

Supporting Document 13

Appendix L: Responses to Public Comments

This document contains Regional Board responses to public comments received on the Integrated Report developed during the current listing cycle for 2008.

Comment ID: 81 **TOPIC(S):** Agua Hedionda Creek/P and N new listings

ORGANIZATION: City of San Diego Public Utilities Department

NAME: Marisa Steirere

Comment:

Agua Hedionda Creek/P and N new listings

While recent water quality data for phosphorus and nitrogen may not meet the goals, there is no evidence to indicate that the present concentrations are stimulating growth to the point of nuisance or adversely affecting beneficial uses in Agua Hedionda Creek.

Furthermore, there is a considerable amount of research occurring at the present time which will help to assess nutrients, their impacts on specific water bodies, and develop nutrient numeric endpoint criteria. Data collected under the Lagoon Investigative Order 2006-0076 is currently being assessed by the Southern California Coastal Water Research Project (SCCWRP) team in an effort to develop appropriate nutrient numeric endpoint (NNE) criteria that will consider the actual effects of the nutrient loads on the water bodies. Other factors such as dissolved oxygen levels and biomass concentrations will be taken into account to determine what impacts are evident. This research is occurring at the request of the State of CA.

Regional Board Response:

Nitrogen and phosphorus in Agua Hedionda Creek will not be removed from the 303(d) List at this time.

The data clearly indicate that nutrient concentrations are consistently exceeding the Basin Plan criteria. Further investigation is needed to determine the impact to the waterbody. The TMDL process includes data collection and analysis to determine whether the waterbody is impaired, and if so to what degree and to what extent. If the waterbody is not impaired then reductions of pollutants (nitrogen or phosphorus) will not be necessary and specific BMPs will not be needed.

The Lagoons Investigation Order data and the research involved with that project will involve only estuaries and not freshwaters, such as Agua Hedionda Creek.

Comment ID: 82 **TOPIC(S):**

ORGANIZATION: Michael Bailey

NAME: Michael Bailey

Comment:

More scientific information was available for this report than for any previous report, which makes this the best done so far, and all the previous reports were well done.

I think Oso Creek has been put in the right category in the report.

Regional Board Response:

Comment noted. Oso Creek has been placed on the 303(d) List for chloride, sulfate, total dissolved solids, and toxicity. Therefore, the pollutants in Oso Creek will be addressed at some point in the future.

Comment ID: 83 **TOPIC(S):** Agua Hedionda Lagoon (delistings)

ORGANIZATION: City of Vista
NAME: Paul Hartman

Comment:

Agua Hedionda Lagoon - Indicator Bacteria/ Sedimentation/Siltation

1.) Indicator Bacteria Decision ID 6360

The City supports the Regional Board Staff's decision to delist Agua Hedionda Lagoon for indicator bacteria, based on data collected under the Lagoon Investigative Order 2006-0076.

2.) Sedimentation/Siltation Decision ID 6361

The City supports the Regional Board Staff's decision to delist Agua Hedionda Lagoon for sediment, based on the lack of data to support the original listings and the absence of a defined problem at the present time.

Regional Board Response:

Comment noted.

Comment ID: 84 **TOPIC(S):** Buena Creek/P and N (new listings)

ORGANIZATION: City of Vista
NAME: Paul Hartman

Comment:

Phosphorus/Total Nitrogen as N (new listings)

1.) Listings for Phosphorus and Total Nitrogen as N on the 303(d) list of impaired water body segments are inappropriate at this time.

While recent water quality data for phosphorus and nitrogen may not meet the goals, there is no evidence to indicate that the present concentrations are stimulating growth to the point of nuisance or adversely affecting beneficial uses in Buena Creek.

Furthermore, there is a considerable amount of research occurring at the present time which will help to assess nutrients, their impacts on specific water bodies, and develop nutrient numeric endpoint criteria. Data collected under the Lagoon Investigative Order 2006-0076 is currently being assessed by the Southern California Coastal Water Research Project (SCCWRP) team in an effort to develop appropriate nutrient numeric endpoint (NNE) criteria that will consider the actual effects of the nutrient loads on the water bodies. Other factors such as dissolved oxygen levels and biomass

concentrations will be taken into account to determine what impacts are evident. This research is occurring at the request of the State of CA.

Buena Creek is an upstream tributary to Agua Hedionda Creek. While no specific NNE assessments have been performed at this time, the lack of apparent impacts downstream in Agua Hedionda Creek, as presented above, demonstrate that the nutrients present in Buena Creek do not appear to be causing nuisance or adversely impacting beneficial uses downstream.

Regional Board Response:

The Regional Board staff recommends that impairments for nitrogen and phosphorus in Buena Creek be removed from the 2008 303(d) List. The available data indicate that nutrient concentrations exceeded the Basin Plan criteria in four of four samples for both nitrogen and phosphorus. Further investigation is needed to determine the impact to the waterbody. A sample size of at least five, with at least five exceedances, is required to consider adding a waterbody with a conventional pollutant to the 303(d) List. Phosphorus and nitrogen are conventional pollutants, not toxicants, and therefore should follow Table 3.2 in "the Listing Policy".

The TMDL process includes data collection and analysis to determine whether the waterbody is impaired, and if so to what degree and to what extent. The Lagoons Investigation Order data and the research involved with that project will involve only estuaries and not freshwaters, such as Buena Creek.

The Nutrient Numeric Endpoint (NNE) Approach for streams and reservoirs/ lakes has been completed. The NNE Approach is used as a screening tool, or in cases where a site-specific study to set nutrient objectives is not warranted. Data collected during the TMDL process can be used in the NNE Approach as well. However, for a TMDL, a more rigorous site-specific modeling approach is used to get an answer that has more certainty than the NNE Approach.

Small streams such as Buena Creek are very sensitive to pollutants since they receive less natural flow for dilution of pollutants. The fact that Agua Hedionda Creek receives more flow may dilute pollutant concentrations more in the larger streams than in a smaller creek such as Buena Creek.

Comment ID: 85 **TOPIC(S):** Buena Vista Creek/Selenium (new listing)

ORGANIZATION: City of Vista
NAME: Paul Hartman

Comment:

Buena Vista Creek / Selenium (new listing)

1.) One of the four Selenium samples presented was flagged as estimated and noted to be non-compliant with the Quality Assurance Project Plan (QAPP) for the study. Each sample was collected as a grab sample, representative only of the conditions in the water column at the time and location of the sample. Furthermore, the SWAMP data is then compared to a CTR Freshwater Chronic water quality objective. It is inappropriate to compare data from a grab sample to a chronic objective. The chronic objective

should be used to evaluate conditions over time at the location and should only be compared to composite samples, i.e. samples collected over a continuous period of time based on flow conditions in the creek. Because of the comparison of the SWAMP data to an inappropriate standard, this single LOE should be excluded from the evaluation.

Given that the San Diego Copermittee data collected recently, was obtained from flow weighted composite samples, and is representative of both ambient and storm conditions, this LOE is strong in demonstrating that there is no impairment caused by Se in Buena Vista Creek.

Regional Board Response:

The Regional Board staff recommends that impairments for Selenium in Buena Vista Creek remain on the 303(d) List for this cycle.

The SWAMP selenium data for Buena Vista Creek will remain in the 303(d) List assessment. Regional Board staff verified that the SWAMP selenium data in question have an "acceptable" QA rating (not estimated). The following statement was reported in the Batch Qualifier field: "Batch met Project QA/QC protocols, Acceptable with minor deviations, Batch Comment required, flagged by QAO".

Grab samples collected during base flow conditions are most representative of what is occurring over time in a stream, rather than composite samples taken during a storm event. The Copermittee data is, for the most part, collected during storm events, which occur in San Diego only a few times a year. These storm events cause increased stream flows for a matter of hours or possibly a few days. The water chemistry reported during storm events can be very different from the base flow water quality.

