

September 14, 2009

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

RE: Clean Water Act Sections 305(b) and 303(d) Integrated Report for the San Diego Region Draft  
Final Staff Report August 2009

Dear Ms. Gorham-Test:

OC Public Works (OCPW) is pleased to provide comments on the Clean Water Act Sections 305(b) and 303(d) Integrated Report for the San Diego Region Draft Final Staff Report August 2009. We would like to commend you on completing this important and extensive data evaluation program. After a thorough review of the report, fact sheets and data provided on the web site, the following comments are offered:

1. The report states "In the 2008 303(d) listing cycle, previously defined shorelines have been split into smaller coastal segments. These segments are now represented as an estimated size of 50 yards (25 yards either side of the sample station location). The 50 yard representation is based on recommendations from the Beach Water Quality Workgroup and are estimates that can be modified if additional monitoring or TMDL work identify more or less of an impacted area." In previous listing cycles, single sampling locations were used to list larger segments of coastline. This change in approach creates inconsistencies with historic listings and current de-listing evaluations. A summary of the proposed changes and inconsistencies observed in shorelines segments is presented in Table 1 below.

To remain consistent with historic listings, two solutions are recommended:

- a. Revise the historic listings to be consistent with the new policy regarding coastal shoreline segments. Historically listed coastal segments should be redefined as the 25 yards on either side of the sample station location; or
- b. In the context of de-listing sites for indicator bacteria, data from monitoring locations should be applied to the same coastal segment that was used in the original listing.

Failure to remain consistent with the historic data sampling point and coastal segment pairings will result in a significant and arbitrary increase in sampling efforts if shoreline sampling must be increased to every 50 yards for historically listed segments to meet delisting requirements.

**Table 1**  
**Pacific Ocean Shoreline Segments**  
**2006 303(d) Listings vs. Proposed 2008 303(d) Listing Segments**

	2006 303(d) List Segment	2008 303(d) Listing Cycle Segment	Station Name	Decision	Inconsistencies
San Joaquin Hills HSA					
Pacific Ocean Shoreline, San Joaquin Hills HSA	at Cameo Cove at Irvine Cove Dr./Riviera Way, Heisler Park-North	at Emerald Bay Beach	OLB10	DELIST – TC, FC, ENT	Cameo Cove at Irvine Cove Dr. is not the same location as Emerald Bay Beach. There are no monitoring locations in Cameo Cove so it appears that this segment was incorrectly described previously.
		at Heisler Park North	OLB05	DELIST – TC, FC, ENT	2006 303(d) list GIS layer incorrectly maps the location of this segment.
Laguna Beach HSA					
Pacific Ocean Shoreline, Laguna Beach HSA	at Main Laguna Beach, Laguna Beach at Ocean Avenue, Laguna Beach at Laguna Avenue, Laguna Beach at Cleo Street, Arch Cove at Bluebird Canyon Road, Laguna Beach at Dumond Drive.	at Main Beach	OLB00	DELIST – TC, FC, ENT	Main Beach segment is Delist, but status of nearby Ocean Ave. segment is not provided.
		at Laguna Hotel	S16	DO NOT LIST – TC, FC, ENT	Decision was Do Not List but segment was already listed in 2006 as at Laguna Ave. Decision should be Delist.
		at Cleo Street	CLEO	NO DECISION – Continue listing Indicator Bacteria	Remains listed for Indicator Bacteria as a group rather than divided into three indicators like other segments. No decision was made despite that considerable additional data are available.
		at Bluebird Canyon	S15	DELIST – TC, FC, ENT	
		at Lagunita Place	S14	DELIST – TC, FC, ENT	Was previously described as part of the Aliso HSA. Status of nearby Dumond Dr. listed segment is not provided.
Aliso HSA					
Pacific Ocean Shoreline, Aliso HAS	at Laguna Beach at Lagunita Place / Blue Lagoon Place, Aliso Beach.	at Blue Lagoon	S13	DELIST - TC, FC, ENT	
		at Aliso Beach - North	S10	DELIST – TC, FC, ENT	
		at Aliso Creek mouth	C1	DO NOT DELIST – TC, FC, ENT	Samples have not been collected at station OCHCA C1 since 2006. OCPW Station ACM1 at the Aliso Creek mouth



