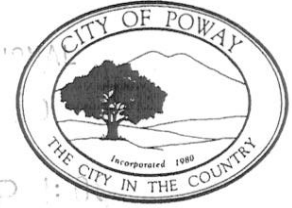


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CITY OF POWAY



October 26, 2009

Ms. Cynthia Gorham-Test
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

**Subject: Recommendations for Changes to the Clean Water Act Sections
305(b) and 303(d) Integrated Report for the San Diego Region, City
of Poway Comments**

Dear Ms. Gorham-Test:

The City appreciates the opportunity to provide comments on the 305(b) and 303(d) Integrated Report in support of the 2008 updates. The City submits the following comments for your consideration. These comments are presented in tabular format in the enclosure and are organized by water body and pollutant in the order they appear in the Proposed Changes to 2006 303(d) listing table.

The City did not provide any information for the proposed listings or delistings where the City does not have any comments.

If you have any questions regarding these comments please contact Malik Tamimi, Storm Water Program Administrator, at (858) 668-4653.

Sincerely,

Frank Casteleneto, P.E.
City Engineer

Enclosure: Table 1 – City of Poway Comments on Draft 2008 California 305(b)/303(d) Integrated Report, Regional Board 9-San Diego Region

c: Bob Manis, Director of Development Services
Malik Tamimi, Storm Water Program Administrator

References:

- Regional Water Quality Control Board 1994, with amendments effective prior to April 25, 2007, Water Quality Control Plan for the San Diego Basin.
- Weston Solutions. 2009. San Diego County Municipal Copermittees 2007-2008 Urban Runoff Monitoring Report. January 2009.

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5	Miramar Reservoir (9061 0000)	Ammonia as N (16694)	6161	- A total of 23 samples were analyzed between January 2005 and December 2006. Of these samples, 13 were below detection limit of 0.031 mg/L and were not included in the LOE. - While the remaining ten samples exceeded the WQO of 0.025mg/L, this WQO is based on the Basin Plan level for un-ionized ammonia. The samples were analyzed for ammonia as nitrogen. The U.S EPA WQO for ammonia is based on a combined assessment of temperature, pH and conductivity and provides a better assessment of chronic and acute toxicity for ammonia.	- Samples should not be removed from analysis because they are non-detects. - Ammonia as nitrogen should be compared to acute criteria using the EPA method* that incorporates temperature, pH, and conductivity and not compared to the standard for un-ionized ammonia. This listing assessment should be re-evaluated using the correct criteria. - This LOE ID (6161) is repeated, the same LOE ID is used in conjunction with decision number 116712. (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-01 4, December 1999)
6	Lake Hodges (90521000)	Ammonia as N (16474)	6159	LOE is based on drinking water quality monitoring samples for Ammonia as N collected by the Water Department between 2005 and 2006. Exceedances were based on the Basin Plan un-ionized ammonia criteria of 0.025mg/L. Thirteen of the 18 samples exceeded this WQO. The EPA criteria for ammonia should be used for assessing the potential impairment of beneficial uses. This criterion is based on assessment of pH, temperature and conductivity in conjunction with un-ionized ammonia concentrations.	It is recommended that ammonia as nitrogen be compared to acute criteria using the EPA method* that incorporates temperature, pH, and conductivity and not compared to the standard for un-ionized ammonia. (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA -822-R-99-014, December 1999)
San Dieguito River Toxicity Decision Recommendation: It is recommended that data noted as "Estimated; non-compliant with associated QAPP" not be included in any analysis because they do not meet quality standards. LOE 24991 should be updated to correctly reflect the number of samples and exceedances for each species					

7	San Diego River (90511000)	Toxicity (17058)	24991	- This LOE states that it is based on the Urban Runoff Monitoring data collected in 2003. The LOE states: "Selenastrum capricornutum- Four samples were collected and four samples show significant toxicity levels (SL) as determined by the <i>Selenastrum capricornutum</i> growth test. <i>Ceriodaphnia dubia</i>- Four samples were collected and two samples show significant toxicity levels (SL) as determined by the <i>Ceriodaphnia dubia</i> survival/reproductive test. <i>Hyalella azteca</i>- Two samples were collected and neither show significant toxicity levels (SL) as determined by the <i>Hyalella azteca</i> growth and survival test according to results in the Surface Water Ambient Monitoring Program Annual Progress Report, 2007. Samples were collected in January, April, May and September 2003 and we have the following concerns: - This reference is cited incorrectly and refers to the SWAMP toxicity data of 2003. - Review of these SWAMP data indicates that four of four Selenastrum total cell count tests were toxic. However, one of the samples was noted to be 'Estimated'; non compliant with associated QAPP". Hyalella survival tests found that neither of the two samples was toxic. Hyalella growth tests showed two of the two samples were not toxic. Toxicity was only recorded in the Ceriodaphnia test where one of three samples was toxic to young/female and two of three samples were toxic to Ceriodaphnia survival.	- Please update the LOE to correctly reflect the number of exceedances and the number of samples. - Data noted as 'Estimated'; non-compliant with associated QAPP' should not be included in the assessment and therefore the total number of samples for Selenastrum should be three.
Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth Total Coliform Decision Recommendation: No comment					
8	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000))	Total Coliform (16336))	3631	- Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. - Only addresses one Enterococcus exceedance which is not the pollutant of concern..	Not clear that this LOE supports listing

9	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336))	26417	- Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. - States that there were no exceedances of water quality objectives.	This LOE does not support listing
10	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (9061 0000)	Total Coliform (16336)	26418	- Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. - States that there were no exceedances of water quality objectives for the calculated monthly geometric means for Anderson Canyon.	This LOE does not support listing
11	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26428	- Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. - States that of 93 calculated geometric means for Los Peñasquitos, 2 exceeded. This gives a percentage of 2.15%.	This LOE does not support listing
12	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26416	States that no samples from Anderson Canyon exceeded the water quality objectives for Shellfish Harvesting.	This LOE does not support listing

13	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26427	- Discusses the Beneficial Use of Water Contact Recreation. - States 11 out of 497 samples from Los Peñasquitos exceeded. This is 2.21% which is below the 4% exceedance percentage for listing coastal beaches from Section 3.3 of the Policy.	This LOE does not support listing
14	Poway Creek (90620000)	Selenium (16971)	7577	- This LOE lists four samples, of which four exceeded CTR freshwater chronic total selenium criteria (5ug/L). These data were collected in 2002 under the SWAMP program and were analyzed for dissolved selenium. One of these samples (9/18/02) was noted 'Estimated; non-compliant with associated QAPP' and therefore should not be included in the data assessment. Therefore only three samples out of three exceeded the WQO. Although only one line of evidence is required to list a constituent under section 3.6 of the Listing Policy, selenium samples collected in the intervening seven years have not been assessed. - The Copermittees Regional Monitoring Program (2007-2008) should be considered for inclusion, as a more robust and recent data set. During ambient monitoring in the fall of 2007 and the spring of 2008, there were no exceedances of the CTR total selenium criteria at the TWAS to which Poway Creek is tributary.	- It is recommended that the dataset be updated to exclude the sample noted as out of compliance with the QAPP. - In addition, it is recommended that recent ambient data collected through the Copermittee Regional Monitoring Program be incorporated into the listing assessment. - Selenium should be compared to the correct criteria; the criterion is for chronic total selenium. The data used in the assessment were acute dissolved selenium - Recent ambient data and wet weather data show that there is no problem with selenium. It is recommended it be categorized as a Category 3 waterbody at this time