Regarding the correct use of the CTR Freshwater Criterion Continuous Concentration (chronic): Section 6.1.5.6 of the Listing Policy states "if sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period". Therefore, regardless of the elapsed time between discrete samples, the reported concentrations should be compared to the available criterion.

Comment ID: 86

TOPIC(S): Loma Alta Creek/Selenium (new listing)

ORGANIZATION: City of Vista

NAME: Paul Hartman

Comment:

Each Selenium sample was collected as a grab sample, representative only of the conditions in the water column at the time and location of the sample. Furthermore, the SWAMP data is then compared to a CTR Freshwater Chronic water quality objective. It is inappropriate to compare data from a grab sample to a chronic objective. The chronic objective should be used to evaluate conditions over time at the location and should only be compared to composite samples, i.e. samples collected over a continuous period of time based on flow conditions in the creek. Because of the comparison of the SWAMP data to an inappropriate standard, this single LOE should be excluded from the evaluation.

Given that the Copermittee data collected presented above was collected recently, was obtained from flow weighted composite samples, and is representative of both ambient and storm conditions, this LOE is strong in demonstrating that there is no impairment caused by Se in Loma Alta Creek.

Regional Board Response:

The Regional Board staff recommends that Loma Alta Creek remain listed for impairment by Selenium on the 303(d) List.

Regarding the correct use of the CTR Freshwater Criterion Continuous Concentration (chronic): Section 6.1.5.6 of the Listing Policy states "if sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period". Therefore, regardless of the elapsed time between discrete samples, the reported concentrations should be compared to the available criterion.

Grab samples collected during base flow conditions are most representative of what is occurring over time in a stream, rather than composite samples collected during a storm event. The Copermittee data is, for the most part, collected during storm events, which occur in San Diego only a few times a year. These storm events cause increased stream flows for a matter of hours or possibly a few days. The water chemistry reported during storm events can be very different from the base flow water quality.

Comment ID: 87 **TOPIC(S):** San Luis Rey River/Phosphorus/Nitrogen (new)

ORGANIZATION: City of Vista
NAME: Paul Hartman

Comment:

The Basin Plan then establishes goals for phosphorus and nitrogen. While recent water quality data for phosphorus and nitrogen may not meet the goals, there is no evidence to indicate that the present concentrations are stimulating growth to the point of nuisance or adversely affecting beneficial uses in the San Luis Rey River.

Furthermore, there is a considerable amount of research occurring at the present time which will help to assess nutrients, their impacts on specific water bodies, and develop nutrient numeric endpoint criteria. Data collected under the Lagoon Investigative Order 2006-0076 is currently being assessed by the Southern California Coastal Water Research Project (SCCWRP) team in an effort to develop appropriate nutrient numeric endpoint (NNE) criteria that will consider the actual effects of the nutrient loads on the water bodies. Other factors such as dissolved oxygen levels and biomass concentrations will be taken into account to determine what impacts are evident. This research is being conducted for the State of CA.

A supporting Line of Evidence (LOE), LOE ID 27028, for the new listings cite biodiversity impacts, detected in benthic macro invertebrate surveys. While the benthic community does appear to be impacted throughout Southern California's streams, there is often no clear linkage to the cause of these impacts.

Regional Board Response:

The Regional Board staff recommends that the San Luis Rey River be identified as impaired for Phosphorus and Total Nitrogen as N on the 303(d) list . The data clearly indicate that nutrient concentrations are consistently exceeding the Basin Plan criteria. Further investigation is needed to determine the impact to the waterbody. The TMDL process includes data collection and analysis to determine whether the waterbody is impaired, and if so to what degree and to what extent. If the waterbody is not impaired then reductions of pollutants (nitrogen or phosphorus) will not be necessary and specific BMPs will not be needed.

The Lagoons Investigation Order data and the research involved with that project will involve only estuaries and not freshwaters, such as the San Luis Rey River. The freshwater data collected were during two or three storm events only at the base of the watershed. Data collected during other conditions would be helpful in addition to measurements of other environmental variables.

The Nutrient Numeric Endpoint (NNE) Approach for streams and reservoirs/ lakes has been completed. This approach can be used now. The NNE Approach is used as a screening tool, or in cases where a site-specific study is not warranted. The NNE Approach could be used as an initial determination of the waterbody condition for the San Luis Rey River when more site-specific data, collected for such an analysis for the river, has been collected.

Data collected during the TMDL process can be used in the NNE Approach as well. However, for a TMDL, a more rigorous site-specific modeling approach is used to get an answer that has more certainty than the NNE Approach.

Biodiversity impacts were included as a LOE , but did not have any bearing whatsoever on th decision to place the San Luis Rey River on the 303(d) List for nutrients. You are correct in stating that biodiversity impacts in the San Luis Rey River cannot be linked to nutrient concentrations without further study.

Comment ID: 88 **TOPIC(S):** San Luis Rey/Selenium (new listing)

ORGANIZATION: City of Vista

NAME: Paul Hartman

Comment:

Decision ID 17071 in the Fact Sheet presents only one LOE (21182) to support the decision to list the creek for dissolved Se. This LOE describes data collected under Surface Waters Ambient Monitoring Program (SWAMP). The data used to support this listing was collected in 2004 and 2005. Each sample was collected as a grab sample, representative only of the conditions in the water column at the time and location of the sample. Furthermore, the SWAMP data is then compared to a CTR Freshwater Chronic water quality objective. It is inappropriate to compare data from a grab sample to a chronic objective. The chronic objective should be used to evaluate conditions over time at the location and should only be compared to composite samples, i.e. samples collected over a continuous period of time based on flow conditions in the creek. Because of the comparison of the SWAMP data to an inappropriate standard, this single LOE should be excluded from the evaluation. Additionally, one of the three samples that

exceeded the water quality objective was flagged as estimated and out of compliance with the QAPP.

Given that the Copermittee data collected presented above was collected recently, was obtained from flow weighted composite samples, and is representative of both ambient and storm conditions, this LOE is strong in demonstrating that there is no impairment caused by Se in the San Luis Rey River. For these reasons, the City requests a reevaluation of the proposed listing and the removal of Se from the proposed 303(d) list.

Regional Board Response:

The Regional Board staff recommends that the San Luis Rey River be identified as impaired for Selenium on the 303(d) List for this listing cycle.

The SWAMP data were the only selenium data reviewed for the assessment of the San Luis Rey River. Additional datasets may be submitted for review and assessment in the 2010 303(d) Listing Cycle, which will begin in early 2010.

Two of the eight SWAMP selenium samples were estimated data. These two samples should be disregarded. Therefore, two of six samples exceeded the 5.0 ug/l criterion, which will still place the San Luis Rey River on the 303(d) List at this time. When the Copermittee Stormwater data are included in the selenium assessment of the San Luis Rey River in the future, this listing should be reconsidered.

Regarding the correct use of the CTR Freshwater Criterion Continuous Concentration (chronic): Section 6.1.5.6 of the Listing Policy states "if sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period". Therefore, regardless of the elapsed time between discrete samples, the reported concentrations should be compared to the available criterion.

Comment ID: 89 **TOPIC(S):** Shorelines

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

The 2008 303(d) listings definition of shorelines have been split into smaller segments (an estimated size of 50 yards), while in previous 303(d) listings, single sample locations were used to list larger segments of coastlines. This change in approach creates inconsistencies with historic listings and current de-listing evaluations. Revise historical listings to be consistent with the new policy regarding coastal shoreline segments. Data from monitoring locations should be applied to the same coastal segment that was used in the original listing.

