October 26, 2009

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

Dear Ms. Gorham-Test,

Thank you for the opportunity to comment on the Draft Section 305(b) and 303(d) Integrated Report for the San Diego region. The comments and recommendations contained in this letter supplement those offered in previous correspondence from our office dated September 14, 2009. We greatly appreciate the decision to extend the public comment period on this report. The extension has allowed the County of San Diego to more thoroughly review the data and information used to support development of this important document.

KEY ISSUES & RECOMMENDATIONS

1. To increase the transparency of the 303(d) listing process, all data used to support listing decisions should be accessible for public review. Listing and delisting decisions cannot be readily reviewed without access to the data used to support each decision. For example, many of the listings for reservoirs were based on data collected by the City of San Diego Water Department. These data are not accessible Regional Water Quality Control Board (RWQCB) website. We also observed many broken links or links to documents unrelated to the listing decision in question. Examples of inaccessible data are described in Tables 1 and 2 attached.

2. Tables 3.1 and 3.2 from the State's *Water Quality Control Policy for Developing California's Clean Water Act 303(d) List* were used inconsistently. The definitions of toxicants and conventional/other pollutants should be clearly defined to ensure a consistent policy throughout the state. Nitrogen, phosphorous,

and sulfates are examples of pollutants that did not consistently use the same table. It would be helpful if the RWQCB could provide a list indicating whether Table 3.1 or 3.2 was used to determine listing status for each pollutant on the 303(d) list, and whether there are pollutants for which either table can be used under specified circumstances.

3. Appendix A (*Proposed New and Revised 303(d) Listings*) is not comprehensive. We found many instances in which decisions to list new waterbody-pollutant combinations are not shown on Appendix A. By way of example, the San Dieguito River was not listed for any impairments on the 2006 303(d) List, and Appendix A indicates one new listing for toxicity in 2008. However, Appendix B (*Summary of Water Bodies Assessed*) indicates a total of seven new listings for this water body for 2008. Fact sheets for six of the seven new listings were incorrectly filed on the website under "Original Fact Sheets". Someone reviewing only Appendix A would not have noticed this.

4. Clear guidelines should be applied when photo-documentation evidence is used to support a listing. For example, photo-documentation was the only line of evidence used to list the Tijuana River for sedimentation/siltation. Because a link to the data was not provided, the quality and quantity of photo-documentation evidence could not be reviewed. Moreover, the requirement for analytical testing data such as total suspended solids in addition to photodocumentaion would appear to be appropriate in order to support a sedimentation/siltation listing.

5. Data from the State's Surface Water Ambient Monitoring Program (SWAMP) database tagged with "Estimated; non-compliant with associated QAPP" do not meet the requirements of Section 6.1.4 of the State Listing Policy, which states: "Data supported by a Quality Assurance Project Plan….are acceptable for use in developing the section 303(d) list". Tables 1 and 2 provide numerous examples where samples found to be non-compliant with the associated QAPP were used to support a listing decision. Non-compliant data should be not be used to support listing decisions.

6. On occasion, data from the SWAMP database were incorrectly duplicated. This duplication resulted in incorrectly doubling the number of sample results. Tables 1 and 2 provide several examples where this was the case.

7. In some instances, data from widely divergent sampling locations were combined to support the listing of an entire watershed. Examples are the new listings for Sweetwater River, all of which are for a 50-mile extent. As recommended in Table 1, listings should be specific to the appropriate reach where impairment is suggested by monitoring results. Section 6.1.5.4 of the State Listing Policy states: "At a minimum, data shall be aggregated by water body segments as defined in the Basin Plans. In the absence of a Basin Plan segmentation system, the RWQCBs should define distinct reaches based on hydrology and relatively homogenous land use." The two sampling locations used to support 50-mile

listings on the Sweetwater River are approximately 30 miles apart and separated by two major reservoirs (Loveland and Sweetwater).

8. Toxicity listings that do not specify a causal agent are problematic. Numerous controlled toxicity studies have shown species-specific differences among pollutants. For example, *Ceriodaphnia dubia* is much more sensitive than amphipods or algae to the pesticide Chlorpyriphos. Copper and other metals are shown to affect a wide range of tolerances amongst organisms. Pyrethroid pesticides such as Bifenthrin have been shown to cause toxicity to Hyalella and other amphipods in the low part per trillion range, but part per billion range for other organisms. Summarizing toxicity data without respect to specific endpoints and species may lead to false results for toxicity. For example, if two water samples were collected at a station, and one water sample showed toxicity to *Ceriodaphnia dubia* during 2002 and one showed toxicity to *Hyalella azteca* in 2007, then the two toxicity "hits" should not be counted together as two exceedances out of two samples. It is likely that the cause of toxicity in each case would be a different pollutant.

SPECIFIC COMMENTS

The County of San Diego commends RWQCB staff for an intensive effort to produce this revision to the 303(d) list. However, additional quality assurance and review of findings prior to public release would improve stakeholder confidence that data were accurately assessed. Table 1 points out 38 instances in which errors, misinterpretations of data, or improper application of State policy resulted in an inaccurate or inappropriate listing decision. Table 2 notes many more errors that would not result in a change in the listing decision, but should be corrected to ensure that mistakes do not impact future lists.

Please contact Todd Snyder, Watershed Protection Program Planning Manager, at (858) 694-3482, or e-mail at todd.snyder@sdcounty.ca.gov, with any questions about these comments.

Sincerely,

Cid Tesoro, LUEG Program Manager
Department of Public Works

Review of the Proposed 2008 303(d) Listings - County of San Diego

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Santa Margarita River (lower)	Toxicity	17603	Decision in Progress	**In Progress**	See September 14, 2009, comment letter from the County of San Diego for details. There are no valid sample results for toxicity in the water column. Moreover, the total number of sediment toxicity exceedances is zero.	Santa Margarita River (lower) should not be listed for toxicity.
Sandia Creek	TDS	5553	Original	**Do Not Delist from 303(d) list**	11 of 11 samples collected quarterly from 12/1997 to 06/2000 exceeded the 750 mg/L WQO. Data were collected by LAW Crandall from 1997 to 2000. Sample locations were not reported.	This listing should be placed on hold until more recently collected data are available; no new data were considered for this decision. LAW Crandall data, including sample locations, should be made available for review.
De Luz Creek	Nitrogen	5739	Revised	**List on 303(d) list**	5 of 6 samples collected at De Luz Creek Station 3 exceeded the 1.0 mg/L WQO. • 4 of 4 samples collected in 2003 show excessive nitrogen concentrations (SWAMP, 2007). • 1 of 2 samples collected by LAW Crandall in 1997-1999 exceeded the 10:1 N:P ratio.	This listing should be placed on hold until more recently collected data are available; no new data were considered for this new decision. LAW Crandall data should be made available for review.
Long Canyon Creek	Chlorpyrifos	16520	Revised – New Decision	**List on 303(d) list**	Data used to support this listing were collected at Long Canyon Creek near Murrieta Creek (HUC_12/ 180703020407). That is a different Long Canyon Creek than the one (HUC_12/ 180703020104) whose receiving water is Cottonwood Creek – Temecula Creek.	The chlorpyrifos listing for Long Canyon Creek in HSA 902.83 should be removed.