					has considerable additional data that can be used for assessment.
		at Aliso Beach middle	S9	DO NOT DELIST – TC DELIST – FC, ENT	
<b>Dana Point HSA</b>					
Pacific Ocean Shoreline, Dana Point HSA	at Aliso Beach at West Street, Aliso Beach at Table Rock Drive, 1000 Steps Beach at Pacific Coast Hwy (Hospital, 9th Ave), Salt Creek (large outlet), Salt Creek Beach at Salt Creek service road, Salt Creek Beach at Dana Strand Road, and Monarch Beach.	at Aliso Beach - south	S8	DELIST – TC, FC, ENT	When compared to 2006 303(d) list GIS layer it appears to be a new listed segment. Decision should be Do Not List.
		at Camel Point	S7	DO NOT LIST – TC, FC, ENT	Decision was Do Not List but segment was already listed in 2006. Decision should be Delist.
		at West Street	WEST	NO DECISION – continue listing Indicator Bacteria	
		at Table Rock Drive	S6	DELIST – TC, FC, ENT	
		at Laguna Lido	S5	DO NOT LIST – TC, FC, ENT	Decision was Do Not List but segment was already listed in 2006. Decision should be Delist.
		at Thousand Steps	S4	DELIST – TC, FC, ENT	
		at Salt Creek outlet at Monarch Beach	OSL25	DO NOT DELIST – TC DELIST – FC, ENT	
		at Salt Creek outlet at Salt Creek Service Road	S2	DELIST – TC, FC, ENT	
		at Dana Strands Surfzone at Dana Strands Road	S1	DELIST – TC, FC, ENT	
<b>Lower San Juan HSA</b>					
Pacific Ocean Shoreline, Lower San Juan HSA	at North Beach Creek, San Juan Creek (large outlet), Capistrano Beach, South Capistrano Beach at Beach Road.	at North Beach Creek	DSB5	DO NOT DELIST – TC, ENT  DELIST – FC	
		, at San Juan Creek	SJC1	DO NOT DELIST – TC, FC, ENT	
		at North Doheny State Park Campground	DSB4	LIST – TC, FC, ENT	Segment was already listed in 2006. Decision should be Do Not Delist.
		Pacific Ocean at South Doheny State Park Campground	DSB1	LIST – TC, FC, ENT	When compared to 2006 303(d) list GIS layer it appears to be a new listed segment.
		,at South	CSBMP1	DO NOT	2006 303(d) list GIS

		Capistrano County Beach		DELIST – TC, FC, ENT	layer incorrectly maps the location of this segment.
		,at South Capistrano Beach at Beach Road	CSBBR1	DO NOT DELIST – TC, FC, ENT	2006 303(d) list GIS layer incorrectly maps the location of this segment.
<b>San Clemente HA</b>					
Pacific Ocean Shoreline, San Clemente HA	at Poche Beach (large outlet), Ole Hanson Beach Club Beach at Pico Drain, San Clemente City Beach at El Portal St. Stairs, San Clemente City Beach at Mariposa St., San Clemente City Beach at Linda Lane, San Clemente City Beach at South Linda Lane, San Clemente City Beach at Lifeguard Headquarters, Under San Clemente Municipal Pier, San Clemente City Beach at Trafalgar Canyon (Trafalgar Ln.), San Clemente State Beach at Riviera Beach, San Clemente State Beach at Cypress Shores.	at Poche Beach	S-15	DO NOT DELIST – TC, FC, ENT	
		at Poche Beach near the intersection of Camino Capistrano and PCH	POCHE	LIST – TC, FC, ENT	Segment was already listed in 2006. Decision should be Do Not Delist. Station is only a few hundred feet south of S-15.
		at South Poche Beach at Capistrano Shores	SCCS52	DO NOT LIST – TC, FC, ENT	
		at Capistrano Shores at North Ole Hanson Beach	SCCS17	DELIST – TC, FC, ENT	
		at San Clemente City Beach, North Beach	S-17	LIST – TC DO NOT LIST – FC, ENT	Was previously listed in 2006. Decision should be Do Not Delist TC and Delist FC, ENT.
		at San Clemente City Beach at Mariposa Lane	MARIPO	DELIST – TC, FC, ENT	
		at San Clemente City Beach at Linda Lane	LINDAL	DELIST – TC, FC, ENT	
		San Clemente City Beach at Lifeguard Headquarters	?	NO DECISION – continue listing Indicator Bacteria	San Clemente City Beach 450 ft North of Pier appears to be same location.
		San Clemente City Beach 450 ft North of Pier	S-19	DO NOT LIST – TC, FC, ENT	Was previously listed in 2006. Decision should be Delist. Appears to be the same location as at Lifeguard Headquarters.
		San Clemente City Beach at Pier	PIER	DELIST – TC, FC DO NOT DELIST - ENT	See Item 5 below.
		San Clemente City Beach at Trafalgar St. Beach	OSC01	DO NOT LIST – TC, FC, ENT	
		San Clemente City Beach at Trafalgar Canyon outlet	TRFCYN	DELIST – TC, FC, ENT	
		San Clemente City Beach at South Trafalgar	LADERA	DELIST – TC, FC, ENT	