Regional Board Response:

For 2008, the shoreline segments have been split into smaller segments and each represents an area near the sampling location of the data being assessed. For beach segments with available bacteria data, the sample location has been evaluated for fecal, total and enterococcus bacteria and the shoreline segments mapped in Calwqa. The

smaller beach segments is consistent with what other coastal Regional Board's are doing with their shoreline monitoring data.

It is expected that the current shoreline monitoring programs will not need to add shoreline monitoring stations based on the new and revised shoreline 303(d) listings. Additional monitoring may be required under development of new bacteria TMDLs to confirm impairments and verify sources but that will be evaluated on a site specific basis.

Comment ID: 90 **TOPIC(S):** Shoreline / Indicator Bacteria

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

All listings should be specific to the type of indicator bacteria, and historical listings should be corrected to reflect the specific indicator exceeded at that location.

Regional Board Response:

The County may wish to provide the Regional Board with a request for a specified waterbody to be considered a priority to address the issue: "to be specific to the type of indicator bacteria", during the next 303(d) Listing Cycle beginning early in 2010.

Comment ID: 91 **TOPIC(S):** Shoreline / Indicator Bacteria

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

Shoreline / Indicator Bacteria

3.) 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.

Regional Board Response:

Bacteria Impaired Waters TMDLs Project I for Beaches and Creeks includes the following areas: 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. The policy requires that the Regional Board list water body segments where the pollutant concentrations meet the exceedence criteria for listing the water body segment.

The Bacteria I TMDL and Implementation Plan will be used to manage bacteria loading to these locations. The Regional Board anticipates that the Bacteria I TMDL and Implementation Plan will address any new listings for impairment by bacteria in the referenced areas, so that any additional TMDLs may not be required.

Comment ID: 92 **TOPIC(S):** Shoreline / Poche Beach

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

Shoreline / Poche Beach

4.) 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.

Regional Board Response:

The Regional Board agrees with this comment and the waterbody segment Pacific Ocean Shoreline, San Clemente HSA at Poche Beach near the Intersection of Camino Capistrano and Pacific Coast Highway will be removed from the CalWQA database.

Comment ID: 93 **TOPIC(S):** San Clemente City Beach/Pier

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

The fact sheet reports 6 exceedances of the monthly enterococcus geomean standard in 32 total samples. A re-examination of the data cited (5/04-12/06) indicates 3 exceedances in 32 total samples. The criteria for delisting is 5 exceedances for 31-36 total samples, therefore this location should be delisted.

Regional Board Response:

The Regional Board staff recommends that the decision for Pacific Ocean Shoreline, San Clemente HSA at San Clemente City Beach, San Clemente Pier be changed from DO NOT LIST to DO NOT DELIST. LOE 28806 correctly stated that there are 3 exceedances of geomean for enterococcus. To delist for this water body, there must be 2 exceedances or less for a sample size of 28 to 36. This water body was erroneously delisted based on single sample max of 7 out of 548. Therefore, based on 3 exceedances of geomean out of 32 data points, this water body should be placed on "DO NOT DELIST" category.

Comment ID: 94 **TOPIC(S):** English Canyon / San Juan Creek

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

English Canyon / San Juan Creek

6.) 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.

Regional Board Response:

The Regional Board staff recommend that English Canyon and San Juan Creek remain listed for impairment by Selenium on the 303(d) List for this cycle.

Dissolved selenium is a subset of the total selenium and total recoverable selenium (TRS). For English Canyon and San Juan Creek, the TRS is equal to or greater than the dissolved selenium. Therefore, the error made in this assessment using only dissolved selenium data will be that the waterbody would not be listed for selenium when it should have been listed for selenium.

Comment ID: 95 **TOPIC(S):** Aliso Creek

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

Aliso Creek

7.) The link for Aliso Creek Selenium SWAMP 2007 data is invalid and the data was inaccessible.

Regional Board Response:

The SWAMP 2007 data are not available yet, so SWAMP data for 2002 and 2003 were used for this assessment.

Comment ID: 96 **TOPIC(S):** Arroyo Trabuco / Diazinon Criterion

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

Arroyo Trabuco / Diazinon Criterion

8.) Historic data should not be utilized for diazinon listings. 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. In 2003 diazinon was banned by EPA for turf, lawn and outdoor application. 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.

Regional Board Response:

The Regional Board staff recommend that Arroyo Trabuco Creek remain listed as impaired for diazinon on the 303(d) List for this cycle.

In order to remove a waterbody removed from the 303(d) List for a specific toxicant pollutant, at least 28 samples with measured exceedances at or below the maximum number of exceedances found in Table 4.1 of the "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List" is required. A request to remove the listing and the required supporting data may be submitted during the call for data at the beginning of each 303(d) Listing Cycle. The County may wish to provide the Regional Board with additional data for the next listing cycle beginning in early 2010.

Comment ID: 97 **TOPIC(S):** San Juan Creek / Diazinon listing

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

San Juan Creek / Diazinon listing

9.) The proposed listing of San Juan Creek for diazinon is based on an incorrect evaluation of the data. An examination of the cited data showed 2 exceedances in 35 samples, which does not meet the listing criteria for toxicants. To list the waterbody, 3 exceedances out of 25-36 total samples are required.

Regional Board Response:

The Regional Board staff recommend that San Juan Creek remain listed as impaired for diazinon on the 303(d) List for this cycle.

The Regional Board staff verified that the Dept. of Pesticide Regulation Program reported 2 exceedance in 11 diazinon samples (04/08/1999 thru 01/17/2001) for a station at Stonehill Drive, which is approximately 0.75 miles to the San Juan Creek mouth (Lat 33.4753 Long -117.6790). (Staff found only 11 samples at DPR for San Juan Creek, not 26.) Regional Board staff concur with the four SWAMP samples, and the five OCPW samples. The total count for diazinon samples in San Juan Creek in Orange County, where pesticide loading would be an issue, is 20. These data exceed the minimum of two exceedances in 20 samples required to place San Juan Creek on the 303(d) List.

Comment ID: 98 **TOPIC(S):** Dana Point Harbor

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

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.

Regional Board Response:

The Regional Board staff will make a correction in the citation.

Comment ID: 99

TOPIC(S): NPDES Data

ORGANIZATION: Orange County Public Works

NAME: Chris Crompton

Comment:

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.

Regional Board Response:

For some stream locations, only the most common conventional data were reviewed and assessed. The Regional Board had to prioritize the overwhelming abundance of data available for assessment in the 2008 listing cycle. Your comment is one of the examples of how the Regional Board sometimes limited the assessment, but still managed to address the waterbody to some extent for the 2008 listing cycle.

The County may wish to provide a request for a more comprehensive assessment for a specific waterbody or Hydrologic Sub Area next listing cycle beginning in early 2010.

Comment ID: 100

TOPIC(S): Toxicity Assessment

ORGANIZATION: Orange County Public Works

NAME: Chris Crompton

Comment:

12.) The assessments of toxicity should not consolidate results from tests with different organisms or the results using different toxicity testing endpoints. 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 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.

Regional Board Response:

The different toxicity tests were included for water and/or sediment as the media; using algae, invertebrates, and/or fish as test organisms as LOEs for one waterbody Decision. The exceedences from each test were combined resulting in one number of exceedances.

The rationale for combining data results is that the State Board and Regional Board are interested in capturing toxicity results of all aquatic life toxicity, not just organism or media specific toxicity. Although toxicity tests' results were combined, the responsible parties can still review the data, and focus efforts on the areas (pollutants) that the toxicity test results indicate are causing the toxicity; or they can develop a toxicity identification evaluation (TIE) to verify the cause(s) of the toxicity.