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Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Long Canyon Creek	Iron		Revised – New Decision	**List on 303(d) list**	Data used to support this listing were collected at Long Canyon Creek near Murrieta Creek (HUC_12/ 180703020407). That is a different Long Canyon Creek than the one (HUC_12/ 180703020104) whose receiving water is Cottonwood Creek – Temecula Creek.	The iron listing for Long Canyon Creek in HSA 902.83 should be removed.
Long Canyon Creek	Manganese		Revised – New Decision	**List on 303(d) list**	Data used to support this listing were collected at Long Canyon Creek near Murrieta Creek (HUC_12/ 180703020407). That is a different Long Canyon Creek than the one (HUC_12/ 180703020104) whose receiving water is Cottonwood Creek – Temecula Creek.	The manganese listing for Long Canyon Creek in HSA 902.83 should be removed.
Long Canyon Creek	TDS		Revised – New Decision	**List on 303(d) list**	Data used to support this listing were collected at Long Canyon Creek near Murrieta Creek (HUC_12/ 180703020407). That is a different Long Canyon Creek than the one (HUC_12/ 180703020104) whose receiving water is Cottonwood Creek – Temecula Creek.	The TDS listing for Long Canyon Creek in HSA 902.83 should be removed.
Long Canyon Creek	Fecal Coliform	16560	Revised – New Decision	**List on 303(d) list**	Data used to support this listing were collected at Long Canyon Creek near Murrieta Creek (HUC_12/ 180703020407). That is a different Long Canyon Creek than the one (HUC_12/ 180703020104) whose receiving water is Cottonwood Creek – Temecula Creek.	The fecal coliform listing for Long Canyon Creek in HSA 902.83 should be removed.
Long Canyon Creek	E. coli	16559	Revised – New Decision	**List on 303(d) list**	Data used to support this listing were collected at Long Canyon Creek near Murrieta Creek (HUC_12/ 180703020407). That is a different Long Canyon Creek than the one (HUC_12/ 180703020104) whose receiving water is Cottonwood Creek – Temecula Creek.	The E. coli listing for Long Canyon Creek in HSA 902.83 should be removed.