	St. Beach			
	San Clemente City Beach at Riviera Beach	RIVERA	DELIST – TC, FC, ENT	
	San Clemente State Beach, Projection of Avenida Calafia	S-21	DO NOT LIST – TC, FC, ENT	Was previously listed in 2006. Decision should be Delist.
	San Clemente City Beach at Projection of Las Palmeras	S-23	DO NOT LIST – TC, FC, ENT	Was previously listed in 2006. Decision should be Delist.

- While several proposed indicator bacteria listings and de-listings are now specific to the type of indicator (enterococcus, fecal coliform, total coliform), other proposed listings are still for the general category of indicator bacteria (see proposed listings for Aliso Creek, Pacific Ocean Shoreline, Dana Point HSA at Aliso Beach at West Street; Pacific Ocean Shoreline, Laguna Beach HSA at Laguna Beach at Cleo; Pacific Ocean Shoreline, San Clemente HSA at San Clemente City Beach at Lifeguard Station Headquarters). All listings should be specific to the type of indicator, and historical listings should be corrected to reflect the specific indicator exceeded at that location.
- Several new proposed listings for indicator bacteria are within coastal segments that are already included in the Bacteria Impaired Waters TMDLs Project I for Beaches and Creeks (see listings for Pacific Ocean Shoreline, Lower San Juan HSA at North Doheny State Park Campground; Pacific Ocean Shoreline, San Clemente HSA at Poche Beach near the Intersection of Camino Capistrano and Pacific Coast Highway; Pacific Ocean Shoreline, San Clemente HSA at San Clemente City Beach, North Beach). Additional listings within an area already covered by a TMDL are unnecessary.
- Clarification is needed whether the proposed listing for Pacific Ocean Shoreline, San Clemente HSA at Poche Beach near the Intersection of Camino Capistrano and Pacific Coast Highway is different from the current 2006 listing at Pacific Ocean Shoreline, San Clemente HSA at Poche Beach (large outlet). The Poche Creek outlet is located at Camino Capistrano and Pacific Coast Highway. These two locations and listings appear to be redundant.
- The Do Not Delist decision for Pacific Ocean Shoreline, San Clemente HSA at San Clemente City Beach, San Clemente Pier is based on an erroneous data evaluation. The fact sheet reports 6 exceedances of the monthly enterococcus geomean standard in 32 total samples. A re-examination of the data cited (OCPW NPDES Coastal Storm Drain Outfall program PIER location 5/04-12/06) indicates 3 exceedances of the monthly enterococcus geomean standard in 32 total samples. The criteria for delisting is 5 exceedances for 31-36 total samples therefore this location should be delisted. Note that the OCPW NPDES monitoring at the PIER location includes weekly sampling in the surfzone at two locations, one 25 yards upcoast of the stormdrain outlet and one 25 yards downcoast of the stormdrain outlet. The results of both samplings were used in our calculations of the geomeans.
- The data evaluated for the proposed English Canyon and San Juan Creek listings was for dissolved selenium. The California Toxics Rule (CTR) standard is for total recoverable selenium. To be consistent with CTR, total recoverable selenium needs to be measured and evaluated against this standard.
- The link for Aliso Creek Selenium SWAMP 2007 data is invalid and the data was inaccessible.