Comment ID: 101 **TOPIC(S):** Agua Hedionda Lagoon (delisting)

ORGANIZATION: City of San Marcos
NAME: Erica Ryan

Comment:

Agua Hedionda Lagoon - Indicator Bacteria

1.) The City of San Marcos supports the recommendation of delisting Agua Hedionda Lagoon for indicator bacteria, as the water body meets the water quality standard established for this pollutant. Seven lines of evidence (LOE) were considered in the assessment of this pollutant-water body combination and the data demonstrate that applicable water quality standards are being achieved.

Regional Board Response:
Comment noted.

Comment ID: 102 **TOPIC(S):** Agua Hedionda Lagoon (delisting)

ORGANIZATION: City of San Marcos
NAME: Erica Ryan

Comment:

Agua Hedionda Lagoon - Sedimentation/Siltation

2.) The city of San Marcos supports the recommendation to delist Agua Hedionda Lagoon for sedimentation/siltation based upon the weight of evidence presented in the fact sheet.

Regional Board Response:
Comment noted.

Comment ID: 103 **TOPIC(S):** On Line Database

ORGANIZATION: County of San Diego Department of Public Works
NAME: John Snyder

Comment:

1.) Information about individual sample controls was not included in the on-line SWAMP database. For example, percent minimum significant difference (pMSD) bounds cannot be calculated because the replicate control results have not been made available in the online SWAMP database. These data are important for verifying the quality of individual test results.

Regional Board Response:

The SWAMP database verifies the QA condition of the data (accepted, estimated, rejected). The database also provides descriptors for the reasons data are "estimated". Although the QA information is limited in the database, the Regional Board staff decisions to accept or reject "estimated" data must be made using those descriptors.

Comment ID: 104

TOPIC(S): 6

ORGANIZATION: County of San Diego Department of Public Works

NAME: John Snyder

Comment:

2.) Section 6.1.4 of the Policy states: "Data supported by a Quality Assurance Project Plan (QAPP) pursuant to the requirements of 40 CFR 31.45 are acceptable for use in developing the section 303(d) list." Many of the individual sample results included in the listing assessment contained the following note: "Estimated; non-compliant with associated QAPP." These data should be removed from the listing assessments because the validity of the sample results may be in question. Water body segments to which this comment applies are detailed in the specific comments below.

Regional Board Response:

The Regional Board is reassessing the "estimated" data about which you have concerns. Many of those "estimated" data are being removed from the assessment. Sometimes this removal will change a waterbody pollutant combination listings, sometimes it will not.

Comment ID: 105

TOPIC(S): Sediment/ Toxicity Testing

ORGANIZATION: County of San Diego Department of Public Works

NAME: John Snyder

Comment:

3.) In many of the proposed toxicity listings, sediment and water toxicity samples were combined to determine final exceedance counts and listing determinations. The toxicants found in water and sediment are likely to be different. The Policy does not state that water and sediment toxicity results may be used together to list a water body segment.

Regional Board Response:

The different water or sediment toxicity tests included as LOEs for one waterbody Decision were counted together resulting in the number of exceedances for the waterbody. The rationale for counting data results together is that the State Board and Regional Board are interested in capturing the results of all aquatic life toxicity, not just organism or media specific toxicity.

Comment ID: 106 **TOPIC(S):** Santa Margarita River (lower)

ORGANIZATION: County of San Diego Department of Public Works
NAME: John Snyder

Comment:

Santa Margarita River (lower)

4.) 2 LOE were presented in support of a new toxicity listing in the Santa Margarita River (lower): sediment and water toxicity. The fact sheet states that three of six samples exceeded the water quality objective. This is based on combining: 1) sediment and water toxicity results, and 2) different toxic test endpoints and species (Selenastrum and Ceriodaphnia dubia). Section 3.6 of the Policy states that water segments may be listed for statistically significant water or sediment toxicity. The section does not state that water and sediment toxicity results may be used together to list a water body. The sensitivity of test organisms to pollutants may be quite different in these two matrices; therefore, sediment and water toxicity results should not be combined.

Recommendation

There are no valid sample results for toxicity in the water column. Moreover, the total number of sediment toxicity exceedances is zero; therefore, the Santa Margarita River (lower) should not be listed for toxicity on the 2008 section 303(d) list.

Regional Board Response:

After reviewing the data and viewing the descriptor of the estimated data, the the Regional Board staff recommend removing the listing for toxicity for the lower Santa Margarita River from the 303d List for this cycle. The Selenastrum capricornutum toxicity test data was verified as having estimated data for one of the three exceeded samples. For the Ceriodaphnia test, one of the two exceeded samples was estimated data.

Comment ID: 107 **TOPIC(S):** Moosa Canvon Creek (toxicity delisting)

ORGANIZATION: County of San Diego Department of Public Works
NAME: John Snyder

Comment:

Moosa Canvon Creek (toxicity delisting)

5.) One line of evidence was used to list 18 miles of Moosa Creek for toxicity. The revised total number of exceedances of Selenastrum is one of three, which is less than the required number to list the water body according to Table 3-1 of the Policy. It is

recommended that Moosa Canyon Creek be removed from the list as the listing criteria of Table 3-1 are not met.

Regional Board Response:

The Regional Board staff recommends removing the listing for toxicity for Moosa Canyon Creek from the 303d List for this cycle. The Regional Board verified that one of the exceedences of the *Selenastrum capricornutum* test was estimated data, and was then determined to be unacceptable for use in the 303d Listing.

Comment ID: 108 **TOPIC(S):** Escondido Creek

ORGANIZATION: County of San Diego Department of Public Works

NAME: John Snyder

Comment:

Escondido Creek - Toxicity

6.) Five lines of evidence were used to list 26 miles of Escondido Creek for toxicity. Two lines of evidence were based on biodiversity impacts, which may be caused by physical habitat or other factors, and not necessarily toxicity. Of the remaining three lines of evidence, one was based on storm water data, one on ambient water, and another on sediment. Sediment, ambient water, and storm water monitoring data were combined to determine that six of 31 samples exceeded the toxicity water quality objective.

The revised total number of exceedances is zero of 13 for wet weather, zero of five for sediment, and one of eight for ambient weather. The number of exceedances necessary to list the water body for toxicity is two according to Table 3.1 of the Listing Policy; therefore, this water body does not meet the requirements for listing for toxicity.

Regional Board Response:

The Regional Board recommends that Escondido Creek remain listed for impairment by toxicity on the 303(d) List for this cycle.

Three lines of evidence using toxicity testing were used to place Escondido Creek on the 303d List for toxicity, with two of 15 exceedences for the *Selenastrum capricornutum* toxicity test, and one of eight exceedences for the *Ceriodaphnia dubia* test. The SWAMP data were verified as being accepted data, without any estimated or rejected data. The SWAMP data had three of eight exceedences using the *Hyalalela azteca* toxicity test.

The biodiversity indices LOEs were used as supporting data, but were not used as a deciding factor to place Escondido Creek on the 303(d) List for toxicity. Although diazinon has been removed from the marketplace, it is still present in our waterways. In addition, we cannot verify that the sole reason for the toxicity reported in these past analyses was due to diazinon. To remove a waterbody from the 303(d) List for toxicity, submit at least 28 data toxicity points from the waterbody of concern with exceedences below those found in Table 3.1 of the "Water Quality Control Policy for the California CWA 303(d) List".

Comment ID: 109 **TOPIC(S):** Los Penasquitos Creek (N delisting)

ORGANIZATION: County of San Diego Department of Public Works
NAME: John Snyder

Comment:

Los Penasquitos Creek (N delisting)

7.) Two lines of evidence were used to list Total Nitrogen in Los Penasquitos Creek. One line of evidence was biodiversity impacts, which may be caused by physical habitat or other factors, and not necessarily total nitrogen concentrations. The other line of evidence was ambient total nitrogen data. According to Table 3.1 of the Policy, a minimum of two samples must exceed the threshold concentration. Because only one of the four samples collected exceeded the water quality objective for total nitrogen, the criteria for listing according to Table 3.1 are not met. and the total nitrogen listing should be removed from the list.

Regional Board Response:

The Regional Board staff recommends that Los Penasquitos Creek remain listed for impairment by total nitrogen on the 303d List for this cycle.

Decision 16696 is supported by LOE ID 7336 for total nitrogen impairment of Los Penasquitos Creek. This LOE uses the San Diego County Municipal Copermitee data, which as 15 of 15 exceedences for total nitrogen. A total of 16 of 19 samples exceeded the water quality objective.

Comment ID: 110 **TOPIC(S):** Sweetwater River

ORGANIZATION: County of San Diego Department of Public Works
NAME: John Snyder

Comment:

Sweetwater River

8.) Four lines of evidence were used to list 50 miles of the Sweetwater River for toxicity. One line of evidence was biodiversity impacts, which may be caused by physical habitat or other factors, and not necessarily toxicity. Of the remaining three lines of evidence, one was for storm water toxicity, one was for ambient water toxicity, and another was for sediment toxicity. Also, The distance between the Sweetwater River 3 and Sweetwater River 8 sampling sites appears to be approximately 27 miles, but the water segment listing is for 50 miles. It is recommended that the water segment be changed to reflect data assessment results at the two monitoring stations. In addition, one of four ambient samples and zero of one 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 one of one samples were toxic for Hyalella growth in sediment.

Regional Board Response:

Sweetwater River site #3 should represent only the upper Sweetwater River; and Sweetwater River site #8 should represent only the lower Sweetwater River. The rationale for the two segments is not only the distance and difference in terrain and elevation, but also because a reservoir separates the two segments.

The Regional Board will take the following action:

The upper Sweetwater River will be removed from the 303d List for toxicity, because Site #3 data did not indicate toxicity.

The lower Sweetwater River will remain on the 303d List for toxicity. Site #8 had 3 of 4 exceedences for the Selenastrum capricornutum test.

Comment ID: 111 **TOPIC(S):** Jamul Creek / sediment toxicity

ORGANIZATION: County of San Diego Department of Public Works

NAME: John Snyder

Comment:

Jamul Creek / sediment toxicity

9.) Three lines of evidence were used to list Jamul Creek for toxicity. One line of evidence was biodiversity impacts, which may be caused by physical habitat or other factors, and not necessarily toxicity. Of the remaining two lines of evidence, one was ambient water toxicity, and the other was sediment toxicity. It is recommended that Jamul Creek not be listed for sediment toxicity, as zero of two samples were found to be toxic.

Regional Board Response:

The Regional Board staff recommends that Jamul Creek will remain listed for impairment by toxicity on the 303d List for this cycle.

The Selenastrum capricornutum test for Jamul Creek had two of three exceedences for toxicity.

There was a typographical error in LOE 26511. Neither of the two samples were toxic in the Hyallela azteca sediment toxicity tests for Jamul Creek.

Jamul Creek was placed on the 303d List for toxicity with two of five exceedences for toxicity.

Comment ID: 112 **TOPIC(S):** Santa Ysabel Creek/ Toxicity

ORGANIZATION: County of San Diego Department of Public Works

NAME: John Snyder

Comment:

Santa Ysabel Creek/ Toxicity

10.) The extent of the listing for toxicity in Santa Ysabel Creek is 37 miles. The extent is based on the distance between the upstream station at SYC#4 and the downstream station (below an impoundment) at SYC#7. Section 6.1.5.4 of the Policy states that,

"data shall be aggregated by water body segments as defined in the Basin Plans." The Policy also states that, at a minimum, the RWQCBs should identify stream reaches that may have different pollutant levels based on differences in land use, tributary inflow, or discharge input. Therefore, two separate reaches of the waterbody should be listed, not 37 miles.

Recommendation

It is recommended that the water segment be changed to reflect the data assessment results at the two monitoring stations for toxicity.

Regional Board Response:

The Regional Board staff recommends that both the upper and lower segments of Santa Ysabel Creek remain listed for impairment by toxicity on the 303d List for this cycle.

Santa Ysabel Creek station # 4 and #7 data should not be combined for analysis. The stations are separated by Sutherland Reservoir and Dam, which will affect the stream water's physical, chemical, and biological composition. The stream segments above and below the reservoir are designated as different hydrologic sub-areas (HSA).

When analyzing the data from both stations #4 and #7 separately, the data still indicate toxic conditions.

Comment ID: 113 **TOPIC(S):** Agua Hedionda Lagoon delisting/bacteria

ORGANIZATION: County of San Diego Department of Public Works

NAME: John Snyder

Comment:

Agua Hedionda Lagoon bacteria

11.) The County supports the recommendation to de-list Agua Hedionda Lagoon for indicator bacteria, as the water body meets the water quality standard established for this pollutant. Seven lines of evidence were considered in the assessment of this pollutant-water body combination, and the data demonstrate that applicable water quality standards are being achieved. The County also supports the recommendation to de-list Agua Hedionda Lagoon for sedimentation/siltation based upon the weight of evidence presented in the fact sheet.

Regional Board Response:

Comment noted.

Comment ID: 114 **TOPIC(S):** Ocean Waters

ORGANIZATION: Center For Biological Diversity

NAME: Emily Jeffers

Comment:

Request to list the Ocean for acidification as stated in the Ocean Plan.

Regional Board Response:

The Regional Boards are not addressing this issue individually. Staff of the State Water Resources Control Board reviewed the Center For Biological Diversity's request and the scientific papers they provided. In response, Shakoora Azimi-Gaylon of the State Water Board sent a letter to Emily Jeffers of the Center for Biological Diversity dated September 10, 2008. The letter explains how staff conduct assessments and summarizes the data that was reviewed by staff. As stated in the letter, Section 6.1.4 of the Listing Policy requires consideration of only the data and information that meet the minimum quality assurance requirements. The variable pH data submitted by the Center for Biological Diversity do not meet the data quality requirements described in the Listing Policy and the research results cannot be used for 303(d) listing.

Comment ID: 115 **TOPIC(S):** Delistings

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

The City of Carlsbad supports the decision to delist waterbodies: Agua Hedionda Lagoon, Pacific Ocean Shoreline, Buena Vista Creek HA at Buena Vista Lagoon Outlet, at Carlsbad State Beach at Carlsbad Village, and at Carlsbad State Beach at Pine Avenue.

Regional Board Response:

Comment noted.

Comment ID: 116 **TOPIC(S):** Escondido Creek/DDT

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

LOE #6231 should not be included because it states the number of sample exceedances may not be determined because a detection limit was used that was above the criteria (CTR).

Regional Board Response:

LOE 6231 is included for these data and the LOE states that the data are insufficient.

Comment ID: 117 **TOPIC(S):** Escondido Creek/Selenium

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

While Escondido Creek was contaminated with selenium in 2002, these later data from 2003 and 2005 indicate selenium may no longer be a contaminant in this water body.

Regional Board Response:

The Regional Board recommends that Escondido Creek be listed as impaired for Selenium on the 303(d) List for this cycle. The 303(d) Policy requires that the Regional Board staff consider of all data. At this time, there are eight exceedances which does not yet allow the Regional Board to recommend delisting this water body for Selenium. For the Regional Board staff to recommend removing a waterbody from the 303(d) List for a specific toxicant pollutant, the "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List" requires at least 28 samples with measured exceedances at or below the maximum number of exceedances found in Table 4.1. The City may wish to provide additional data for the Regional Board to consider for delisting this waterbody-pollutant combination during the next listing cycle beginning early in 2010.

Comment ID: 118 **TOPIC(S):** Escondido Creek/Sulfates

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Mistype of three LOEs when there are two LOEs. Incorrect standard used.

Regional Board Response:

The Regional Board recommends that Escondido Creek be listed as impaired for sulfates on the 303(d) List for this cycle. The Regional Board staff must make listing decisions that are consistent with the designated beneficial uses of water bodies and applicable water quality objectives in the Basin Plan, and the statewide listing policy. Escondido Creek is designated by the Basin Plan as having beneficial uses including municipal and domestic supply and therefore it is appropriate to apply secondary drinking water standards. The Regional Board staff have made a revision to the decision to indicate that two LOEs are available instead of three LOEs.

Comment ID: 119 **TOPIC(S):** Escondido Creek/Nitrogen

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Mistype of three LOEs when there are five.

Regional Board Response:

The suggested revision has been made to state five LOEs instead of three LOEs.

Comment ID: 120 **TOPIC(S):** Escondido Creek/Toxicity

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:
Mistype of four LOEs when there are five.

Regional Board Response:
The suggested revision has been made to state five LOEs instead of four.

Comment ID: 121 **TOPIC(S):** Escondido Creek/Enterococcus, Fecal Coliform

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:
Escondido Creek is not used for REC-1.

Regional Board Response:
Escondido Creek is designated as having Water Contact Recreation (REC-1) beneficial uses in the San Diego Basin Plan. The Regional Board staff is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

Comment ID: 122 **TOPIC(S):** Loma Alta Creek/Toxicity

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:
Mistype of three LOEs when there are four.

Regional Board Response:
The suggested revision has been made to state four LOEs instead of three.

Comment ID: 123 **TOPIC(S):** Agua Hedionda Creek/Enterococcus, Fecal coliform

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:
Agua Hedionda is not used for REC-1.

Regional Board Response:

The San Diego Region Basin Plan designates Agua Hedionda Creek as having beneficial uses including Water Contact Recreation (REC-1). The Regional Board staff is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.

Comment ID: 124 **TOPIC(S):** 303 Database

ORGANIZATION: San Diego Coast Keeper
NAME: Karen Franz

Comment:

Discuss How this database interfaces with others particularly CEDEN

Regional Board Response:

The California Water Quality Assessment Database (CalWQA) is used as a data assessment tool for the CWA 303(d) List, and serves as a database for the Lines of Evidence (LOEs) and the Decisions used in the producing the 305(b) assessement and 303(d) List. It is not a database used to store the raw data that goes into producing the Lines of Evidence.

CalWQA does not link up with the CEDEN database, since it is an independent tool and database that is not the same type of data as to other datasets. In addition, the CEDEN database would not have the "fields" needed to enter and store the specific CALWQA information.

Comment ID: 125 **TOPIC(S):** Sandia Creek/ Total N delisting

ORGANIZATION: USMC Water Resources
NAME: Jeremy Jungreis

Comment:

We have data to share with the Regional Board that shows consistently high levels of total nitrogen in Sandia Creek, leading Camp Pendleton to believe delisting Sandia Creek for nitrogen is inappropriate.

Regional Board Response:

The Regional Board is interested in assessing the Sandia Creek data that you have collected. The State Water Board will send out a request at the beginning of the next 303(d) listing cycle, which will begin in early 2010. Please plan to submit the Sandia Creek nitrogen data for the 2010 listing cycle.

Comment ID: 126 **TOPIC(S):** B St./ Bacteria Delisting

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

Classification of Listing/Delisting for Bacteria

B St. Area of San Diego Bay and tidelands Park listing of item conflicts with recommendation identified in San Diego Bay Bacteria TMDL

Regional Board Response:

Comment noted but it is not clear from the comment how the Port thinks the listing conflicts with the referenced TMDL.

Comment ID: 127

TOPIC(S): Santa Margarita River Watershed Nutrients

Delisting

ORGANIZATION: USMC Water Resources

NAME: Jeremy Jungreis

Comment:

Santa Margarita River Watershed Nutrients Delisting

3.) Although observations regarding the scientific propriety of water quality objectives in the San Diego Basin Plan are beyond the scope of review under Section 303(d) of the CWA, reference stream conditions in the Santa Margarita River watershed appear to contain naturally high levels of nutrients in the absence of anthropogenic loading. This may suggest that current Basin Plan water quality objectives are more stringent than natural conditions in the Santa Margarita River watershed. It is suggested that the Regional Board evaluate the propriety of Basin Plan standards in the Santa Margarita Watershed during the next Triennial Review.

Regional Board Response:

Comment noted. The USMC is invited to propose modified water quality objectives and supporting information during the next Triennial Review of the Basin Plan.

Comment ID: 128

TOPIC(S): San Mateo Creek/Invasive Species Delisting

ORGANIZATION: USMC Water Resources

NAME: Jeremy Jungreis

Comment:

San Mateo Creek/Invasive Species Delisting

How can a water body be listed as impaired for invasive species? It appears that such species would need to be treated as a "pollutant", but how would stakeholders and the Regional Board develop and implement a TMDL for such a pollutant?

Regional Board Response:

The invasive species 303(d) listing for San Mateo Creek will be removed from the 2008 303(d) List.

No one will dispute that invasive plant species cause great harm to our waterbodies by reducing the amount of water in the stream through transpiration, outcompeting native species that provide valuable habitat and food sources for aquatic species and wildlife, reducing habitat space that is available for native algae/ plants and open water area, and possibly releasing toxins into the water. It is the Regional Board's understanding that the U.S. Marine Corps Camp Pendleton will address invasive plant species on San Mateo Creek through development and implementation of an invasive species management plan for San Mateo Creek.

Comment ID: 129 **TOPIC(S):** SD Bay/ PCB listing

ORGANIZATION: U.S. Navy Water Program Office
NAME: Len Sinfield

Comment:

Why are PCB's proposed to be listed on the SUBASE TMDL? PCBs are already listed on a TMDL for a San Diego Bay-wide TMDL and specifically listing PCBs for SUBASE is redundant. The line of evidence states that PCBs in tissue samples were above a regulatory trigger adjacent to SUBASE; however, the SUBASE samples had concentrations below that found in reference samples from other parts of San Diego Bay. This indicates a Bay-wide issue and not a site specific issue. The PCB should be addressed in the Bay-wide TMDL and not a site specific TMDL.

Regional Board Response:

The Regional Board is removing the San Diego Bay at the Submarine Base (Decision 30066) from the 2008 303(d) List for PCBs.

The seven fish tissue samples collected at the Submarine Base had PCB concentrations in tissue that were lower than the reference sites in San Diego Bay, although they did exceed the 20 ug/kg value used for the listing. The PCBs in fish tissue found at the Submarine Base will be addressed in the San Diego Bay-wide PCB TMDL.

Comment ID: 132 **TOPIC(S):** Public Comments

ORGANIZATION: Adrian Kinnane (Public Comment)
NAME: Adrian Kinnane

Comment:

Comments from a citizen concerned about the condition of the Tijuana Estuary and Imperial Beach, and shoreline sites at La Jolla and Pacific Beach.

Regional Board Response:

Comment noted. The Regional Board, the Dischargers within the watersheds of the lagoons (and other estuaries) in the San Diego Region, and the State Water Resources Control Board, and the Southern California Coastal Water Research Group are collecting data on nutrients (nitrogen and phosphorus) to determine the dynamic of these

systems with respect to algae/ plant growth and dissolved oxygen concentrations in these waterbodies.

All of these waterbodies are on the CWA 303(d) List of Impaired Waterbodies and will eventually be addressed as a TMDL, or possibly as another management action, as time and resources allow.

Comment ID: 133 **TOPIC(S):** Lower Santa Margarita River / Listing
Decisions

ORGANIZATION: County of San Diego Watershed Planning
NAME: Todd Snyder

Comment:

We have noted many instances in which data tagged with "Estimated; non-compliant with associated QAPP" were used to support listing decisions. We have found some examples (Lower Santa Margarita River – Toxicity, Moosa Canyon Creek – Toxicity, and Escondido Creek – Toxicity) that would not be recommended for listing if these data were excluded from the analysis.

Regional Board Response:

The Regional Board staff have reviewed the data in question and have changed the 303(d) Listing when the "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List", Tables 4.1 or 4.2 criteria are not met.

Comment ID: 134 **TOPIC(S):** Sweetwater River/ Toxicity Listing Segmented
Data

ORGANIZATION: County of San Diego Watershed Planning
NAME: Todd Snyder

Comment:

Four lines of evidence were used to list 50 miles of the Sweetwater River for toxicity. One line of evidence was biodiversity impacts, which may be caused by physical habitat or other factors, and not necessarily toxicity. Of the remaining three lines of evidence, one was for storm water toxicity, one was for ambient water toxicity, and another was for sediment toxicity.

The distance between the Sweetwater River 3 and Sweetwater River 8 sampling sites appears to be approximately 27 miles, but the water segment listing is for 50 miles. Section 6.1.5.4 of the Policy states: "data shall be aggregated by water body segments as defined in the Basin Plans." The Policy also states that, at a minimum, the RWQCBs should identify stream reaches that may have different pollutant levels based on differences in land use, tributary inflow, or discharge input. Therefore, two separate reaches of the waterbody should be considered for listing, not 50 miles.

Regional Board Response:

Also see response to comment ID 110.

Sweetwater River site #3 should represent only the upper Sweetwater River; and Sweetwater River site #8 should represent only the lower Sweetwater River. The rationale for the two segments is not only the distance and difference in terrain & elevation, but also because a reservoir separates the two segments.

The Regional Board staff will take the following action:

The upper Sweetwater River will be removed from the 303d List for toxicity, because Site #3 data did not indicate toxicity.

The lower Sweetwater River will remain on the 303d List for toxicity. Site #8 had 3 of 4 exceedences for the Selenastrum capricornutum test.

Comment ID: 135 **TOPIC(S):** Water and Sediment Toxicity Results

ORGANIZATION: County of San Diego Watershed Planning

NAME: Todd Snyder

Comment:

In many of the proposed new listings for toxicity, results from sediment and water toxicity samples were combined to determine final exceedance counts and listing determinations. What is the justification for combining results from sediment and water samples when the toxicants found in water and sediment are likely to be different, and the endpoints used in the analysis of each are different?

Regional Board Response:

Also see response to Comment ID: 105.

The different water or sediment toxicity tests included as LOEs for one waterbody Decision were counted together resulting in the number of exceedances for the waterbody. The rationale for counting data results together is that the State Board and San Diego Regional Board are interested in capturing the results of all aquatic life toxicity, not just organism or media specific toxicity.

Comment ID: 136 **TOPIC(S):** SWAMP database and Fact Sheets

ORGANIZATION: County of San Diego Watershed Planning

NAME: Todd Snyder

Comment:

We have found several instances in which the data and lines of evidence presented in the fact sheets do not match up with the supporting data provided in the SWAMP database. We are submitting specific comments where we have found this to be the case, but we wonder if there are more instances that we don't know about.

Regional Board Response:

The Regional Board staff are working diligently to make corrections on these discrepancies that you and others are submitting. Between public comments, our review, and the State Board's review, we expect to find and correct these mistakes.

Comment ID: 137 **TOPIC(S):** Pacific Ocean Shoreline Listings/Delistings

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

The 2008 303(d) listings definition of shorelines have been split into smaller segments (an estimated size of 50 yards), while in previous 303(d) listings, single sample locations were used to list larger segments of coastlines. This change in approach creates inconsistencies with historic listings and current de-listing evaluations. Revise historical listings to be consistent with the new policy regarding coastal shoreline segments. Data from monitoring locations should be applied to the same coastal segment that was used in the original listing.

Regional Board Response:

See Response to Comment ID: 89.

For 2008, the shoreline segments have been split into smaller segments and each represents an area near the sampling location of the data being assessed. For beach segments with available bacteria data, the sample location has been evaluated for fecal, total and enterococcus bacteria and the shoreline segments mapped in Calwqa. The smaller beach segments is consistent with what other coastal Regional Board's are doing with their shoreline monitoring data.

It is expected that the current shoreline monitoring programs will not need to add shoreline monitoring stations based on the new and revised shoreline 303(d) listings. Additional monitoring may be required under development of new bacteria TMDLs to confirm impairments and verify sources but that will be evaluated on a site specific basis.

Comment ID: 138 **TOPIC(S):** Indicator Bacteria Listing

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

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. 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.

Regional Board Response:

See response to comment ID: 91. The County may wish to provide the Regional Board with a request for a specified waterbody to be considered a priority to address the issue: "to be specific to the type of indicator bacteria." That request may be made for the next listing cycle beginning in early 2010.

Comment ID: 139 **TOPIC(S):** Indicator Bacteria Listings and TMDL

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

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. Additional listings within an area already covered by a TMDL are unnecessary.

Regional Board Response:

See response to comment ID: 91.

Bacteria Impaired Waters TMDLs Project I for Beaches and Creeks includes the following areas: 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. The policy requires that the Regional Board list water body segments where the pollutant concentrations meet the exceedence criteria for listing the water body segment.

Comment ID: 140 **TOPIC(S):** Poche Beach 2006 Listing Clarification

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

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.

Regional Board Response:

The Regional Board agrees with this comment and the waterbody segment Pacific Ocean Shoreline, San Clemente HSA at Poche Beach near the Intersection of Camino Capistrano and Pacific Coast Highway will be removed from Calwqa.

Comment ID: 141 **TOPIC(S):** San Clemente City Beach/Pier Delisitng

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

San Clemente City Beach/Pier Delisting
The Do Not Delist decision for Clemente City Beach/San Clemente Pier is based on an erroneous data evaluation. The fact sheet reports 6 exceedances of the monthly enterococcus geometric mean standard in 32 total samples. A re-examination of the data cited indicates 3 exceedances of the monthly enterococcus geometric mean standard in 32 total samples. The criteria for delisting is 5 exceedances for 31-36 total samples therefore this location should be delisted.

Regional Board Response:

See response to comment ID 93:

LOE 28806 correctly stated that there are 3 exceedances of geometric mean for enterococcus. In order to delist for this water body, there must be 2 exceedances or less for a population of 28 to 36 samples. Currently, this water body was erroneously delisted based on single sample max of 7 out of 548. Therefore, based on 3 exceedances of geometric mean out of 32 data points, this water body should be placed on DO NOT DELIST category.

Comment ID: 142
Selenium

TOPIC(S): English Canyon/San Juan Creek Dissolved

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

English Canyon/San Juan Creek Dissolved Selenium
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.

Regional Board Response:

See response to comment ID 94:

The Regional Board staff recommends that English Canyon and San Juan Creek remain listed as impaired for selenium on the 303(d) List for this cycle.

Dissolved selenium is a subset of the total selenium and total recoverable selenium (TRS). For English Canyon and San Juan Creek, the TRS is equal to or greater than the dissolved selenium. Therefore, the error made in this assessment using only dissolved selenium data will be that the waterbody would not be listed for selenium when it should have been listed for selenium.

Comment ID: 143

TOPIC(S): Arroyo Trabuco diazinon

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

Arroyo Trabuco diazinon
Historic data should not be utilized for diazinon listings. 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.

Regional Board Response:

See response to comment ID 96:

The Regional Board staff recommends that Arroyo Trabuco Creek remain listed as impaired for diazinon on the 303(d) List for this cycle.