Review of the Proposed 2008 303(d) Listings - County of San Diego

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
San Luis Rey River	Sulfates	17068	Revised – New Decision	**List on 303(d) list**	The Fact Sheet indicates that 4 of 8 samples collected at San Luis Rey River Stations 903SLSLR2 and 903SLSLR8 in May 2004, September 2004, March 2005, and April 2005 exceeded the secondary drinking water standard of 250 mg/L (SWAMP, 2007). This is based on 8 samples collected from 2 different sites over 30 miles apart: • 4 samples were collected at SWAMP station 903SLSLR2 (over 30 miles inland). All sample results were below the WQO (3/13/04 - 110 mg/L; 5/19/04 - 102 mg/L; 3/1/05 - 36.8 mg/L; 4/20/05 - 35.8 mg/L). • 4 samples were collected at 903SLSLR8.	The segments represented by Stations 903SLSLR2 and 903SLSLR8 should be considered for listing separately since they are 30 miles apart. The segment at station 903SLSLR2 should not be listed for sulfates because 0 of 4 samples exceeded the WQO. The segment at station 903SLSLR8 should not be listed because there are only 4 sample results available. Since sulfates are considered a conventional pollutant, Table 3.2 of the Policy applies, and a minimum number of 5 samples are needed to support listing.
Moosa Canyon Creek	Toxicity	26213	New Listing	**List on 303(d) list**	See the September 14, 2009, comment letter from the County of San Diego for details. After data that are non-compliant with the QAPP are removed from the analysis, only 1 of 3 exceedances for selenastrum were observed. This does not meet the listing criteria of Table 3.1 of the Policy.	Moosa Canyon Creek should not be listed for toxicity.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Buena Creek	Sulfates	5362	Revised – New Decision	**List on 303(d) list**	Table 3.1 of the Policy was used to support this listing, which is not consistent with other sulfate listings, where Table 3.2 is used. • LOE ID 3187: 4 of 4 samples collected at two stations on Buena Creek (33.17225, -117.20887) from March through September of 2002 exceeded the 250 mg/L WQO. Although two stations are referenced, only one set of geographic coordinates is given. These data appear to be the same as the data referenced in LOE ID 6538. If it is assumed that these data were obtained from the 2007 SWAMP report, SWAMP sampled only one station (904CBBUR1) at Buena Creek and only 4 samples were collected. • LOE ID 6538: 4 of 4 samples collected at Buena Creek station 904CBBUR1 (Latitude 33.1725, Longitude -117.2082) in March, April, June, and September 2002 exceeded the 250 mg/L WQO (SWAMP, 2007).	Table 3.2 should be used to determine listing status for sulfates on Buena Creek because sulfates are not toxicants. This will ensure consistency with other sulfate listing decisions. Because there are only 4 samples available and because Table 3.2 requires at least 5 samples to support listing, Buena Creek should not be listed for sulfates.
Buena Creek	Phosphorus	16363	Revised – New Decision	**List on 303(d) list**	LOE ID 6540: 4 of 4 samples collected at station 904CBBUR1 (Latitude 33.1725, Longitude -117.2082) in March, April, June, and September 2002 exceeded the 0.1 mg/L WQO. (SWAMP 2007).	Table 3.2 should be used to determine listing status for phosphorous on Buena Creek because phosphorous is not a toxicant. Because there are only 4 samples available, and because Table 3.2 requires at least 5 samples to support listing, Buena Creek should not be listed for phosphorous.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Buena Creek	Total Nitrogen	16364	Revised – New Decision	**List on 303(d) list**	LOE ID 6542: 4 of 4 samples collected at station 904CBBUR1 (Latitude 33.1725, Longitude -117.2082) in March, April, June, and September 2002 exceeded the 1.0 mg/L WQO (SWAMP 2007).	Table 3.2 should be used to determine listing status for total nitrogen on Buena Creek because nitrogen is not a toxicant. Because there are only 4 samples available, and because Table 3.2 requires at least 5 samples to support listing, Buena Creek should not be listed for total nitrogen.
Agua Hedionda Creek	Manganese		Old Listing	**List on 303(d) list**	2 of 4 samples collected from March through September 2002 at one station in Agua Hedionda Creek (33.14887, -117.29758) exceeded the 0.05 mg/l Basin Plan WQO (SWAMP 2004). According to the 2007 SWAMP report, these data were collected at Agua Hedionda Creek Station 6 (904CBAQH6). 1 of 4 results in the SWAMP database is flagged as "Estimated; non-compliant with associated QAPP" and should be removed from the analysis. This non-compliant result was 0.051 mg/L, leaving only 1 of the 3 valid results that exceeded the WQO.	After removing samples that were non-compliant with the QAPP from the analysis, only 1 of 3 valid samples exceeded the WQO. This is not enough to support listing of Agua Hedionda Creek for manganese based on Table 3.1.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Agua Hedionda Creek	Selenium	5326	Original New Decision	**List on 303(d) list**	LOE ID 3183: 3 of 4 samples from Agua Hedionda Creek (33.14887, -117.29758) from March through September of 2002 exceeded the CTR Freshwater Chronic WQO of 5 µg/L (SWAMP 2004).The 2007 SWAMP report suggests that these data were collected at Agua Hedionda Creek Station 6 (904CBAQH6). In the SWAMP Database, 1 of 4 samples was flagged with "Estimated; non-compliant with associated QAPP." Therefore, 3 of 3 samples exceeded the WQO of 5 ug/l. Readily available data from the San Diego Regional Stormwater Copermittees' Annual Receiving Waters Monitoring Reports were not included in the assessment and are reviewed below: <u>Site: Agua Hedionda Creek MLS</u> • Selenium wet weather exceedance frequency (1998-2008): 1 of 28 samples. No exceedances have been observed in the past 6 monitoring seasons. • Selenium ambient weather exceedance frequency (2007-08): 0 of 2 samples <u>Site: Agua Hedionda Creek TWAS</u> • Selenium wet weather exceedance frequency (2007-08): 0 of 2 samples • Selenium ambient weather exceedance frequency (2007-08): 0 of 2 samples	29 of the most recent samples from Agua Hedionda Creek (from 1998 to 2008) showed no exceedances of the WQO. It is recommended that this listing be put on hold so that Copermittee data that were readily available can be considered in the 2010 listing process.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Agua Hedionda Creek	Sulfates	5325	Original	**List on 303(d) list**	8 of 8 samples from Agua Hedionda Creek (33.14887, -117.29758) from March through September 2002 exceeded the secondary MCL of 250 mg/l (SWAMP, 2004).However, according to the SWAMP database, only 4 (not 8) samples were collected from Agua Hedionda Creek sampling station 904CBAQH6 in 2002.	Because there are only 4 samples available, and because Table 3.2 requires at least 5 samples to support listing, Agua Hedionda Creek should not be listed for sulfates.
Escondido Creek	Selenium	5711	Revised	**List on 303(d) list**	• LOE ID 3231: 8 of 12 samples collected at 2 stations at Escondido Creek ESC5, HSA 904.62 (33.08559, -117.15037), and ESC8, HSA 904.61 (33.03393, -117.23565) sampled from March through September 2002 showed exceedances of the 5 ug/l WQO (SWAMP, 2004). • LOE ID 3230: 0 of 1 samples collected at Escondido Creek on 06/03/98 at the intersection of Elfin Forest and Harmony Grove exceeded the WQO. • LOE ID 6246: 0 of 18 samples collected by City of Escondido from 5 stations within Escondido Creek (Stations 910, 912, 916, 917, and 923) quarterly in 2003 through 2005 (Live Stream Discharge baseline quarterly monitoring report)" exceeded the WQO Readily available data from the San Diego Regional Stormwater Copermittees' Annual Receiving Waters Monitoring Reports were not included in the assessment and are reviewed below:	The 18 most recently collected samples from Escondido Creek (2003-05) show no exceedances of the selenium WQO. It is recommended that the listing for selenium on Escondido Creek be put on hold so that Copermittee data that was readily available can be considered in the 2010 listing process.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
					Site: Escondito Creek MLS • No Selenium wet weather exceedances were detected in 20 samples collected from 1998 through 2008. • Selenium ambient weather exceedance frequency (2007-08): 0 of 2 samples Site: Escondito Creek TWAS • Selenium wet weather exceedance frequency (2007-08): 0 of 2 samples • Selenium ambient weather exceedance frequency (2007-08): 0 of 2 samples	
Escondido Creek	Toxicity	5674	New Listing	**List on 303(d) list**	See the September 14, 2009, County of San Diego comment letter for details. The revised total number of exceedances is 0 of 13 for wet weather (2 wet weather samples were subtracted from 15 because the toxicity was found to be caused by Diazinon, which has since been removed from the marketplace), 0 of 5 for sediment, and 1 of 8 for ambient weather.	The number of exceedances necessary to support listing for toxicity is 2 according to Table 3.1; therefore, Escondido Creek does not meet the requirements for listing for toxicity.
San Dieguito River	Selenium	17053	Original New Decision	**List on 303(d) list**	• LOE ID 9036: 3 of 4 samples collected at Station 907SDFRC2 in May and September 2004, February and April 2005 showed selenium concentrations that exceeded the 5 ug/l WQO (SWAMP, 2007). Results from this location, called Forrester Creek 2 in the SWAMP database, appear to be for Forrester Creek, not San Dieguito River. The geographic	Data from Forrester Creek should be excluded from the analysis of San Dieguito River. There are no valid samples that exceed the 5 ug/l WQO. Therefore, in accordance with Table 3.1, there is insufficient evidence to list Escondido Creek for selenium.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
					coordinates are not provided in the listing, SWAMP report, or SWAMP database. Also, 1 of the 4 results (5.54 ug/l) is listed as "Estimated; non-compliant with associated QAPP" in the SWAMP database and should be removed from the analysis. • LOE ID: 9022: 3 of 4 samples collected at San Dieguito River Station 905SDSDQ9 (Latitude 32.97885, Longitude -117.23548) on January 2003, April 2003, May 2003, and September 2003 showed selenium concentrations that exceeded 5 ug/l (SWAMP 2007). All 4 results are listed as "Estimated; non-compliant with associated QAPP" in the SWAMP database and should be removed from the analysis. Readily available data from the San Diego Regional Stormwater Copermittees' Annual Receiving Waters Monitoring Reports were not included in the assessment and are reviewed below: <u>Site: San Dieguito River MLS (2001-08)</u> • Selenium wet weather exceedance frequency (1/20 samples exceeded 5 ug/l, 2/17/02, with no exceedances in the past six monitoring seasons) • Selenium ambient weather exceedance frequency (0/2 samples, 2007-08) <u>Site - San Dieguito River TWAS-1 (2007-08)</u>	Readily available Copermittee data were not used in the analysis, but also support not listing San Dieguito River for selenium.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
					• Selenium wet weather exceedance frequency (0/2 samples) • Selenium ambient weather exceedance frequency (0/2 samples) <u>Site - San Dieguito River TWAS-2 (2007-08)</u> • Selenium wet weather exceedance frequency (0/2 samples) • Selenium ambient weather exceedance frequency (0/2 samples)	
Santa Ysabel Creek	Toxicity	17013	New Listing	**List on 303(d) list**	See September 14, 2009 County of San Diego comment letter for additional details.	It is recommended that the water segment be changed to reflect the data assessment results at the two monitoring stations for toxicity. Section 6.1.5.4 of the Water Quality Policy states that, "data shall be aggregated by water body segments as defined in the Basin Plans."
Los Penasquitos Creek	Total Nitrogen	1696	Revised – New Decision	**List on 303(d) list**	1 of 4 samples collected on March 13, April 24, June 5, and September 18, 2002 exceeded the 1.0 mg/l WQO (SWAMP, 2007). See the September 14, 2009, County of San Diego comment letter for additional details.	According to Table 3.1 of the Policy, a minimum of 2 exceedances are needed to support listing. Because only 1 of 4 samples exceeded the WQO for total nitrogen, the criteria for listing are not met and total nitrogen should be removed from the list.

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Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Los Penasquitos Creek	Selenium	16570	Revised – New Decision	**List on 303(d) list**	• 3 of 4 samples collected in March, April, June, and September of 2002 at Los Penasquitos station 906LPLPC6 (Latitude 32.9036775, Longitude -117.2262075) exceeded the 5 ug/l WQO for selenium (SWAMP, 2007). • 0 of 15 samples collected from November 2001 to February 2006 at the Copermittees' mass loading station near the lower watershed boundary (at north end of Sorrento Valley Court, under the Sorrento Valley Court Bridge) exceeded the WQO (San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007).	Readily available data collected from Los Penasquitos Creek by the San Diego Copermittees were not used and indicated no exceedances of the WQO. It is recommended that this listing be put on hold until 2010 so that readily available Copermittee data can be considered.
San Diego River (upper)	Manganese	17050	New Listing	**List on 303(d) list**	The Fact Sheet reports that 5 of 5 samples from 907SSDR15 exceeded the secondary drinking water standard of 0.05 mg/l. In the SWAMP database, only 4 samples were collected, and 1 is flagged as "Estimated; non-compliant with associated QAPP". This leaves 3 of 3 samples exceeding the WQO. Also, 907SSDR15 appears to be located near the mouth of the watershed. It is unclear why this sample location is being used to support listing of the upper San Diego River.	Since this is a secondary drinking standard (based on taste and odor-aesthetics) Table 3.2 should be used, as manganese would not be considered a toxicant if the listing is based on aesthetics. If Table 3.2 of the listing policy is used, there would not be enough results to support listing (at least 5 samples are needed). Based on this evidence, it is recommended that San Diego River (upper) not be listed at this time.
Sweetwater River	Enterococcus	16919	New Listing	**List on 303(d) list**	15 of 15 samples exceeded 60 colonies per 100 ml based on Copermittees' wet weather data from 2002-2006. The Copermittees' wet weather MLS is located in Bonita, adjacent to the Plaza Bonita Road Bridge, and is representative of the Lower Sweetwater Hydrologic Area only.	Based on the location of the Copermittees station, the 50 mile extent of this listing should be reduced to the area above the station and below the Sweetwater Reservoir in the lower Sweetwater River-(HSA 909.10).

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Sweetwater River	Fecal Coliform	16920	New Listing	**List on 303(d) list**	13 of 15 samples exceeded 400 colonies per 100 ml based on Copermittees' wet weather data from 2002-2006. The Copermittees' wet weather MLS is located in Bonita, adjacent to the Plaza Bonita Road Bridge, and is representative of the Lower Sweetwater Hydrologic Area only.	Based on the location of the Copermittees station, the 50 mile extent of this listing should be reduced to the area above the station and below the Sweetwater Reservoir in the lower Sweetwater River-(HSA 909.10).
Sweetwater River	Phosphorous	7186	New Listing	**List on 303(d) list**	LOE ID: 7377: 0 of 4 samples collected on June 1, 2005; September 7, 2005; January 31, 2006; and April 11, 2006 from the monitoring station Sweetwater River 3 (station id: 909SSWR03 lat/long: 32.97877/-117.23506) exceeded the 0.1 mg/l Basin Plan WQO (SWAMP 2007). LOE ID: 7186 – 5 of 15 samples exceeded the WQO. This is based on Copermittees' wet weather data collected from 2002-2006. The Copermittees' wet weather MLS is located in Bonita, adjacent to the Plaza Bonita Road Bridge, and is representative of the Lower Sweetwater Hydrologic Area only.	Based on the location of the Copermittees station, the 50 mile extent of this listing should be reduced to the area above the station and below the Sweetwater Reservoir in the lower Sweetwater River-(HSA 909.10).
Sweetwater River	Salinity/TDS/ Chloride	16780	New Listing	**List on 303(d) list**	Two lines of evidence were used: • LOE ID 6519 refers to sulfates. 4 of 8 samples collected from Sweetwater River Station 909SSWR08 show excessive sulfate concentrations (SWAMP, 2007). • LOE ID 7185 is for TDS: 11 of 15 samples exceeded the Basin Plan WQO of 1500 mg/l. This is based on the Copermittees' wet weather data collected from 2002-2006. The Copermittees' wet weather MLS is located in Bonita, adjacent to the Plaza Bonita Road Bridge,	LOE ID 6519 should be removed from the analysis since it does not address TDS. Based on the location of the Copermittees' station, the 50 mile extent of this listing should be reduced to the area above the station and below the Sweetwater Reservoir in the lower Sweetwater River-(HSA 909.10). Additionally, listing is based on the TDS WQO; therefore, the listing should be limited to TDS and salinity and chloride should be removed.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
					and is representative of the Lower Sweetwater Hydrologic Area only.	
Sweetwater River	Selenium	16785	Original New Decision	**List on 303(d) list**	4 lines of evidence were referenced but only 2 were provided in the Fact Sheet: • LOE ID 6518: 5 of 8 samples collected at Sweetwater River station 909SSWR03 in May 2005, September 2005, January 2006, and April 2006 exceeded the selenium WQO of 5 ug/l (SWAMP 2007). Only 4 samples actually collected at this station. 1 of 3 samples exceeded the WQO (1 of the 4 results is missing from the database, but the SWAMP report suggests that 1 of 4 results exceeded). • LOE ID: 25665: 5 of 8 samples collected at Sweetwater River station 909SSWR08 in May 2005, September 2005, January 2006, and April 2006 exceeded the selenium WQO (SWAMP 2007). Only 4 samples were actually collected at this station. 4 of 4 exceeded the WQO. • Readily available data from the San Diego Regional Stormwater Copermittees' Annual Receiving Waters Monitoring Reports were not included in the assessment. The wet weather exceedance frequency for samples collected from 2001-07 was 0 of 18 samples.	According to Section 6.1.5.2 of the Listing Policy samples from stations further than 200 meters apart should be considered separate locations. Since station 909SSWR03 is located 30 miles upstream of 909SSWR08, the two stations actually represent two very different water quality segments and should be considered separately. There should be no lisitng at the upstream station (909SSWR03) as only 1 of 4 samples exceeded the WQO. Readily available data collected from the downstream station by Copermittees were not used and did not indicate exceedances of the selenium WQO. Therefore, it is recommended that this listing be put on hold so that these data can be considered in the 2010 listing process.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Sweetwater River	Sulfates	25667	New Listing	**List on 303(d) list**	• LOE ID 25667: 4 of 8 samples collected at 909SSWR03 in January 2003, April 2003, May 2003, and September 2003 exceeded the WQO. However, according to the SWAMP database, only 4 samples were collected from this station and all were below the WQO. • LOE ID 7185: 11 of 15 TDS samples collected by the San Diego Copermittees from 2002-2006 exceeded the WQO. • LOE ID: 6519: 4 of 8 samples collected at 909SSWR08 in January 2003, April 2003, May 2003, and September 2003 exceeded the WQO. However, in the SWAMP database, only 4 samples were collected from this station, 1 of which flagged with "Estimated; non-compliant with associated QAPP". The remaining 3 exceeded the WQO.	LOE ID 25667 should be updated to reflect that 0 of 4 samples exceeded the WQO. LOE ID 7185 should be removed from the analysis because TDS data cannot be used to support a listing for sulfates. Because only 3 of 3 valid samples exceeded the WQO for sulfates, and according to Table 3.2, a minimum of 5 samples are required to support listing, Sweetwater River should not be listed for sulfates.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)

Sweetwater River	Total Nitrogen as N	7190	New Listing	**List on 303(d) list**	4 lines of evidence are referenced, 2 of which are for IBI data which are not discussed here:
					
					• LOE ID 7190: 13 of 15 samples exceeded the Basin Plan WQO of 1.0 mg/l. This is based on the San Diego Copermittees' wet weather data collected from 2002-2006 at XXX.
					
					• LOE ID 7378: 2 of 4 samples collected on June 1, 2005; September 7, 2005; January 31, 2006; and April 11, 2006 from Sweetwater River 3 (an upstream station) (station id: 909SSWR03 lat/long: 32.97877 / -117.23506) exceeded the WQO (SWAMP, 2007). However, in the SWAMP database, only 3 results are listed:
					  • 6/1/05: TKN of 0.44 mg/L, nitrate-N of 0.62 mg/l (This constitutes a Total N conc. of 0.986 mg/L)
					  • 9/7/05: TKN of 0.33 mg/L
					  • 4/11/06: nitrate-N of 0.546 mg/l
					
					Therefore, 0 of 3 samples exceed the total nitrogen WQO. This is not a valid line of evidence for listing the Sweetwater River 3.
						Because sampling station 909SSWR03 is located approximately 30 miles upstream of the Copermittees' MLS, sampling results should be considered for listing separately for each segment.
						
						Data for 909SSWR03 does not support listing for the upstream segment; therefore, the listing area should be reduced to below the Sweetwater Reservoir in HSA 909.10.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Sweetwater River	Toxicity	16800	New Listing	**List on 303(d) list**	See September 14, 2009 County of San Diego comment letter for details.	It is recommended that the water segment be changed to reflect data assessment results at the two monitoring stations. Section 6.1.5.4 of the Water Quality Policy states that, "data shall be aggregated by water body segments as defined in the Basin Plans." Sweetwater River 8 is in HAS 909.12. Sweetwater River 3 is in HSA 909.31. In addition, 1 of 4 ambient samples and 0 of 1 sediment samples exceeded toxicity criteria at Sweetwater River 3. This is below the number required to list the water segment for toxicity. Therefore, the listing location should be changed to the reach located at Sweetwater River 8, where 3 of 4 samples were toxic to Selenastrum and 1 of 1 samples were toxic for Hyalella growth in sediment.
Jamul Creek	Toxicity		New Listing	**List on 303(d) list**	See September 14, 2009 County of San Diego comment letter for details.	It is recommended that Jamul Creek not be listed for sediment toxicity, as 0 of 2 samples were found to be toxic.
Poggi Canyon Creek	Selenium	16966	New Listing	**List on 303(d) list**	3 of 3 samples collected at Poggi Creek station (910OTPOG3) in January, April, and May 2003 exceeded the selenium WQO of 5 ug/l (SWAMP, 2007). In the SWAMP Database, 2 of the 3 samples were flagged as "Estimated; non-compliant with associated QAPP" leaving only 1 of 1 valid samples exceeding the WQO.	At least 2 samples are needed to list based on Table 3.1. Because only 1 sample exceeded the WQO, the listing criteria are not met and Poggi Canyon Creek should not be listed for selenium.
Tijuana River	Sedimentation/siltation		New Listing	**List on 303(d) list**	Based on photos using Section 3.7.2 of the Listing/Delisting Policy: "Water segments may be placed on the section 303(d) list when there is significant nuisance condition compared to reference conditions." The photos used to list are not available for	To maintain a transparent process, this listing should be put on hold until the photos are made available for review.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
					review.	
Tijuana River	Selenium	16650	Original New Decision	**List on 303(d) list**	The fact sheet references 2 lines of evidence but only 1 is presented: • LOE ID 21201: 2 of 2 samples collected at Tijuana River station 911TTJR05 in May 2004, September 2004, February 2005, and April 2005 exceeded the WQO of 5 ug/l (SWAMP, 2007). • Readily available data from the San Diego Regional Stormwater Copermittees' Annual Receiving Waters Monitoring Reports were not included in the assessment and are reviewed below: <u>Site: Tijuana River MLS (2001-07)</u> • Selenium wet weather exceedance frequency – 0 of 18 samples	The 18 most recently collected samples from the Tijuana River MLS (2001-07) show no exceedances of the selenium WQO. It is recommended that this listing be put on hold so that Copermittee data that were readily available can be considered in the 2010 listing process.
Cottonwood Creek (TJ)	Selenium	16390	Revised – New Decision	**List on 303(d) list**	2 of 2 samples from Cottonwood Creek 10 (911TCWD10) in June 2005 and April 2006 exceeded the selenium WQO of 5 ug/l (SWAMP, 2007).	According to Section 6.1.5.4 of the Listing Policy the RWQCB should define distinct reaches based on hydrology and relatively homogeneous land use. Therefore, the extent of this listing should be greatly reduced from 53 miles to the reach of Cottonwood Creek where sample station 911TCWD10 is located.

Table 1. Comments and Recommendations that Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Comments/ Summary	Recommendation(s)
Pine Valley Creek (Upper)	Phosphorous	5176	Revised – New Decision	**List on 303(d) list**	6 of 51 samples from Pine Valley Creek from January to August 1998 exceeded the 0.1 mg/l WQO for phosphorous.	Table 3.2 should be used to determine listing status for phosphorous on Pine Valley Creek because phosphorous is not a toxicant. For a sample size of 51, Table 3.2 requires at least 9 exceedances to support listing and Table 4.3 requires 8 or fewer exceedances to support delisting. Therefore, Pine Valley Creek should not be listed for phosphorous.

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
Santa Margarita River (Upper)	Phosphorus	5966	Revised	**Do Not Delist from 303(d) list**	4 of 4 samples collected in January through September 2003 exceeded the WQO of 0.1 mg/L according to SWAMP report (2007). Sampling site: Santa Margarita 1 (902SSMR1 lat/long: 33.47404/-117.14148).	The actual Station Code is 902SMSMR1
De Luz Creek	Sulfates	5718	Revised	**List on 303(d) list**	6 of 13 samples exceeded the WQO of 250 mg/L: 2 of 9 samples collected by LAW Crandall from 1997 to 2000 at De Luz Creek near Fallbrook; 4 of 4 samples collected from De Luz Creek station 3 (SWAMP 2007).	When checked against the SWAMP Database, 5 results were available (for 9/9/03 the results are 3.79 mg/L, 3.8 mg/L, 284 mg/L and 286 mg/L; for 1/15/03 – 276 mg/L; for 5/14/03 -267 mg/L; for 4/16/03 – 240 mg/L). The SWAMP (2007) report lists 3 of the 4 stations as exceeding the 250 mg/L Sulfate WQO. This would make for 5 (not 6) of the 13 samples exceeding.
San Luis Rey River	Phosphorus	17070	Revised – New Decision	**List on 303(d) list**	Fact sheet states: "One lines of evidence is available … to assess this pollutant. Twenty three of the samples exceed the water quality objective for phosphorus."	Actually 4 (not one) lines of evidence are presented.
San Luis Rey River	Total N	17072	Revised – New Decision	**List on 303(d) list**	LOE ID 7355: 13 of 15 wet weather samples collected at the MLS station under the Benet Road Bridge, north of Highway 76 exceeded WQO (San Diego County Municipal Copermittees Report, 2007). LOE ID: 7375: 5 of 8 samples collected on May 18-19, 2004, September 13- 14, 2004, March 1- 2, 2005, April 18- 20, 2005 at San Luis Rey River 2 (station id: 903SLSLR2 lat/long: 33.26190/-116.80889) exceeded WQO (SWAMP 2007) LOE ID: 23502: 5 of 8 samples collected on May 18-19, 2004, September 13- 14, 2004, March 1- 2, 2005, April 18- 20, 2005	In LOE 7355 three of the 13 samples exceeding 1 mg/L TN had results for Nitrate and Nitrite that fell below MDL and TKN < 1.0 mg/L so those may have not been "real exceedances." WQO for phosphorus is noted instead of that for TN in the fact sheet but 1 mg/L is actually used for the WQO. In LOE 7375, WQO for phosphorus is noted instead of that for TN in the fact sheet but 1 mg/L is actually used for the WQO. Also, this station is located too far east (not within the listed segment) In LOE 23502, WQO for phosphorus is noted instead of that for TN in the fact sheet but 1 mg/L is actually used for the WQO

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
					at San Luis Rey River 8 (station id: 903SLSLR8 lat/long: 33.21494/-117.36837) exceeded WQO (SWAMP 2007).	
San Luis Rey River	Toxicity	17073	New Listing	**List on 303(d) list**	LOE 23503: Three of 15 water samples were found to exhibit toxicity. *S. capricornutum*- 1 of 15 samples collected were toxic as determined by growth test, *C. dubia* survival/reproductive test. *C. dubia*- 2 of 15 samples were toxic as determined by survival/reproductive test. *H. azteca* – 0 of 15 samples were toxic as determined by the survival test (San Diego County Municipal Copermittees Report, 2007). LOE 7493: 3 of 8 samples exhibited toxicity. *S. capricornutum*- 3 of 8 samples showed significant toxicity levels (SL) as determined by growth test. *C. dubia* – 2 of 8 samples showed significant toxicity levels (SL) as determined by survival/reproductive test. *H. azteca* – 0 of 8 samples showed significant toxicity levels (SL) as determined by survival/growth test according (SWAMP, 2007). Samples were collected at each site on May 18-19, September 13-14, 2004, March 1-2, April 18 and April 20, 2005.	3 lines of evidence are stated for this listing decision. However, there are 4 lines of evidence included on the Fact Sheet. 2 lines of evidence were for biodiversity impacts, which may be caused by physical habitat or other factors, and not necessarily toxicity. Of the remaining 2 lines of evidence, both were for water toxicity.The actual data for water toxicity do not match the statements in the Fact Sheet. The total number of samples is nine, not eight. Ceriodaphnia results for SLR8 include one sample noted as "Estimated; non-compliant with associated QAPP." The sample size for Selenastrum should be 7. It is recommended that the Fact Sheet be updated to accurately reflect the toxicity sample results used in the listing analysis. Samples noted as Estimated; non-compliant with associated QAPP" do not meet the requirements of Section 6.1.4 of the Policy which states, "Data supported by a Quality Assurance Project Plan….are acceptable for use in developing the section 303(d) list" and should be removed from the analysis.
Keys Creek	Selenium	16498	Revised – New Decision	**List on 303(d) list**	2 of 4 samples collected at Keys Creek station 3(903SLKYS3) from May 2004 to April 2005 showed excessive selenium concentration (SWAMP, 2007).	In the SWAMP Database, 1 of the 4 samples was "Estimated; non-compliant with associated QAPP". Therefore, only 2 of 3 samples exceeded the WQO.
Loma Alta	Selenium	16516	Revised – New	**List on 303(d) list**	4 of 4 samples collected at Loma Alta Creek station 904CBLAC3 on March, April, June	In the SWAMP Database, 1 of the 4 samples was "Estimated; non-compliant with

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
Creek			Decision		and September 2002 showed excessive selenium concentration (SWAMP, 2007).	associated QAPP". Therefore, 3 of 3 samples exceeded the WQO.
Buena Vista Creek	Selenium	16374	Revised – New Decision	**List on 303(d) list**	4 of 4 samples from Buena Vista Creek station 904CBBVR4 (Latitude 33.180577, Longitude -117.339035) in March, April, June and September 2002 show excessive selenium concentrations according to SWAMP, 2007.	According to the SWAMP Database 1 of the 4 results were "Estimated; non-compliant with associated QAPP". Therefore, only 3 of 3 samples exceeded the WQO.
San Marcos Creek	Sediment Toxicity	6757	Revised – New Decision	**List on 303(d) list**	LOE ID 3207: 0 of 0 samples LOE ID 21385: 6 of 8 samples collected from stations San Marcos Creek 3 (904CBSAM3) and San Marcos Creek 6 (904CBSAM6) on March, April, June and September 2002 showed significant toxicity levels in the following tests: Selenastrum algae growth test (5 of 8 samples); Ceriodaphnia dubia survival/reproductive test (5 of 8 samples) (SWAMP, 2007). LOE ID 27029: Refers to IBI Data (Co-permitee Data 200-2007) LOE ID 26446: Refers to IBI Data (Fish and Game Data 1998-2000) LOE ID 3205: 0 of 0 samples LOE ID 3204: 0 of 0 samples LOE ID 3209: 2 of 4 samples collected March 2002 - September 2002 from San Marcos Creek 6 displayed statistically significant toxicity to *Hyallela azteca* (SWAMP, 2004). LOE ID 3208: 2 of 4 samples collected March 2002 - September 2002 from San Marcos Creek 3 displayed statistically significant toxicity *Hyallela azteca* (SWAMP, 2004). LOE ID 3206: - 0 of 0 samples	The "Weight of Evidence" line in the fact sheet states that "This pollutant is being considered for removal from the section 303(d) list under section 4.6 and 4.9 of the Listing Policy." Yet the "Final Listing Decision" line states: "List on 303(d) list." This is confusing. Furthermore, the "Weight of Evidence" line in the fact sheet states that "Two lines of evidence are available in the administrative record to assess pollutant. Ten of 16 samples exceed the water quality objective for sediment toxicity." And actually 9 lines of evidence are presented. LOE IDs 3205, 3204 and 3206 refer to 0 of 0 data and should be removed from the anlaysis Link to SWAMP report is broken.

