303d_116 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: County of Santa Cruz staff request that Water Board staff reconsider the pH listing for McEnery Spring based on natural condition. "…some of the proposed pH listings, (e.g. McEnery Spring) are likely driven by local geology, where relatively young water is moving through sandy soil (Santa Margarita Sandstone), and it doesn't have the time to pick up enough minerals to buffer the water. This should be considered under the natural condition provisions under the Clean Water Act. According to an EPA Region X document entitled, "Principles to Consider When Reviewing and Using Natural Condition Provisions": "Decisions made using a natural condition provision (which allow a water body to be removed or not included on the list) should be based on existing and readily available data and information, supported by a site-specific, scientifically defensible rationale that does one of the following: [and includes] explains how natural processes alone are adequate to account for the observed exceedance of the water quality standard for the pollutant of concern"

Response: Comment Noted. Staff requested County of Santa Cruz staff provide additional information to support the claim that this low pH condition is natural and that there is no potential for controllable sources.

Comment #: 303d_117 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: "We suggest that more detailed studies (i.e. continuous water quality monitoring) be conducted to determine the extent of water quality exceedances for several listings, including: Moore Creek – pH and low D.O., Lockhart Gulch – pH and low D.O., McEnery Spring – pH, Newell Creek – pH, Spring Lakes Creek – pH, Corcoran lagoon – pH, Rodeo Gulch – pH, Corralitos Creek – pH, Harkins Slough – low D.O."

Response: Comment Noted.

Comment #: 303d_118 Commenter: John Ricker and Chris Coburn, Santa Cruz County

Date Comment Received: 5/26/2009

Comment: County of Santa Cruz staff request that mapping of reaches impaired by various pollutants be improved to provide more detail. "The 'estimated area to be assessed' is a confusing term to us and some of our partners. We request that either landmarks be applied to these numbers (i.e. 4.8 miles from location X to location Y). Or we request more detailed mapping of these reaches, or both."

Response: Comment Noted. Staff request that County of Santa Cruz staff provide specific examples of reaches they feel should have further definition.

Comment #: 303d_119 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: We submit these comments with the emphasis and reminder that given the current state of the economy, with the difficult situation of having extremely limited State, County, and local resources to address water quality issues, now more than ever we must be careful and reasonable with our identification of problems, prioritized with our solutions, and efficient with our use of funds. Please bear this guidance in mind as you complete your review and adoption of the draft 303(d) listings.

Response: Comment Noted

Comment #: 303d_120 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: "…new listings have not been "ground-truthed," i.e. checked against ongoing research, water quality projects, trends, seasonality issues, Federal/State/regional water quality standard development issues (such as for bacteria), SWMPs, and anecdotal evidence on the water bodies. In addition, the new listings have not been ranked or categorized, other than to describe all ongoing TMDLs as high priority, two listings as medium priority, and the remaining hundreds of listings as low priority with the EPA mandated generic TMDL deadline of 2021. Particularly given the current economic situation, when State, County, and municipalities' resources are more limited than ever before, the Board should revise the draft Listings to provide a more tiered set so that available resources can be focused on the known, real, highest priority water quality issues through the future TMDL process."

Response: Staff has prioritized listings "so that available resources can be focused on the "known, real, highest priority water quality issues". "Ground-truthing of listings" as described in you comments letter is undertaken during the TMDL development process. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_121 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: County of Santa Barbara staff express concern that the automated scanning of all data against all objectives has resulted in "over listing" and that "…without careful human prioritization, opportunities are lost for focusing limited resources on the most serious threats and avoiding false public concerns. Furthermore, the effort required to de-list and/or change a beneficial use designation is stringent, time consuming, and costly. Therefore, the City requests that the Board review the computer generated proposed listings and create a rubric for identifying the most supported and serious water quality issues, consistent with broader Basin Plan changes being considered for the Triennial Review and Vision, and include only the top tiered new listings in the final 2008 303(d) List. Specifically the Board should develop a schedule that is based on a waterbody/impairment "prioritization matrix" that is consistent with State 303(d) listing policy and considers the TMDL schedule factors that are included on page 16 of the 2004 SWRCB Listing/Delisting Policy (Policy) (see attached). We would be happy to work with Regional Board staff to develop such a tool."

Response: Comment Noted.

Comment #: 303d_122 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: "Section 3.3 of the 2004 SWRCB's 303d Listing Policy provides unclear guidance regarding the listing of inland waters for indicator bacteria based recreational use impairments. "For bacterial measurements from inland waters, if water quality monitoring data were collected April 1 through October 31 only, a four percent exceedance percentage shall be used if (1) bacterial measurements are indicative of human fecal matter, and (2) there is substantial human contact in the water body. Based on this guidance, it is unclear whether indicator bacteria monitoring data collected outside of April 1 through October 31 (i.e., outside of the AB411 required monitoring period) can or should be used at all. Please clarify the Board's interpretation of this fragment of the policy. "

Response: Staff interprets this statement in the policy to apply if and only if data were collected "...April 1 through October 31 only…" Otherwise, all data were assessed as specified in Section 3.3 of the Listing Policy which states "..a water segment shall be placed on the section 303(d) list if bacteria water quality standards in California Code of Regulations, Basin Plans, or statewide plans are exceeded using the binomial distribution described in section 3.2." Section 3.2 of the Listing Policy states "Using the binomial distribution, waters shall be placed on the section 303(d) list if the number of measured exceedances supports rejecting of the null hypothesis as presented in Table 3.2." Staff support the existing decision.

Comment #: 303d_123 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: County of Santa Barbara staff go on to say ". But regardless and ignoring this unclear fragment, the guidance states that the exceedance percentage threshold should only be applied as the basis for a listing if both criteria (1) and (2) can be demonstrated. While criterion (2) is clearly debatable for many of these South Coast lagoons, marshes, and ephemeral drainages, we question the many proposed inland water bacteria listings on the basis of criterion (1). A wide body of research over recent years has unquestionably demonstrated the complete lack of correlation between indicator bacteria and fecal matter (as well as with pathogens and human illness in general) in stormwater receiving waters (as opposed to undisinfected municipal wastewater receiving waters) (Paulsen and List, 2005[1], Schroeder et al. 2002[2], Colford et al. 2005[3]). Therefore, to be consistent with State policy for listing inland waters for bacteria, we request that the Board remove all such listings from the 2008 draft 303d list."

Response: Staff interpretation of the Listing Policy (stated in response #122) supports the current recommendations for Bacteria listings. Furthermore, staff did not use judgment in assessment of data relative to Ocean Plan Objectives, Basin Plan Objectives or EPA Bacteria Criteria.

Comment #: 303d_124 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: "The dataset used for listing the Santa Maria River Estuary for *E. coli* is the same as that used to list *E. coli* in the Santa Maria River (sampling location 312SMA). Therefore, sampling results from one location were used to list two different waterbodies. The listing of two waterbodies based on the same sampling location is redundant and one waterbody (either Santa Maria River Estuary or Santa Maria River) should be removed from the proposed 303(d) list for *E. coli* upon this basis."

Response: Staff support both listings as the monitoring site 312SMA is located less than 300 meters upstream of the estuary and there are no inputs (i.e. tributaries and

stormdrains) between the monitoring site 312SMA and the mouth. Therefore, the water quality at 312SMA is indicative of the water quality in the lower River as well as in the Estuary.

Comment #: 303d_125 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: "The County requests that these listings [for Santa Ynez River (below City of Lompoc to Ocean), Rincon Creek, San Antonio River (below San Antonio Reservoir) and San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge) for *E.coli*] be removed because of concerns with the objective used to determine exceedances for *E. coli* in freshwater. The USEPA criterion for *E. coli* in designated freshwater beaches (235 MPN/100 ml) was used for all creek reaches. The County feels it would be more appropriate to use the criteria for infrequently used areas (576 MPN/100 ml) for this creek, as all of the reaches are used infrequently for contact recreation (see attached pages from the bacteria Final Rule)."

Response: The Central Coast Basin Plan does not have levels of use associated with the Water Contact Recreation Beneficial Use. In the 303(d) assessment process staff did not deviate from the Basin Plan and chose to use the most protective evaluation guideline for contact recreation. In addition, *E. coli* is a fecal coliform and therefore the "Infrequently used" criteria (576 MPN/100mL) is less protective than the Basin Plan Fecal Coliform objective for contact Recreation (400 MPN/100 mL) and is inappropriate.

Comment #: 303d_126 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that these listings [for fecal coliform in Santa Maria River Estuary, Santa Ynez River (below City of Lompoc to Ocean), Rincon Creek, San Antonio River (below San Antonio Reservoir), and San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge)] be removed for the following reasons:1)The listings are redundant with those for *E. coli* and will lead to allocation of very limited resources that is not in line with water quality priorities or current science.

Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for *E. coli* and Enterococcus without exception. All available data were assessed.

Comment #: 303d_127 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that these listings [for fecal coliform in Santa Maria River Estuary, Santa Ynez River (below City of Lompoc to Ocean), Rincon Creek, San Antonio River (below San Antonio Reservoir), and San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge)] be removed for the following reasons: 2) The Board uses the fecal coliform [Basin Plan Objective] in effect as a single sample maximum, and typically samples once per month. The County is not clear that this approach reflects the original intention of the objective or if it meets the statistical assumptions of the objective. The County requests that the Board supports their conclusion that the original objective for protecting human health is based on a single sample collected monthly.

Response: Staff's use of the Basin Plan fecal coliform objective is consistent with all other Regions in the State. Staff's assessment is consistent with the Listing Policy which states in Section 3.3 "in the absence of site-specific exceedance frequency, a water segment shall be placed on the section 303(d) list if bacteria water quality standards in California Code of Regulations, Basin Plans, or statewide plans are exceeded using the binomial

distribution as described in section 3.2." The Listing Policy also states in Section 6.1.5.6 “If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period.”

Comment #: 303d_128 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that these listings [for fecal coliform in Santa Maria River Estuary, Santa Ynez River (below City of Lompoc to Ocean), Rincon Creek, San Antonio River (below San Antonio Reservoir), and San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge)] be removed for the following reasons: 3) Epidemiology studies do not support the use of fecal coliform (Paulsen and List, 2005, Schroeder et al. 2002, Colford et al. 2005).

Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for *E. coli* and Enterococcus without exception.

Comment #: 303d_129 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that these listings [for fecal coliform in Santa Maria River Estuary]: 4)The Santa Maria River Estuary was listed based on data collected at the CCAMP monitoring site located less than 300 meters upstream of the estuary. Depending on the exact location of the CCAMP monitoring site, samples may not be representative of the water quality conditions within the estuary based on the assertion in the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (SWRCB, 2004) that samples collected 200 meters apart are considered spatially independent.

Response: Staff supports the decision to use data collected at 312SMA to assess water quality in the Estuary which is located less than 300m downstream of this monitoring site as there are no inputs (i.e. tributaries and stormdrains) between the monitoring site 312SMA and the mouth. Therefore, the water quality at 312SMA is indicative of the water quality in the lower river as well as in the Estuary. Furthermore, Section 6.1.5.2 of the Listing Policy states that "samples collected within 200 m of each other should be considered samples from the same station or location." Staff interprets this to mean that if there were another monitoring site, located 200m or more downstream, data from this site could be used in combination with data from 312SMA to determine listing status for the Estuary.

Comment #: 303d_130 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that this listing [Hammonds Beach for total coliform] be removed because it is improperly based on the SHELL beneficial use. The County has no knowledge of any shellfish harvesting that currently occurs or is planned to occur in the waters off Hammonds Beach. Therefore, since this proposed listing is based solely (i.e., the lines of evidence for REC1 and REC2 beneficial use do not support listing) on an inappropriate beneficial use, it should be removed. Board staff may suggest that the listing move forward, and the process for removing the beneficial use take place afterward. However, as Board staff is well aware, the beneficial use removal/modification process is extensive and must include an anti-degradation analysis. The County does not wish to spend resources on requesting a beneficial use removal if it is not necessary.

Response: The Basin Plan table 2-2 states that SHELL is designated as a "present and potential" beneficial use for the coastal waters between Point Arguello and Coal Oil Point

and Between Coal Oil Point and Rincon Point. Staff interpreted this to include all beaches with the exception of State Parks where collection is specifically prohibited.

Comment #: 303d_131 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: This listing [Haskells Beach and Refugio Beach for Enterococcus] is based on the Line of Evidence for exceedances of the geomean criterion. The Line of Evidence for exceedances of the single sample maximum criterion does not support listing. The Board converted values of "<10/100 ml" (i.e., below detection) to 10/100 ml prior to calculating geomeans. This approach is incorrect, particularly when a large portion of the values are below the detection limit, and can lead to a substantial overestimate of the number of exceedances. The most rigorous approach is to use Maximum Likelihood Estimation methods promoted in Helsel (2005[4]) and other references. Other approaches are arbitrary, but the County conducted a quick test replacing the values with "1," and "5" both of which lead to a lack of support for the listing.

Response: At this time staff does not recommend changing listing recommendations. Staff acknowledge that there are various methods to assess non-detect results (including using the Reporting Limit, 1/2 the reporting limit and Maximum Likelihood Estimates). For future assessments, staff will investigate using more rigorous methods. In addition, staff is currently working with State Board staff to further define guidance on assessment of bacteria data for beaches, specifically for calculation of Geomean values. This will include guidance on how to assess censored data (non-detect results). Staff will wait to make any changes until guidance is available for all Regions.

Comment #: 303d_132 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that the Board remove the proposed listings [for sodium and, if applicable, chloride in Dos Pueblos Creek, Tecolote Creek, Salsipuedes Creek, Rincon Creek, San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge)] for the following reasons: 1) The listings are based on an agricultural supply beneficial use that is inappropriate and not representative of actual uses of these largely ephemeral surface water bodies. The County is not aware of any current or future agricultural uses of surface waters (e.g., for irrigation via diversion) in these watersheds.

Response: Noted. This comment was forwarded to Triennial Review staff.

Comment #: 303d_133 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that the Board remove the proposed listings [for sodium and, if applicable, chloride in Dos Pueblos Creek, Tecolote Creek, Salsipuedes Creek, Rincon Creek, San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge)] for the following reasons: 2)Furthermore, sodium and chloride are naturally occurring salts that are historically present in moderate to high concentrations in surface water samples throughout the South Coast (likely due to the local geology, i.e., marine formations and presence of highly mineralized springs which contribute to base flow) (Miller & Rapp, 1968[5]). Therefore, it is unlikely that high sodium and chloride concentrations are due solely to recent anthropogenic impacts to the watersheds. On this basis, there is no need for a listing and subsequent TMDL to address this "problem."

Response: Staff recognizes that elevated salt levels measured some of these watersheds may be from natural sources. However, because of the potential for anthropogenic

sources (such as urban storm water runoff, agriculture and grazing) these levels can not be assumed to be natural.

Comment #: 303d_134 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: The County requests that the Board remove the proposed listings [for sodium and, if applicable, Chloride in Dos Pueblos Creek, Tecolote Creek, Salsipuedes Creek, Rincon Creek, San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge) for the following reasons: 3)The listing for sodium and chloride is not a high priority for the Board. Board staff may suggest that the listing move forward, and the process for removing the beneficial use take place afterward. However, as Board staff is well aware, the beneficial use removal/modification process is extensive and must include an anti-degradation analysis. The County does not wish to spend resources on requesting a beneficial use removal if it is not necessary.

Response: Comment noted

Comment #: 303d_135 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: Bell Creek for Unknown Toxicity. This listing is based on plant toxicity (S*elenastrum* algae) threshold exceedances in 3 out of 4 results, 2 of which are from the same sample date and therefore should be averaged and treated as one result consistent with p 24, section 6.1.5.6 of the State Board's Listing Policy. Furthermore, two results were qualified as "Retest" and "Test run without EDTA" and therefore should be reconsidered for usage here due to data quality issues. The result of these considerations should be the removal of this listing.

Response: Staff agrees and will make this change. This does not change the listing status as 2 of 3 samples were toxic to test organisms.

Comment #: 303d_136 Commenter: Joy Hufschmid -Santa Barbara County

Date Comment Received: 5/26/2009

Comment: San Antonio Creek (Rancho de las Flores Bridge at Hwy 135 to Railroad Bridge) for Chlorpyrifos. There are no water quality data provided through the fact sheets (SWAMP data is referenced) on the Board's 303(d) website for this listing. Furthermore, the water quality threshold used for this listing is not a Federal or State water quality standard or criterion, nor is it a water quality objective included in the Basin Plan. The basis for this listing is therefore unfounded. Staff have corrected the error and the Lines of Evidence for Chlorpyrifos now have the correct reference file that contains the data used.

Response: Staff apologizes for this error. Section 6.1.3 of the Listing Policy specifically states that evaluation guidelines shall be used when evaluating beneficial use protection. In this section, the policy further identifies criteria for selecting evaluation guidelines. The evaluation guideline used in this assessment meets all the listed criteria in Section 6.1.3 of the Listings Policy.

Comment #: 303d_137 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: We submit these comments with the emphasis and reminder that given the current state of the economy, with the difficult situation of having extremely limited State, County, and local resources to address water quality issues, now more than ever we must be careful and reasonable with our identification of problems, prioritized with our solutions,

and efficient with our use of funds. Please bear this guidance in mind as you complete your review and adoption of the draft 303(d) listings.
Response: Comment noted

Comment #: 303d_138 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009
Comment: Same comment as 303d_120.
Response: Staff has prioritized listings "so that available resources can be focused on the "known, real, highest priority water quality issues". "Ground-truthing of listings" as described in you comments letter is undertaken during the TMDL development process. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_139 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009
Comment: Same comment as 303d_121.
Response: Comment noted.

Comment #: 303d_140 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009
Comment: Same comment as 303d_122
Response: Staff interpret this statement in the policy to apply if and only if data were collected "...April 1 through October 31 only…" otherwise all data were assessed as specified in Section 3.3 of the Listing Policy which states "..a water segment shall be placed on the section 303(d) list if bacteria water quality standards in California Code of Regulations, Basin Plans, or statewide plans are exceeded using the binomial distribution described in section 3.2." Section 3.2 of the Listing Policy states "Using the binomial distribution, waters shall be placed on the section 303(d) list if the number of measured exceedances supports rejection of the null hypothesis as presented in Table 3.2." Staff support the existing decision.

Comment #: 303d_141 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009
Comment: Same comment as 303d_123
Response: Staff interpretation of the Listing Policy (stated in response #122) supports the current recommendations for Bacteria listings. Furthermore, staff did not use judgment in assessment of data relative to Ocean Plan Objectives, Basin Plan Objectives or EPA Bacteria Criteria.

Comment #: 303d_142 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009
Comment: The City of Goleta requests that these listings [for fecal coliform in Atascadero Creek, Glen Annie Canyon, Maria Ygnacio Creek, San Jose Creek and San Pedro Creek] be removed for the following reasons: 1) The listings are redundant with those for *E. coli* and will lead to allocation of very limited resources that are not in line with water quality priorities or current science.
Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for *E. coli* and Enterococcus without exception.

Comment #: 303d_143 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: The City of Goleta requests that these listings [for fecal coliform in Atascadero Creek, Glen Annie Canyon, Maria Ygnacio Creek, San Jose Creek and San Pedro Creek] be removed for the following reasons: 2) The Board uses the fecal coliform [Basin Plan Objective] in effect as a single sample maximum, and typically samples once per month. The County is not clear that this approach reflects the original intention of the objective or if it meets the statistical assumptions of the objective. The City requests that the Board supports their conclusion that the original objective for protecting human health is based on a single sample collected monthly.

Response: Staff's use of the Basin Plan fecal coliform objective is consistent with all other Regions in the State. Staff's assessment is consistent with the Listing Policy which states in Section 3.3 "in the absence of site-specific exceedance frequency, a water segment shall be placed on the section 303(d) list if bacteria water quality standards in California Code of Regulations, Basin Plans, or statewide plans are exceeded using the binomial distribution as described in section 3.2." The Listing Policy also states in Section 6.1.5.6 “If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period.”

Comment #: 303d_144 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: The City of Goleta requests that these listings [for fecal coliform in Atascadero Creek, Glen Annie Canyon, Maria Ygnacio Creek, San Jose Creek and San Pedro Creek] be removed for the following reasons: 3)Epidemiology studies do not support the use of fecal coliform (Paulsen and List, 2005, Schroeder et al. 2002, Colford et al. 2005).

Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for *E. coli* and *Enterococcus* without exception.

Comment #: 303d_145 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: "The City [of Goleta] requests that this listing [Goleta Beach for total coliform] be removed because it is improperly based on the SHELL [Shellfish Harvesting] beneficial use. While the Goleta Slough/Estuary is designated for SHELL in Table 2-1 of the Basin Plan, Goleta Beach is not. Furthermore, the City has no knowledge of any shellfish harvesting that currently occurs or is planned to occur in the waters off Goleta Beach. Therefore, since this proposed listing is based solely (i.e., the Lines of Evidence for REC1 and REC2 beneficial use do not support listing) on an inappropriate beneficial use, it should be removed. Board staff may suggest that the listing move forward, and the process for removing the beneficial use take place afterward. However, as Board staff are well aware, the beneficial use removal/modification process is extensive and must include an anti-degradation analysis. The City does not wish to spend resources on requesting a beneficial use removal if it is not necessary.

Response: The Basin Plan table 2-2 states that SHELL is designated as a "present and potential" beneficial use for the coastal water between Point Arguello and Coal Oil Point and between Coal Oil Point and Rincon Point. Staff interpreted this to include all beaches with the exception of State Parks where collection is specifically prohibited.

Comment #: 303d_146 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: The City [of Goleta] requests that the Board remove the proposed listings [for sodium and, if applicable, chloride for Atascadero Creek, Glen Annie Canyon, Maria Ygnacio Creek, San Jose Creek and San Pedro Creek] for the following reason: 1) The listings are based on an agricultural supply beneficial use that is inappropriate and not representative of actual uses of these largely ephemeral surface water bodies. The County is not aware of any current or future agricultural uses of surface waters (e.g., for irrigation via diversion) in these watersheds.

Response: Noted. This comment was forwarded to Triennial Review staff.

Comment #: 303d_147 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: "The City [of Goleta] requests that the Board remove the proposed listings [for sodium and, if applicable, chloride for Atascadero Creek, Glen Annie Canyon, Maria Ygnacio Creek, San Jose Creek and San Pedro Creek] for the following reason: 2) sodium and chloride are naturally occurring salts that are historically present in moderate to high concentrations in surface water samples throughout the South Coast (likely due to the local geology, i.e., marine formations and presence of highly mineralized springs which contribute to base flow) (Miller & Rapp, 1968[5]). Therefore, it is unlikely that high sodium and chloride concentrations are due solely to recent anthropogenic impacts to the watersheds. On this basis, there is no need for a listing and subsequent TMDL to address this "problem."

Response: Staff recognizes that elevated salt levels measured some of these watersheds may be from natural sources. However, because of the potential for anthropogenic sources (such as urban storm water runoff, agriculture and grazing) these levels can not be assumed to be natural.

Comment #: 303d_148 Commenter: Steve Wagner - City of Goleta

Date Comment Received: 5/26/2009

Comment: "The City [of Goleta] requests that the Board remove the proposed listings [for sodium and, if applicable, chloride for Atascadero Creek, Glen Annie Canyon, Maria Ygnacio Creek, San Jose Creek and San Pedro Creek] for the following reasons: 3) the listing for sodium and chloride is not a high priority for the Board. Board staff may suggest that the listing move forward and the process for removing the beneficial use take place afterward. However, as Board staff is well aware, the beneficial use removal/modification process is extensive and must include an anti-degradation analysis. The County does not wish to spend resources on requesting a beneficial use removal if it is not necessary."

Response: Comment noted

Comment #: 303d_149 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: We submit these comments with the emphasis and reminder that given the current state of the economy, with the difficult situation of having extremely limited State, County, and local resources to address water quality issues, now more than ever we must be careful and reasonable with our identification of problems, prioritized with our solutions, and efficient with our use of funds. Please bear this guidance in mind as you complete your review and adoption of the draft 303(d) listings.

Response: Comment noted

Comment #: 303d_150 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: Same comment as 303d_120.

Response: Staff has prioritized listings "so that available resources can be focused on the "known, real, highest priority water quality issues". "Ground-truthing of listings" as described in you comment letter is undertaken during the TMDL development process. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_151 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: Same comment as 303d_121.

Response: Comment noted.

Comment #: 303d_152 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: Same comment as 303d_122

Response: Staff interpret this statement in the policy to apply if and only if data were collected "...April 1 through October 31 only…" otherwise all data were assessed as specified in Section 3.3 of the Listing Policy which states "..a water segment shall be placed on the section 303(d) list if bacteria water quality standards in California Code of Regulations, Basin Plans, or statewide plans are exceeded using the binomial distribution described in section 3.2." Section 3.2 of the Listing Policy states "Using the binomial distribution, waters shall be placed on the section 303(d) list if the number of measured exceedances supports rejecting of the null hypothesis as presented in Table 3.2." Staff supports the existing decision.

Comment #: 303d_153 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: Same comment as 303d_123

Response: Staff interpretation of the Listing Policy (stated in response #122) supports the current recommendations for Bacteria listings. Furthermore, staff did not use judgment in assessment of data relative to Ocean Plan Objectives, Basin Plan Objectives or EPA Bacteria Criteria.

Comment #: 303d_154 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: Carpinteria Creek *E. coli*. listings. The City [of Carpinteria] requests that the listing be reassessed because of concerns with the objective used to determine exeedances for *E. coli* in freshwater. The USEPA criterion for *E. coli* in designated freshwater bathing beaches (235 MPN/100 ml) was used for all creek reaches. The City feels it would be more appropriate to use the criteria for “infrequent use coastal recreation areas,” also defined as areas with “infrequently used full body contact recreation” (575 MPN/100 ml) for this creek, as all of the reaches are used infrequently for bathing (see pages from the bacteria Final Rule, Attachment 5).

Response: The Central Coast Basin Plan does not have levels of use associated with the Water Contact Recreation Beneficial Use. In the 303(d) assessment process staff did not deviate from the Basin Plan and chose to use the most protective evaluation guideline fore

contact recreation. In addition, *E. coli* is a Fecal Coliform and therefore any evaluation guideline that is less protective than the Basin Plan Fecal Coliform objective for contact Recreation (400 MPN/100 mL) is inappropriate.

Comment #: 303d_155 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The City [of Carpinteria] requests that these listings [for fecal coliform in Carpinteria Creek and Franklin Creek] be removed for the following reasons: 1)The listings are redundant with those for *E. coli* and will lead to allocation of very limited resources that is not in line with water quality priorities or current science."

Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for *E. coli* and Enterococcus without exception.

Comment #: 303d_156 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The City [of Carpinteria] requests that these listings [for fecal coliform in Carpinteria Creek and Franklin Creek] be removed for the following reasons: 2) The Board uses the fecal coliform [Basin Plan Objective] in effect as a single sample maximum, and typically samples once per month. The County is not clear that this approach reflects the original intention of the objective or if it meets the statistical assumptions of the objective. The City requests that the Board supports their conclusion that the original objective for protecting human health is based on a single sample collected monthly."

Response: Staff's use of the Basin Plan fecal coliform objective is consistent with all other Regions in the State. Staff's assessment is consistent with the Listing Policy which states in Section 3.3 "in the absence of site-specific exceedance frequency, a water segment shall be placed on the section 303(d) list if bacteria water quality standards in California Code of Regulations, Basin Plans, or statewide plans are exceeded using the binomial distribution as described in section 3.2." The Listing Policy also states in Section 6.1.5.6 “If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period.”

Comment #: 303d_157 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The City [of Carpinteria] requests that these listings [for fecal coliform Carpinteria Creek and Franklin Creek] be removed for the following reasons: 3) Epidemiology studies do not support the use of fecal coliform (Paulsen and List, 2005, Schroeder et al. 2002, Colford et al. 2005)."

Response: Staff did not make judgment in assessments and used Basin Plan and Ocean Plan objectives for total and fecal coliform and EPA Bacteria Criteria for *E. coli* and Enterococcus without exception.

Comment #: 303d_158 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The City [of Carpinteria] requests that these listings [for sodium in Carpinteria Creek and Franklin Creek] be removed for the following reasons: 1)The listings are based on an agricultural supply beneficial use that is inappropriate and not representative of actual uses of these largely ephemeral surface water bodies. The County is not aware of any current or future agricultural uses of surface waters (e.g., for irrigation via diversion) in these watersheds.

Response: Noted. This comment was forwarded to Triennial Review staff.

Comment #: 303d_159 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The City [of Carpinteria] requests that these listings [for sodium in Carpinteria Creek and Franklin Creek] be removed for the following reasons: 2) Furthermore, sodium and chloride are naturally occurring salts that are historically present in moderate to high concentrations in surface water samples throughout the South Coast (likely due to the local geology, i.e., marine formations and presence of highly mineralized springs which contribute to base flow) (Miller & Rapp, 1968[5]). Therefore, it is unlikely that high sodium and chloride concentrations are due solely to recent anthropogenic impacts to the watersheds. On this basis, there is no need for a listing and subsequent TMDL to address this "problem."

Response: Staff recognizes that elevated salt levels measured some of these watersheds may be from natural sources. However, because of the potential for anthropogenic sources (such as urban storm water runoff, agriculture and grazing) these levels can not be assumed to be natural.

Comment #: 303d_160 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The City [of Carpinteria] requests that these listings [for sodium in Carpinteria Creek and Franklin Creek] be removed for the following reasons: 3) The listing for sodium and chloride is not a high priority for the Board. Board staff may suggest that the listing move forward and the process for removing the beneficial use take place afterward. However, as Board staff is well aware, the beneficial use removal/modification process is extensive and must include an anti-degradation analysis. The County does not wish to spend resources on requesting a beneficial use removal if it is not necessary."

Response: Comment noted

Comment #: 303d_161 Commenter: Charlie Ebling-City of Carpinteria

Date Comment Received: 5/26/2009

Comment: "The city of Carpinteria requests that the listings for Carpinteria Creek and Franklin Creek for Chlorpyrifos be removed for the following reasons: “There are no water quality data provided through the fact sheets (SWAMP data is referenced) on the Board’s 303(d) website for this listing. Furthermore, the water quality threshold used for this listing is not a Federal or State water quality standard or criterion, nor is it a water quality objective included in the Basin Plan. The basis for this listing is therefore unfounded.”

Response: Staff has corrected the error and the Lines of Evidence for Chlorpyrifos and have posted the correct reference file that contains the data used. Staff apologize for this error. Section 6.1.3 of the Listing Policy specifically states that evaluation guidelines shall be used when evaluating beneficial use protection. In this section, the policy further identifies criteria for selecting evaluation guidelines. The evaluation guideline used in this assessment meets all the listed criteria in Section 6.1.3 of the Listings Policy.

Comment #: 303d_162 Commenter: Miyoko Sakashita -Center for Biological Diversity

Date Comment Received: 5/26/2009

Comment: The Central Coast Regional Board is urged to add ocean waters to its impaired waters list. The Board is encouraged to consider the new information on ocean

acidification enclosed here as well as the other supporting information previously submitted by the Center for Biological Diversity in support of listing.
Response: This comment letter, its attachments and all previous data submittals received at the Central Coast Regional Board from the Center for Biological Diversity requesting staff to list the Pacific Ocean for acidification have been forwarded to State Board. Staff at State Board intends to respond to these comments and address the listing on a statewide basis. Regions are not addressing this issue individually.

Comment #: 303d_163 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009
Comment: "We support Regional Board staff assessment decisions to list waters as impaired based on nutrient numeric guidelines; e.g., nitrate Tembladero Slough, Alisal Slough, Old Salinas River and Watsonville Creek. Federal regulations require States to assess waters in comparison to both narrative and numeric water quality standards. Here the narrative objective for biostimulatory substances has been interpreted via application of the Nutrient Numeric Endpoint (NNE) model. The NNE model is technically sound, has been peer reviewed and applied to develop TMDLs in various nutrient impaired State waters, such as Clear Lake and Machado Lake. The nitrate assessment guideline values are reasonable and appropriately defined based on local water quality conditions. This assessment methodology is consistent with a proposal by State Board staff in May 2007 for evaluating nutrients in surface waters for 303d listing decisions, whereby other parameters, such as dissolved oxygen, chlorophyll and biomass are included."
Response: Comment noted

Comment #: 303d_164 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009
Comment: "The Central Coast Basin Plan does not currently have numeric water quality objectives for temperature, and staff have utilized an evaluation guideline of 21.0℃ for protection of cold freshwater aquatic life, based on the optimal temperature for support of juvenile trout. We support staff assessment decisions based on this guideline to identify impaired waters such as Arroyo Seco, Llagas and Uvas Creek and Santa Ynez River. This listing is based on an analysis of available data, which consists primarily of monthly grab samples for temperature."
Response: Comment noted

Comment #: 303d_165 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009
Comment: "We recommend revising monitoring programs to provide more specific [temperature] data for TMDL development. For example, include continuous monitoring during critical periods (e.g., July) or critical locations (e.g., those waterbodies that currently or potentially support productive trout habitat), and analyze data such that it can also represent the durations of high temperatures (e.g., maximum 7-day running average temperatures)."
Response: Staff agrees that continuous monitoring data will be more useful for assessing temperature and will consider this a high priority as resources allow.

Comment #: 303d_166 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009
Comment: "Moreover, we recommend development and adoption of specific temperature numeric water quality objectives for protection of both cold water and warm water species."

Response: Noted. Comment forwarded to Triennial review staff.

Comment #: 303d_167 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009

Comment "The Central Coast Basin Plan does not currently have numeric water quality objectives for turbidity; and staff utilized an evaluation guideline of 25 NTU, based on the maximum level to protect feeding stages of juvenile trout. We support staff assessment decisions to list waters for elevated turbidity based on this guideline, which is protective of the most sensitive beneficial use. This listing is based on an analysis of available data, which consists primarily of monthly grab samples for turbidity. We recommend revising monitoring programs to provide more specific data for TMDL development. For example, we recommend continuous and/or focused monitoring during critical periods (e.g., through storm periods where turbidity is associated with elevated suspended sediment concentrations), and to prioritize efforts toward protecting waterbodies that currently or potentially support productive trout habitat such as the Arroyo Seco, Salinas River, Santa Rosa Creek and Santa Ynez watersheds. We recommend that development and analysis of data include duration/turbidity value relationships. Moreover, it may be helpful to analyze the relationship between turbidity levels and suspended sediment concentrations."

Response: Noted and staff agree that continuous monitoring data will be more useful for assessing turbidity and will consider this a high priority as resources allow.

Comment #: 303d_168 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009

Comment: "...we also recommend development of a specific water quality objective for turbidity that will account for both acute and chronic affects of turbidity for protection of the most sensitive beneficial uses."

Response: Noted. Comment forwarded to Triennial review staff.

Comment #: 303d_169 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009

Comment: "In 2006, EPA added several coastal beaches to California's 303d list based on our review of available monitoring data; these impairments were identified due to "indicator bacteria." In this listing cycle, Regional Board staff have assessed more recent data and produced specific listing decisions for each indicator; e.g., Enterococcus, fecal and total coliform. First, we believe this sort of analysis is best performed during the initial TMDL development, as recommended in the State's Impaired Waters Guidance (2005) and should not be part of the 303d process."

Response: Comment noted. Central Coast Water Board staff maintains that the pollutant of concern should be consistent with the water quality objective/standard/criteria used to determine the impairment. Proceeding in this way lends clarity for stakeholders who review the 303d list; a listing consistent with the water quality objective tells stakeholders exactly what the pollutant of concern is. Using the term 'indicator bacteria' could also imply that more than one constituent was used in the determination, when in fact that is not always the case. Finally, TMDLs must be expressed in terms consistent with existing water quality objectives, as expressed in our Basin Plan. The Central Coast Region Basin Plan uses fecal coliform as the indicator bacteria in its water quality objective protective of recreational use. Therefore, the TMDL and allocations must be expressed in terms of fecal coliform. Consequently, listing for the specific indicator bacteria, e.g. fecal coliform, will be consistent with TMDLs addressing those impairments, and lend to clarity regarding which TMDLs resolve these impairments.

Comment #: 303d_170 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009

Comment: With respect to beach bacteria data, "Second, we recognize that staff have used a static 30-day mean concentration to evaluate the geomean water quality objective, whereas we utilized a rolling geomean ("at least five weekly samples during any 30-day sampling period"), either is acceptable."

Response: Comment noted

Comment #: 303d_171 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009

Comment: With respect to beach bacteria data, "Third, we are pleased to see the single sample maximum results were included as part of the comprehensive assessment. However, it appears staff confined their analysis to only the last two years of available monitoring results and we strongly recommend assessment of three consecutive years minimum for beach monitoring results."

Response: Noted. For many of the beaches assessed, but not all, three years of data were available and were used. Staff will use at least three years of data for all future beach assessments, if available.

Comment #: 303d_172 Commenter: Peter Kozelka-USEPA

Date Comment Received: 5/28/2009

Comment: Most importantly, EPA disagrees with the application of the binomial approach (within the State's Listing Policy) to assessment methods for the geomean criterion for pathogens. The geomean represents a 30-day exposure period and thus a single geomean exceedence represents undesirable and prolonged exposure to elevated pathogen levels for recreating swimmers and waders. [It is analogous to a monthly mean concentration, often used for compliance.] For example, Stillwater Cove Beach appears to have 8 of 81 geomean exceedences of *Enterococcus* between 2001 and 2004, and 2 of 15 similar exceedences between 2005 and 2006. EPA disagrees with the staff conclusion to delist this waterbody. We find similar coastal beaches (Capitola, Goleta, Haskell's, Leadbetter, Pismo and Rio Del Mar) may have been inappropriately omitted from the draft 303d list. Upon receipt of the State's final 2008 list, we will perform an independent evaluation of these waters to determine if these are impaired according to federal listing guidance and warrant addition to the State's list.

Response: State Board Staff has provided response to this comment. "To provide general statewide consistency in evaluating data, section 6.1.5.6 of the Listing Policy requires mathematical transformation of data in a consistent manner prior to conducting any statistical analysis and that the available data shall be used to represent the averaging period. Section 3.3 also provides consistency by stating that in cases where there are no site-specific exceedance frequency, bacteria data is evaluated using binomial statistics to determine whether the number of exceedances equates to water quality standards not being met...For bacteria, there is generally a single sample maximum objective and a 30-day geomean objective. Exceedances of these objectives mean different things... Although 30-day geomeans aren't typically used to trigger beach postings, they are considered to determine the extent and length of time a beach remains closed or restricted and are still appropriate for 303(d) listings and thus for binomial statistical analysis." Therefore, staff support the current recommendations based on geomean calculations and use of the binomial test as described in the Listing Policy.

Comment #: 303d_173 Commenter: John Haskins - Elkhorn Slough

Date Comment Received: 5/26/2009

Comment: "We support the proposed TMDL listings for low dissolved oxygen in Bennett Slough, Carneros Creek, Elkhorn Slough, Moro Cojo Slough, Moss Landing Harbor, Old Salinas River, and Tembladero Slough."

Response: Comment Noted

Comment #: 303d_174 Commenter: John Haskins - Elkhorn Slough

Date Comment Received: 5/26/2009

Comment: "We support the TMDL listing of nitrate in Tembladero Slough."

Response: Comment Noted

Comment #: 303d_175 Commenter: John Haskins - Elkhorn Slough

Date Comment Received: 5/26/2009

Comment: "We recommend a TMDL listing for nitrate in Bennett Slough, Carneros Creek, Elkhorn Slough, Moro Cojo Slough, Moss Landing Harbor, and Old Salinas River."

Response: The specifically mentioned waters were not listed for nitrate because either the MUN beneficial use is not designated for that waterbody or the nitrate levels did not warrant listing relative to that water quality objective. In addition, staff did not apply the aquatic life evaluation guideline (based on the NNE tool) to waters outside of the Lower Salinas watershed. However, staff intends to further develop the NNE tool and apply a nitrate objective for aquatic life beneficial uses throughout the Region in the 2010 assessment. Therefore, Bennett Slough, Elkhorn Slough Moro Cojo Slough, Moss Landing Harbor and Carneros Creek will be assessed at that time. Old Salinas River is proposed to be added to the list for nitrate.

Comment #: 303d_176 Commenter: John Haskins - Elkhorn Slough

Date Comment Received: 5/26/2009

Comment: "We recommend a TMDL listing for phosphate in Bennett Slough, Carneros Creek, Elkhorn Slough, Moro Cojo Slough, Moss Landing Harbor, Old Salinas River, and Tembladero Slough."

Response: Staff intends to use the NNE tool to develop a regionally relevant evaluation guideline for Phosphorus, as we have done with nitrate. Staff intends to apply this phosphorus guideline Region wide in the 2010 assessment.

Comment #: 303d_177 Commenter: John Haskins - Elkhorn Slough

Date Comment Received: 5/26/2009

Comment: We recommend a TMDL listing for ammonia in Bennett Slough, Elkhorn Slough, and Moss Landing Harbor. We oppose the TMDL delisting of ammonia for Tembladero Slough.

Response: Each of the mentioned waterbodies were assessed relative to the Ammonia standard (EPA's Lifetime Health advisory level for total ammonia is 30.0 mg/L as stated on page 8 of the 2006 edition of the drinking water standards and health advisories) and do not exceed the allowable frequency per the Listing Policy. The Basin Plan Standard for un-ionized ammonia is also used to protect aquatic life beneficial uses. The Elkhorn Slough data set did not provide unionized ammonia data and staff were not able to calculate these values using the data provided because it was not clear which were field measurements and which were taken after the sample was collected. In order to calculate unionized ammonia field measurements for both pH and water temperature must be used.

For future assessments please provide wither calculated unionized ammonia data specify field measurements and associated total ammonia results.

Comment #: 303d_178 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009

Comment: "CCKA strongly supports each of the important additions proposed throughout the Central Coast region. CCKA also commends the Regional Board's decision to use an improved nitrate standard that is more protective of human life and aquatic life."

Response: Comment noted.

Comment #: 303d_179 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009

Comment: "CCKA strongly objects to the changing listing criteria for impaired waters as a mechanism to extend TMDL deadlines, and also strongly objects to calling these actions "delistings." A delisting occurs when the waterway has been completely restored to all beneficial uses over a sufficient length of time to ensure that any and all seasonal variations have been accounted for. Refining the pollutant at issue for the impairment does not mean the water is clean. Elkhorn Slough provides an example: Regional Board staff are suggesting "delisting" Elkhorn Slough for pathogens (apparently listed in 1990) and proposing listing it for *E. coli* with a 2021 TMDL completion date. Sliding the TMDL completion date from the required 13 years from listing, to 31 years from listing date, is unacceptable. U.S. EPA Guidance specifies that the time between listing and TMDL completion is not to exceed 13 years or less. (See: http://www.epa.gov/OWOW/tmdl/ratepace.html#N_2_#N_2_) CCKA generally supports scientifically-based listing refinement from a general pollutant (pathogens) to a specific pollutant (*E. coli*), but not if TMDL completion dates are pushed back in the process."

Response: As stated in the EPA memo dated August 9, 1997, "Each State schedule should reflect the State's own priority ranking of the listed waters and be integrated with the Environmental Performance Partnership Agreement process. These State schedules should be expeditious and normally extend from eight to thirteen years in length..." and lists several factors that States should include in their prioritization process. Staff has considered these factors in the current proposed TMDL completion schedule. Staff must re-prioritize, and therefore schedule completion for, a growing pool of waterbody-pollutant combinations during each listing cycle. Each listing cycle brings new information and knowledge that must be considered in the prioritization. Therefore, the probability exists that a waterbody-pollutant combination could be deemed high-priority during one listing cycle, but be superseded in priority by another in a future listing cycle. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_180 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009

Comment: "CCKA requests that the Regional Board and Board staff consider two additional listings for Monterey Bay. We believe that Central Coast Long-term Environmental Assessment Network (CCLEAN) data, which is in the Regional Board staff's possession, supports listing Monterey Bay as impaired for PCBs and perhaps DDT. The DDT and PCB-laden sediments are often referred to as the "bathtub ring" around Monterey

Bay. The National Oceanic and Atmospheric Association published a report, using CCLEAN data, indicating that PCBs are being delivered down-current from San Francisco Bay. Listing Monterey Bay as impaired for PCBs would support the PCBs TMDL in the San Francisco Bay region as well as a cleaner Monterey Bay. Data on DDT, carried by sediments from the Pajaro and Salinas rivers, would support sediment and DDT TMDLs in these rivers as well. This listing would also bring attention to the value of healthy riparian corridors along our waterways."
Response: This data has now been assessed.

Comment #: 303d_181 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009
Comment: "CCKA found that many of the key TMDLs for severely impaired waters of the Central Coast are scheduled to take nearly 30 years to complete; one third of a century for completion of TMDL cleanup plans is not acceptable. For example Watsonville Slough was listed in 1996, and its TMDL completion date is scheduled for 2021 (25 years); Schwan Lake was listed in 1992, and its TMDL completion date is scheduled for 2021 (29 years); and Moss Landing Harbor was listed in 1990, and its TMDL completion date is scheduled for 2021 (31 years). CCKA urges the Regional Board to advocate for more timely and effective TMDL cleanups plans for impaired waters, especially since those dates merely reflect the completion of the plan, rather than the actual cleanup of the waterways."
Response: As stated in the EPA memo dated August 9, 1997 "Each State schedule should reflect the State's own priority ranking of the listed waters and be integrated with the Environmental Performance Partnership Agreement process. These State schedules should be expeditious and normally extend from eight to thirteen years in length..." and lists several factors that States should include in their prioritization process. Staff has considered these factors in the current proposed TMDL completion schedule. Staff must re-prioritize, and therefore schedule completion for, a growing pool of waterbody-pollutant combinations during each listing cycle. Each listing cycle brings new information and knowledge that must be considered in the prioritization. Therefore, the probability exists that a waterbody-pollutant combination could be deemed high-priority during one listing cycle, but be superseded in priority by another in a future listing cycle. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_182 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009
Comment: "Many new and existing listings mention the removal of vegetated buffers and riparian vegetation as a suspected contributor to impairment. The Regional Board must move expeditiously to protect riparian corridors and should encourage restoration of vegetated buffers and riparian vegetation. Research has consistently shown that vegetated buffers remove and retain pesticides, nutrients, pathogens, and sediments. Riparian corridors are the last vegetated buffer that stormwater passes through before reaching open water bodies. CCKA strongly urges the Regional Board to take action to limit efforts driven by large agricultural operations to remove vegetated buffers around their farms as a "food safety practice."
Response: Comment noted

Comment #: 303d_183 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009

Comment: "CCKA believes that if the RWQCB exercises its regulatory authority, agriculture and urban dischargers will learn to avoid polluting the public's water. Creating, implementing, and enforcing TMDLs to regulate discharges will send a message throughout the region. TMDL implementation and enforcement must become a major function of the Regional Board."

Response: Comment noted

Comment #: 303d_184 Commenter: Tom Lyons - California Coastkeeper Alliance

Date Comment Received: 5/26/2009

Comment: "In sum, the Board must move ahead quickly to create and implement TMDLs. We have already waited a third of a century for TMDLs to be created for some water bodies. Critical, high priority water bodies such as the Salinas River should not wait any longer for attention. The Regional Board must take action now."

Response: Comment noted

Comment #: 303d_185 Commenter: Jennifer Lee - Save Cuyama Valley

Date Comment Received: 5/26/2009

Comment: This letter constitutes a formal request for the Central Coast Regional Water Quality Control Board to add the Cuyama River, Cuyama Valley Watershed, and Cuyama Valley Groundwater Basin to the list of impaired waters for 2008. The Cuyama Groundwater Basin is the most critically over-drafted basin in Santa Barbara County and serves as the sole water source for all residents and landowners in Cuyama Valley. We have no plan for water management or basin recharge in the Valley and would like to implement a long-range management and conservation plan for the Cuyama Groundwater Basin.

Response: The 303(d) process applies to surface waters only. This comment was forwarded to Groundwater Program staff.

Comment #: 303d_186 Commenter: Nadine Martins - Citizen, Carpinteria

Date Comment Received: 5/26/2009

Comment: "As long as our waters are not safe for drinking, fishing, swimming, none of the creeks and waterbodies should be removed from the 303(d) list, including our local creeks such as Carpinteria creek, Santa Monica creek, Gobernador creek (to be added), Franklin creek, Rincon creek, Casitas creek (to be added), Ventura river, as well as Carpinteria's El Estero Salt Marsh. How can the study of pathogen pollutants at Carpinteria creek – or any other creek near human settlements – be removed from the list when the potential for pathogen pollution exists?"

Response: Thank you for your letter. We will continue to assess all data submitted to us against all available and relevant water quality criteria. Any future recommendations to delist will based on data and or information providing evidence of improved water quality.

Comment #: 303d_187 Commenter: Nadine Martins - Citizen, Carpinteria

Date Comment Received: 5/26/2009

Comment: "I'm surprised why "phosphor" isn't listed as a pollutant when there must be phosphor in our waterways knowing that mainstream automatic dishwash soap still

contains phosphates and is not (yet?) regulated as laundry soap is?" Photos are included in the letter.
Response: Staff did not use any criteria for phosphorus in this listing assessment. However, Staff intends to use the NNE tool to develop a regionally relevant evaluation guideline for Phosphorus, as we have done with nitrate. Staff intends to apply this phosphorus guideline in the 2010 assessment.

Comment #: 303d_188 Commenter: Nadine Martins - Citizen, Carpinteria

Date Comment Received: 5/26/2009

Comment: "I'm also concerned about inadequate or non-existing stormwater infrastructure. It baffles me how primitive the storm water treatment here on the Central Coast is. Runoff is flowing untreated into the ocean and in many places, the drains along the street even lack a basic grid that collects solid waste such as styrofoam cups, plastic bottles, etc. not to mention all the non-solid pollution that gets flushed untreated into our watershed."
Response: Noted. Comment letter forwarded to Stormwater Program staff.

Comment #: 303d_189 Commenter: Nadine Martins - Citizen, Carpinteria

Date Comment Received: 5/26/2009

Comment: "Carpinteria has many flower growers and farmers and I'm not sure if the draft 303(d) lists all of the possible harmful chemicals stemming from pesticides and fertilizers that are being used by local growers and farmers and how they are affecting local soils, groundwater and waterways. Since agricultural runoff might contribute to increased algal blooms resulting in occurrence of domoic acid poisoning among marine mammals and birds, I hope the local government does everything it can to monitor and prevent the entering of such harmful chemicals." A photo showing a fertilizer tank and 4 photos showing algae in Carpinteria and Franklin Creeks are included in the letter. **Response**: The 303(d) listing process is based on evaluation of existing data, rather than on risk assessment based on land use. Your comment about the need for more monitoring is noted and appreciated.

Comment #: 303d_190 Commenter: Nadine Martins - Citizen, Carpinteria

Date Comment Received: 5/26/2009

Comment: "Recreational activities such as swimming and surfing have become hazardous even in this town boasting "the world's safest beach", Carpinteria beach. Three of my close friends have gotten bacterial ear and eye infections right after swimming in the surf during or shortly after a storm. One of them had to be hospitalized for about a week with a severe bacterial eye infection." noted
303d_191 5/26/2009 Nadine Martins - Citizen, Carpinteria, ca Letter providing support for 303(d) assessment and expressed concern for removing any water segment form the list. "I don't think we have the luxury of removing any waterbody from the 303(d) list and I question why other pollutants such as phosphates, specific fertilizer and pesticide chemicals and micropollutants are not currently listed? Major improvements in urban and agricultural runoff, stormwater infrastructure, sewage water treatment need to be made along with significantly reducing or eliminating household and commercial pollutants before we can remove any waterbody from the 303(d) list. **Response**: Noted. This comment was forwarded to Triennial Review staff. The Listing Policy guides the process of adding and removing waterbodies from the 303(d) list, and requires that we show presence of a pollutant in the water body in order to "list" for that pollutant.

Comment #: 303d_192 Commenter: Deborah Phelps - Citizen, Capitola

Date Comment Received: 5/26/2009

Comment: Private Citizen Letter providing support for 303(d) assessment and Integrated Report. “In closing, I guess I would ask you instead -Mary, what would you say are the beneficial uses of our local waterways? Why are these water bodies important to you? What evidence do you have that shows that these waterways are polluted? Are they the same ones that I have in my hand? If so, then I'm sure that you must agree that this proposal is the right thing to do. If not, then I am pleading with you Mary, please push through this critical proposal to clean up our waterways. There just couldn't be anything more important and you have such pull to get it done. I want to thank you so much for all your hard work …I really feel that this and other proposals of this type are our last chance to clean up our waterways before real disaster strikes at the heart of humanity. I know you will make the higher choice Mary and again I want to thank you so very much! “

Response: Thank you for your letter. Staff will continue to assess all data submitted to us against all available and relevant water quality criteria. Any future recommendations to delist will based on data and or information providing evidence of improved water quality.

Comment #: 303d_193 Commenter: Colleen Enk - Salinas River Protection & Neighborhood Association

Date Comment Received: 5/26/2009

Comment: "...with the existing [sand and gravel] mines being in an overdraft situation where permitted extraction is exceeding the replenishment of the river. Of course this information opens the door for serious implications to water quality and availability as it relates to communities, infrastructure and environment all along this Salinas River. This new information indicates the Salinas River is already impaired and warrants top priority from the State. The depth of these new proposed mines are to be "within 1 foot of the water tables". A plan must be developed to correct this problem that is currently existing before further damage to our aquifers!"

Response: The 303(d) process applies to surface waters only. This comment was forwarded to permit and groundwater program staff.

Comment #: 303d_194 Commenter: Aldo Giacchino-Sierra Club

Date Comment Received: 5/26/2009

Comment: "…Sierra Club, Santa Cruz County Group, strongly supports the additions proposed by the Board's staff to the 2008 303(d) list and strongly urges the Waterboard to endorse the addition of these hundreds of water quality impaired segments to the 2008 303(d) list."

Response: Noted.

Comment #: 303d_195 Commenter: Aldo Giacchino-Sierra Club

Date Comment Received: 5/26/2009

Comment: Sierra Club urges staff adopt "aggressive TMDL cleanup plans" in a timely fashion

Response: Noted.

Comment #: 303d_196 Commenter: Aldo Giacchino-Sierra Club

Date Comment Received: 5/26/2009

Comment: Sierra Club requests that clean up plans "must be give a high priority" and that clean up plans are not delayed "for dozens of years".

Response: Noted.

Comment #: 303d_197 Commenter: Aldo Giacchino-Sierra Club

Date Comment Received: 5/26/2009

Comment: Sierra Club "only supports de-listings when it has been demonstrated, with a preponderance of evidence, that water quality has been completely restored to protect beneficial uses"

Response: Noted. Staff only recommend to de-list a water segment-pollution combination if the requirements for delisting, identified in Section 4 of the Listing Policy, are meet.

Comment #: 303d_198 Commenter: Aldo Giacchino-Sierra Club

Date Comment Received: 5/26/2009

Comment: "we do not support any process that resets the clock on the Board's mandate to address listings through the TMDL cleanup process, thereby delaying development of a TMDL and eventual implementation."

Response: As stated in the EPA memo dated August 9, 1997 “Each State's schedule should reflect the State's own priority ranking of the listed waters and be integrated with the Environmental Performance Partnership Agreement process. These State schedules should be expeditious and normally extend from eight to thirteen years in length..." and lists several factors that States should include in their prioritization process. Staff has considered these factors in the current proposed TMDL completion schedule. The List is required to be updated every two years, with a likelihood of more waterbody-pollutant combinations being added to the List than removed. Consequently, staff must re-prioritize, and therefore schedule completion for, a growing pool of waterbody-pollutant combinations during each listing cycle. Each listing cycle brings new information and knowledge that must be considered in the prioritization. Therefore, the probability exists that a waterbody-pollutant combination could be deemed high-priority during one listing cycle, but be superseded in priority by another in a future listing cycle. Staff supports the TMDL prioritization approach we have defined which will address more than 300 listings for TMDL completion within the next five years.

Comment #: 303d_199 Commenter: Lompico Watershed Conservancy

Date Comment Received: 5/26/2009

Comment: We support the new listings with the exception that the actual listed sources of pollution are often vague and nonspecific as described, and can continue to remain so for years. Sedimentation/Siltation and Turbidity are examples of such impairments.

Response: Noted. Staff chooses Potential Sources from a pick list within the California assessment database. If you have specific potential sources you would like us to consider adding to the database please submit a letter listing those.

Comment #: 303d_200 Commenter: Lompico Watershed Conservancy

Date Comment Received: 5/26/2009

Comment: "An associated matter involves toxics that in some cases become a new listing when an individual pesticide is identified. This "new" listing should not re-set the clock from the toxicity listing date on the subsequent TMDL implementation. There is a risk to individually specifying chemicals such as pesticides. A chemical may be discontinued or replaced with another new chemical for which there is little to no toxicity information and no information independent of the industry that produced it. A more general toxicity determination is probably more consistent with the goal of correcting the toxicity problem."

Response: Noted. Staff will continue to assess all data submitted to us against all available and relevant water quality criteria. Listings for toxicity will be based on toxicity data and listings for individual chemicals will be based on data for those chemicals.

Comment #: 303d_201 Commenter: Lompico Watershed Conservancy

Date Comment Received: 5/26/2009

Comment: "In regard to the ·Sediment / Siltation" and "Turbidity" impairments; the Conservancy has considered these problems for many years and we see no apparent improvement. Zayante Creek is still full of sediment and turbid for several days after a rainstorm. This condition can last as long as a week. All the streams we regularly monitor in the San Lorenzo watershed respond in a similar way. The Bean Creek (a tributary to Zayante) listing includes these actions as possible sources: -Disturbed Sites (Land Develop), Erosion/Siltation, Nonpoint Source, Resource Extraction, Road Construction". Silvaculture is not listed though it occurs in this watershed (and in Lompico). Is the new name for this Resource extraction? Does Resource Extraction include sand mining? These questions are not semantic. This list is supposedly a blueprint for correcting pollution problems." Furthermore, "The Lompico Creek sediment impairment does not list silvaculture despite the fact that commercial logging occurs in this watershed. This specific listing is not under review at this time however we are taking this opportunity to point out this inconsistency."

Response: Staff has not revised the potential sources for sediment listings in the San Lorenzo River watershed. These streams are currently being addressed by a USEPA TMDL in which sources are identified.

Comment #: 303d_202 Commenter: Lompico Watershed Conservancy

Date Comment Received: 5/26/2009

Comment: This letter was faxed and the text of one comment could not be read completely. With respect to the new Fecal Coliform listing for Lompico Creek and the original listing for pathogens in 1994. Lompico Watershed Conservancy asks "…what is being done to correct a problem from septic system testing or enforcement. This water quality process should be showing some categorical improvement, and if it does not, then the reason for a lack of progress should be discussed." Furthermore, "We see decline rather than Improvement when we consider the water pollution problems around us. The first Santa Cruz County listings were in 1990. Eighteen years should be enough time to demonstrate unequivocal improvement, or if it is obvious that no improvement has occurred, then that question of why, deserves an answer. These questions are not simple but they should be fundamental to this process."

Response: Staff requested that this letter be re-submitted on June 3, 2009. The Central Coast Water Board approved the San Lorenzo River Estuary Pathogen TMDL in May 2009 which specifically addresses Lompico Creek.

Comment #: 303d_203 Commenter: Robert Golling – Santa Cruz County

Date Comment Received: 6/5/2009

Comment: Email from R. Golling in follow up to comment # 303(d) 116 – "Mary, as requested I've examined 19-years of record and have compiled the following statistics: 96 records, Period of record June 1, 1990 - April 20, 2009, pH mean 7.43 +/- 0.58, 12 records of pH <7, 79 records of pH >7, Last record of pH <7 August 9, 2006. The general trend seems to be that slightly acidic conditions occur in years of above normal rainfall. This water almost always has low electrical conductivity. It's about 1/5-1/4 the conductivity of its receiving water, Zayante Creek. This suggests to me that this spring water is fairly

young and has not had sufficient time to degas atmospheric carbon dioxide and to dissolve buffering minerals from the bedrock through which it passes (Santa Margarita Sandstone). If enough carbon dioxide is present in a poorly buffered water, it will have a slightly acidic pH. When or if this happens again, a complete mineral analysis including dissolved CO2 will be done.

Also, we see that results were compared to two beneficial uses (1) non-contact recreation AND (2) waters not mentioned by a specific beneficial use. Could you explain why they were compared to the latter as all of the exceedances were a result of that analysis? Unless we're misunderstanding, the waters are covered by the non-contact recreation beneficial use, which resulted in 0 exceedances."
Response: E-mail to R. Golling - i Robert,
Thank you for the additional information. We do not want to list anything that is truly a natural condition. However, if there is potential for controllable sources (which would cause the low pH condition) in the spring then we cannot assume the condition is natural. If you have additional information that could support no potential controllable sources please do send that to me asap. The assessment is based on five lines of evidence - each comparing the 27 samples we received (collected between 4/15/1999-10/14/2005) to five different beneficial use objectives. The Beneficial Uses that apply are Cold Freshwater Habitat, Warm Freshwater Habitat, Non-contact Recreation, Water Contact Recreation and Municipal and Domestic Supply. The listing recommendation is based on exceedances of the Cold and Warm Freshwater Habitat beneficial use objectives.

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