8. Historic data should not be utilized for diazinon listings. In 2003 diazinon was banned by EPA for turf, lawn and outdoor application. The pesticide is no longer commercially available to the public. Additionally, diazinon breaks down quickly in the environment with a half-life of a few months or less. The proposed listing of Arroyo Trabuco is based on 6 exceedances of the diazinon criterion which occurred during the period from March 25, 1999 to February 23, 2000. This period included collection of 20 total samples on 9 separate days. Of these 20 samples, all four collected on April 6, 1999 exceeded the diazinon criterion. The fact sheet contains a link to the Department of Pesticide Regulation (DPR) study which contains the data for the assessment. This study includes data beyond the assessment period cited in the fact sheet. There were 14 additional samples collected during 10 days of sampling from March 27, 2000 to January 17, 2001. Of 14 samples, no exceedances of the criterion were observed.
9. The proposed listing of San Juan Creek for diazinon is based on an incorrect evaluation of the data. The fact sheet cites 2 exceedances of 17 total samples including those collect by SWAMP, OCPW NPDES, and DPR. An examination of the cited data showed no exceedances in 4 samples from the SWAMP program, no exceedances in the 5 samples from the OCPW program and 2 exceedances in the 26 samples collected in the DPR program (April 8, 1999 to January 17, 2001). Two exceedances in 35 samples do not meet the listing criteria for toxicants. To list the waterbody, 3 exceedances out of 25-36 total samples are required
10. The data citation for the proposed Dana Point Harbor toxicity listing is incorrect. The Regional Harbor Monitoring Program did not measure aquatic toxicity. The data cited comes from the SCCWRP report *Extent and Magnitude of Copper Contamination in Marinas of the San Diego Region, California*.
11. OCPW NPDES data has been utilized in an inconsistent manner in the 2008 listing process. In many cases the data (e.g. OCPW's bioassessment data for diazinon for Arroyo Trabuco) were not used, citing lack of Quality Assurance Project Plan, but the data was used for San Juan Creek and Prima Deshecha proposed listings. All of the OCPW NPDES data should be considered consistently in the listing process
12. The assessments of toxicity should not consolidate results from tests with different organisms or the results using different toxicity testing endpoints. For example, throughout the fact sheets the results of testing for *Ceriodaphnia* survival tests and *Selenastrum* growth are combined. The results for *Ceriodaphnia* survival and *Ceriodaphnia* reproduction are considered as one test although they are in fact two separate tests.

The following is an example from which the recommendation was to list San Juan Creek for toxicity. The fact sheet states that 4 of 17 samples exceed the water quality objective for toxicity and that this ratio exceeds the allowable frequency. The cited data sources are SWAMP (stations 901SJSJC5 and 901SJSJC9, 10/02-5/03) and OCPW (stations SJC-74 and SJC-CC, 2003-2007). The following table shows the number exceedances of the toxicity testing criteria relative to the number of tests conducted.

Data Source	Cerio Surv	Cerio Repro	Sele gwth	Hyaella Surv sed	Hyaella gwth sed	Hyaella surv ag
SWAMP	0/8	0/8	2/4*	1/5	1/5	
OCPW	0/15*	0/15*	0/15*			0/15*

\*The fact sheet cites 8 tests for *Selenastrum* growth when there were actually only four; it cites 9 samplings conducted by OCPW when there were 9 at SJC-74 and 8 at SJC-CC.

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Ms. Cynthia Gorham Test

The fact sheet states that there were only 17 tests when there were in fact 90 separate tests. Only one type of testing (*Selenastrum* growth) shows a ratio that is beyond the allowable exceedance frequency. The *Selenastrum* growth test is generally used to assess the presence of aquatic herbicides while the tests with *Ceriodaphnia* and *Hyaella azteca* are used to assess the presence of pesticides. The toxicity listing process should be modified to be specific with respect to the suspected causes of the toxicity. This will enable the responsible parties to focus the efforts on the true causes of toxicity and prevent testing with other organisms so that delisting criteria can be met.

Thank you for the opportunity to provide comments on the 2006 proposed revisions to the California Clean Water Act Section 303(d) List. We look forward to working with the Regional Board in resolving these issues and producing an appropriate and comprehensive list of impaired water bodies in the San Diego Region. Please contact Amanda Carr at (714) 955-0650 if you have any questions regarding these comments.

Very truly yours,



Chris Crompton, Manager  
Environmental Resources

cc: