



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 26, 2009

David Gibson
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Gibson:

Thank you for the opportunity to comment on the San Diego Regional Water Board's draft 2008 Clean Water Act Section 303d list. We have reviewed the draft listing decisions and factsheets. We appreciate the time and effort the staff at Regional Board invested to complete assessments for a large number of waterbody pollutant combinations. While we support the overall effort to complete all assessments and thereby help the statewide Integrated Report process move forward, we are seeking clarification and justification on some parts of the Regional Board's draft 303(d) list.

Bacteria Delistings

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 303(d) process. Second, we cannot determine if staff performed and included geomean analysis of available beach data. EPA requests further information on bacteria delistings to clarify that the geomean data has been used to determine impairment in for every waterbody assessed for impairment by indicator bacteria. While single sample maximums are helpful as additional information to inform the waterbody assessment, they may not be assessed to the exclusion of the geomeans. For example, we note proposed delistings for the following waterbodies which we do not see proper justification including geometric mean analyses: 1) Pacific Ocean Shoreline at Aliso Beach – North; 2) Pacific Ocean Shoreline at Dana Point HSA -1000 Steps Beach.

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, Mission Bay Shoreline at Bahia Point appears to have 4 of 70 geomean exceedences of fecal coliform. EPA disagrees with the staff conclusion to delist this waterbody-pollutant combination. We find similar geomean exceedences at other coastal beaches (Mission Bay Shoreline at Fiesta Island Bridge, San Clemente HSA at Riviera Beach, Pacific Ocean Shoreline, Aliso HSA, at Aliso Beach – middle and Aliso Beach – Blue Lagoon) may have been inappropriately omitted from the draft 303(d) 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.

Other comments

Additionally, we have other areas of concern. First, for San Diego Bay Shoreline-near sub base, the proposed listing for arsenic in fish tissue is highly questionable if the available results are total arsenic concentrations. Inorganic arsenic is the relevant compound of concern, so if that is not reported or available, then there is insufficient information to provide an assessment conclusion on this waterbody pollutant combination. [See *Arsenic Analysis, San Diego Creek/Newport Bay Toxics TMDLs*, established by EPA in 2002.] Second, for this waterbody, please clarify the delisting proposed for benthic community effects with respect to the continued sediment toxicity.

In conclusion, the staff produced a sound framework for assessing the condition of its waters; however we are primarily concerned with bacterial assessments that may result in complete delisting (of all 3 bacterial indicators) for the waterbody. We urge the Board to make minor revisions and adopt the 303(d) list at the November 2009 board meeting and promptly submit the list to State Board shortly thereafter. If you have any questions concerning our comments, please call me at (415) 972-3448.

Sincerely yours,

Peter Kozelka, Ph.D.
303(d)/TMDL Coordinator
Water Division