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
San Marcos Creek	Selenium	17066	Original New Decision	**List on 303(d) list**	LOE ID 8878: 7 of 8 samples collected at San Marcos Creek station 904CBSAM6 and 904CBSAM3 (33.129985, -117.19242) on March, April, June and September 2002 showed excessive selenium concentration (SWAMP, 2007).	3 lines of evidence quoted but only 1provided on the fact sheet. It is not clear why 904CBSAM6 and 904CBSAM3 were combined as they are hydrologically separated by the Lake San Marcos Dam and should be evaluated separately. Also, according to the SWAMP Database, 6 (not 7) of the 8 samp1es collected at the two stations actually exceeded the WQO. 1 of the 4 samples collected at 904CBSAM3 was "Estimated; non-compliant with associated QAPP". Therefore, only 2 of 3 samples exceeded the WQO. 1 of the 4 samples collected at 904CBSAM6 was "Estimated; non-compliant with associated QAPP". Therefore, 2 of 3 samples exceeded the WQO.
San Marcos Creek	Toxicity	6750	New Listing	**List on 303(d) list**	LOE 21385: 8 samples were collected in 2002, 4 at San Marcos Creek station 904CBSAM3 and 4 at San Marcos Creek station 904CBSAM6. They showed significant toxicity levels (SL) in the following tests: Selenastrum algae growth test (5 of 8 samples). Ceriodaphnia dubia survival/reproductive test (5 of 8 samples). This LOE states that 6 of 8 samples exceeded sediment toxicity standards. This LOE seems to be a repeat of LOE 3209 and LOE 3208. At San Marcos Creek 3, 2 of 4 *H. azteca*	The Fact Sheet states that two lines of evidence were used to assess this pollutant, and ten of 16 samples exceeded the WQO for sediment toxicity. However, there were 9 LOEs listed on the Fact Sheet, 6 of which were for Macroinvertebrate Bioassessments. LOE 21385 includes *H. azteca* sample results that were noted as "Estimated; non-compliant with associated QAPP." Therefore, the samples do not meet the requirements of Section 6.1.4 of the Policy which states, "Data supported by a Quality

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
					samples were "Estimated; non compliant with associated QAPP". Therefore, 1 of 2 samples showed significant toxicity. At San Marcos Creek 6, 2 of 4 *H. azteca* samples were noted as "Estimated; non compliant with associated QAPP". Therefore, 2 of 4 samples showed significant toxicity. LOE 3209: Sediment samples were collected at one station, San Marcos Creek 6. 2 of 4 samples displayed statistically significant toxicity in the survival endpoint when compared to the negative control based on a statistical test with alpha of less than 5%. One of the four samples (collected April 23, 2002) also displayed statistically significant toxicity in the survival endpoint compared to the negative control, but this data point is not included in the total 'toxic' samples as it had a data qualifier. All samples were tested using the 10-day Hyalella azteca test (SWAMP, 2004). The data reference is a placeholder from 2006. LOE 3208: Sediment samples were collected at one station, San Marcos Creek 3. Two out of four samples displayed statistically significant toxicity in the survival endpoint when compared to the negative control based on a statistical test with alpha of less than 5%. 1 of 4 samples (collected April 23, 2002) also displayed statistically significant toxicity in the survival endpoint compared to the negative control, but this data point is not included in the total 'toxic' samples as it had a data	Assurance Project Plan….are acceptable for use in developing the section 303(d) list" and should be removed from the analysis.

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
					qualifier. All samples were tested using the 10-day Hyalella azteca test (SWAMP, 2004).	
San Dieguito River	Nitrogen	17055 7373	New Listing	**List on 303(d) list**	13 of 15 samples exceeded the 1 mg/l Basin Plan standard to prevent the potential growth of algae. Copermittees' TKN values drive this during wet and dry weather.	3 of 4 samples exceeded above benchmark based on SWAMP data. Data link incorrect. It connects to QAPP.
San Dieguito River	Toxicity	17058	New Listing	**List on 303(d)**	2 lines of evidence were used: LOE ID 7492: Based on Copermittees' Urban Runoff Monitoring data collected between 2001 and 2006. 6 of 15 samples were toxic to the Ceriodaphnia dubia survival/reproductive test. 0 of 15 samples were toxic for Hyalella azteca survival. 5 of 15 samples were toxic for the Selenastrum capricornutum growth test. LOE ID 24991: Based on the Urban Runoff Monitoring data collected in 2003. The LOE states: "Selenastrum capricornutum - 4 samples were collected and 4 samples show significant toxicity levels (SL) as determined by the Selenastrum capricornutum growth test. Ceriodaphnia dubia - 4 samples were collected and 2 samples show significant toxicity levels (SL) as determined by the Ceriodaphnia dubia survival/reproductive test. Hyalella azteca - 2 samples were collected and neither show significant toxicity levels (SL) as determined by the Hyalella azteca growth and survival test according to results in the Surface Water Ambient Monitoring Program Annual Progress Report, 2007. Samples were collected in January, April,	Data noted as "Estimated; non-compliant with associated QAPP" should be removed from the anlaysis because they do not meet the requirements of Section 6.1.4 of the Policy, which states: "Data supported by a Quality Assurance Project Plan….are acceptable for use in developing the section 303(d) list". LOE 24991 should be updated to correctly reflect the number of samples and exceedances for each species.

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
					May and September 2003." However, this reference is cited incorrectly and, in fact, refers to the SWAMP toxicity data of 2003. Review of these SWAMP data indicates that 4 of 4 Selenastrum total cell count tests were toxic. However, 1 of the samples was noted to be "Estimated; non compliant with associated QAPP".	
Poway Creek	Selenium	16971	Revised – New Decision	**List on 303(d) list**	4 of 4 samples collected at Poway Creek station 906LPPOW2 in March, April, June, and September 2002 showed excessive selenium concentrations (SWAMP, 2007).	According to the SWAMP database, 1 of the 4 data points was non-compliant with the associated QAPP. Therefore, only 3 of the 4 samples are valid.
San Diego River (lower)	Enterococcus	17047	New Listing	**List on 303(d) list**	The listing appears to be valid; however, the Fact Sheet was found in the wrong location on-line. The fact sheet was attached to the decision to not delist fecal coliform.	The website should be corrected.
San Diego River (lower)	Nitrogen	7489	New Listing	**List on 303(d) list**	The listing appears to be valid; however, the Fact Sheet was found in the wrong location on-line. It was attached to the decision to not delist fecal coliform.	The website should be corrected.
Forester Creek	Selenium	16463	Revised – New Decision	**List on 303(d) list**	4 of 4 samples collected at Forrester Creek station 2 (907SDFRC2) in May 2004, September 2004, April 2005, and February 2005, showed excessive selenium concentrations (SWAMP, 2007).	In the SWAMP Database, 1 of the 4 samples was "Estimated; non-compliant with associated QAPP". Therefore, only 3 of 3 samples exceeded the WQO.
Los Coches Creek	Se	16566	Revised – New Decision	**List on 303(d) list**	3 of 4 samples collected at Los Coches Creek station 2 (907SDLCO2) from May 2004 to April 2005 showed excessive phosphorus concentrations (SWAMP, 2007).	According to the SWAMP 2007 Report for the San Diego River HOU (p. 21, Table 10), 3/4 samples exceeded the criterion of 5 ug/l Selenium. In the SWAMP Database, 1 of the 4 samples was flagged as "Estimated; non-compliant with associated QAPP". Therefore, only 3 valid samples exceeded the WQO.

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
BROKEN OR MIS-DIRECTED LINKS						
San Luis Rey River						LOE 7494, 7495 link to the 2005-2006 Annual Report for the Santa Margarita Watershed
Agua Hedionda Creek						LOE 7309, 7361, 6704 link to the 2005-2006 Annual Report for the Santa Margarita Watershed.
Escondido Creek						LOE 7364 does not provide a link to the data source LOE 7365 links to the 2005-2006 Annual Report for the Santa Margarita Watershed
San Dieguito River						LOE 24991 / Evaluation Guideline: "Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. " BROKEN LINK LOE 27026 / QAPP Information Reference(s): "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35, number 1 (2005): 1-13. BROKEN LINK LOE 9022 / Data Reference: "Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. " BROKEN LINK LOE 7492, 7311, 7371, 7324 / Data Reference: Urban Runoff Monitoring, Volume 1- Final Report. Takes reader to the Santa Margarita Report

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
Green Valley Creek						LOE 9032 / Data Used to Assess Water Quality: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK LOE 26391 / Guideline Reference: "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35, number 1 (2005): 1-13. BROKEN LINK LOE 26391 / QAPP Information Reference(s): State of California, California Monitoring and Assessment Program: "CMAP". Quality Assurance Project Plan for the California Stream Bioassessment Procedure The San Diego Stream Team Quality Assurance Project Plan. BROKEN LINK LOE 9033 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK. LOE 26719 / Guideline Reference: "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35, number 1 (2005): 1-13. BROKEN LINK
Kit Carson Creek						LOE 26403 / Guideline Reference: "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35, number 1 (2005): 1-13. BROKEN LINK QAPP Information Reference(s): State of California, California Monitoring and Assessment Program: "CMAP". Quality Assurance Project Plan for the

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
						California Stream Bioassessment Pocedure The San Diego Stream Team Quality Assurance Project Plan. BROKEN LINK
Clover-dale Creek						LOE 9024 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK LOE 9026 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
Santa Ysabel Creek						LOE 26468 / Guideline Reference: "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35, number 1 (2005): 1-13." BROKEN LINK.
Los Pen-asquitos Creek						LOE 8813 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. Puckett, M. 2002. Quality Assurance Management Plan for the State of California's Surface Water Ambient Monitoring Program. California Department of Fish and Game, Monterey, CA. BROKEN LINK. LOE 26436 / Guideline Reference: "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35, number 1 (2005): 1-13. BROKEN LINK. LOE 26834 / Guideline Reference: "A Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams". Environmental Management. Volume 35,

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
						number 1 (2005): 1-13. QAPP Information References: State of California, California Monitoring and Assessment Program: "CMAP". Quality Assurance Project Plan for the California Stream Bioassessment Pocedure The San Diego Stream Team Quality Assurance Project Plan. BROKEN LINK. LOE 26872 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK. LOE 21387 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. Guideline Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
Soledad Canyon						LOE 7578 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK. LOE 21390 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. Guideline Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
Poway Creek						LOE 7576 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK. LOE 7577 / Data Reference: Surface Water

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
						Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK. LOE 21388 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. Guideline Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
San Diego River (lower)						LOE 4719 (Fecal Coliform) Placeholders only, no links LOE 7488 Data Used to Assess Water Quality: Urban Runoff Monitoring, Volume 1- Final Report. (Link takes you to Santa Margarita 2005-2006 Annual Report) LOE 7487 (Enterococcus) Data Used to Assess Water Quality: Urban Runoff Monitoring, Volume 1- Final Report. (Link takes you to Santa Margarita 2005-2006 Annual Report) LOE 4720 (Low dissolved Oxygen) Placeholders only, no links LOE 7489 (Total Nitrogen) Data Used to Assess Water Quality: Urban Runoff Monitoring, Volume 1- Final Report. (Link takes you to Santa Margarita 2005-2006 Annual Report) LOE 4721 (Phosphorus) Placeholders only, no links LOE 4721 (Total Dissolved Solids) Placeholders only, no links
Famosa Slough						LOE 4451 Decision ID 6022 (Eutrophic) Placeholders only, no links

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
Alvarado Creek						LOE 8925 Decision ID 17605 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
Murray Reservoir (Lake Murray)						LOE 903 Decision ID 4608 (pH) Placeholders only, no links
Forrester Creek						LOE 9014 Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK. LOE 3343 Placeholders only, no links LOE 3336, 3338, 3341, 3340, 3339 and 3337 Placeholders only, no links LOE 4452 Placeholders only, no links LOE 3342 Placeholders only, no links LOE 3344 Placeholders only, no links
San Diego River Upper						LOE 9015 Decision ID 17050 / (Manganese) Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
Los Coches Creek						LOE 26191 Decision ID 16566 / (Selenium) Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. BROKEN LINK.
San Vicente Reservoir						LOE 1087Placeholders only, no links LOE 6174 Decision ID 17082 / Data Reference: Surface Water Ambient Monitoring Program. 2007. Monitoring data for Region 9. No link, just typewritten reference to the monitoring report.

Table 2. Comments and Recommendations that Do Not Affect Proposed Listing Decisions.

Impaired Section	Constituent	Decision ID	Status	Decision	Summary	Comments
						LOE's 1080, 1081, 1082, 1073, 1078, 1077, 1076, 1075, 1074,1083 and 1079. Decision ID 4814 Placeholders only, no links. LOE 1096 Decision ID 5801Placeholders only, no links. LOE 1091 Decision ID 4726 Placeholders only, no links. LOE 1071 Decision ID 4812 Placeholders only, no links.
El Capitan Reservoir						LOE 1190 Decision ID 5841 Placeholders only, no links. LOE 1193 Decision ID 4478 Placeholders only, no links. LOE 1179, 1180, 1181, 1182, 1183, 1184, 1176, 1177, 1185 and 1186. Decision ID 5910 Placeholders only, no links.