In order to have a waterbody removed from the 303(d) List for a specific toxicant pollutant, at least 28 samples with measured exceedances at or below the maximum number of exceedances found in Table 4.1 of the "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List" is required. A request for removal and required data may be submitted during the data solicitation at the beginning of each 303(d) Listing Cycle.

Comment ID: 144 **TOPIC(S):** San Juan Creek Diazinon Listing

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

San Juan Creek Diazinon
The proposed listing of San Juan Creek for diazinon is based on an incorrect evaluation of the data.

Regional Board Response:

Same as Comment ID: 97

The Regional Board staff recommends that San Juan Creek remain listed as impaired for diazinon on the 303(d) List for this cycle.

The Regional Board staff verified that the Dept. of Pesticide Regulation Program reported 2 exceedance in 11 diazinon samples (04/08/1999 thru 01/17/2001) for a station at Stonehill Drive, which is approximately 0.75 miles to the San Juan Creek mouth (Lat 33.4753 Long -117.6790). (Staff found only 11 samples at DPR for San Juan Creek, not 26.) Regional Board staff concur with the four SWAMP samples, and the five OCPW samples. The total count for diazinon samples in San Juan Creek in Orange County, where pesticide loading would be an issue, is 20. Two exceedances in

20 samples meets the criteria to list San Juan Creek, for impairment by Diazinon, on the 303(d) List.

Comment ID: 146 **TOPIC(S):** Toxicity Evaluations

ORGANIZATION: County of Orange Water Quality Planning
NAME: Amanda Carr

Comment:

Toxicity Evaluations

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.

Regional Board Response:

See response to comment ID 100:

The different toxicity tests were included for water and/or sediment as the media; using algae, invertebrates, and/or fish as test organisms as LOEs for one waterbody Decision. The exceedences from each test were combined resulting in one number of exceedances.

The rationale for combining data results is that the State Board and San Diego Regional Board is interested in capturing results of all aquatic life toxicity, not just organism or media specific toxicity. Although toxicity tests' results were combined, the responsible parties can still review the data, and focus efforts on the areas (pollutants) that the toxicity test results indicate are causing the toxicity; or they can develop a toxicity identification evaluation (TIE) to verify the cause(s) of the toxicity.

Comment ID: 147 **TOPIC(S):** Chollas Creek Recreation Uses

ORGANIZATION: Chollas Restoration Enhancement And Conservancy
NAME: John Stump

Comment:

Chollas Creek Recreation Uses

Our organization seeks recognition of the entire length of Chollas Creek for social and recreation uses. We have provided pictures and documentation of families using creek (Fox Canyon Debacle Continues <http://cleanupcityhall.com/newsdisplay.php?pid=13> and Fox Canyon Controversy Turko Files <http://www.kusi.com/features/turko/6720292.html>) Children and adults have always played in upper Chollas. Chollas Creek has operating water well at Greenwood Cemetery and the Chollas Lake is used for youth fishing (formally Chollas Heights Reservoir. Native American usage found in every CEQA investigation

Regional Board Response:

Chollas Creek was placed on the CWA 303(d) List in the past and the Regional Board staff recommend continuing the listing is for the 2008 Listing cycle. The CWA 303(d) Listing process is primarily based upon numeric (quantitative) types of data. If you know have any quantitative data that you can provide, the Regional Board will include that information for our evaluation during the next listing cycle beginning in early 2010.

Comment ID: 149 **TOPIC(S):** San Luis Rey River Station Location

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Station Location

The Lines of Evidence (LOE) that uses SWAMP data lump the two SWAMP San Luis Rey Monitoring stations (903LSLR2 and 903SLSLR8) together, although they are over 30 miles apart. The assessment area for the listings include only the lower 19 miles, and so SLR2 is outside of this assessment area.

Regional Board Response:

The Regional Board staff agrees that two SWAMP sites, SLR2 and SLR8 should be considered separate sites with data assessed separately.

The SLR2 site is not very far downstream from Lake Henshaw, and it is highly influenced by releases from the dam.

The SLR8 site is near the mouth of the stream, near the ocean. The two sites appear to be over 40 river miles apart.

Also, these two sites are in different Hydrologic Areas 903.1 and 903.2; they are different stream segments.

Comment ID: 150 **TOPIC(S):** San Luis Rey River Enterococcus

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the link will be fixed.

Comment ID: 151 **TOPIC(S):** San Luis Rey River Fecal Coliform

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the link will be fixed.

Comment ID: 152

TOPIC(S): San Luis Rey River Phosphorus

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the link will be fixed.

Comment ID: 153

TOPIC(S): San Luis Rey River Phosphorus

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Phosphorus

According to the SWAMP data, two of the four samples (IDs 5399642 and 5411682 from 3/1/2005 and 4/20/2005, respectively) were below the WQO of 0.1 mg/L. These four samples were taken from SWAMP station SLR2 which is located over 30 miles inland, outside of the assessment area. This line of evidence should be removed as it is not relevant to the assessment area.

Regional Board Response:

The Regional Board agrees that LOE ID 25793 should be removed from Decision ID 17070. However, the lower segment of the San Luis Rey River (HA 903.1) will remain on the 303(d) List for phosphorus.

LOE IDs 7374 and 7348 will remain with Decision ID 17070. From these LOEs, 4 of 4 and 15 of 15 samples, respectively, exceed the water quality objective for phosphorus.

Comment ID: 154

TOPIC(S): San Luis Rey River Selenium

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Selenium

“Data used to Asses WQ”: says “Four of the samples showed excessive sulfate concentrations....” Sulfate should be changed to selenium

Regional Board Response:

The Regional Board staff will make the recommended change.

Comment ID: 155 **TOPIC(S):** San Luis Rey River Selenium

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Selenium

see Comment ID's 153 and 157 for help with this answer (Record # 69 and 73)

Regional Board Response:

The Regional Board staff have re-evaluated the mentioned data and revised the Lines of Evidence and Decisions. The Regional Board staff does not recommend listing this waterbody for impairment by selenium and has indicated "Do Not List onf 303(d) list (TMDL required list)" for Decision 17071.

Comment ID: 156 **TOPIC(S):** San Luis Rey River Selenium

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Selenium

Of the remaining four samples from SLR8, one was marked with “Estimated; non-compliant with associated QAPP” and should be removed from the listing assessment

Regional Board Response:

The Regional Board agrees with this comment. There is an insufficient amount of data to support a listing for impairment by Selenium in this a 303(d) Listing cycle. The decision will be changed to do not list on 303d List.

Comment ID: 157 **TOPIC(S):** San Luis Rey River Selenium

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Selenium

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Appendix L:
Responses to Public Comments

In addition, more recent Copermitte storm water and ambient MLS and TWAS data does not show any exceedances of selenium WQO from 2001 through 2008 (0 of 26 samples). The basis for this listing should be reviewed.

Regional Board Response:

See response to comment ID 156.

Comment ID: 158 **TOPIC(S):** San Luis Rey River Sulfates

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Sulfates

see Comment ID's 153 and 157 for help with this answer (Record # 69 and 73)

Regional Board Response:

The Mass Loading Station data has been added to the San Luis Rey River, West of Interstate 15 evaluation.

Comment ID: 159 **TOPIC(S):** San Luis Rey River Sulfates

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Sulfates

The Weight of Evidence section reference section 3.2 of Listing Policy which would indicate that sulfate is a conventional pollutant and therefore would require a minimum sample number of 5. Since sulfates are considered a conventional pollutant, then the minimum number of samples would not be met and sulfates should not be listed on the 303(d) list for this segment.

Regional Board Response:

The Regional Board staff agrees with this comment. Sulfates are classified as a conventional pollutant and data should be applied to Table 3.2 of the Listing Policy. The pollutant should be listed if the number of exceedances is equal to or greater than 5. LOE 23500 does not meet these requirements and the decision has been changed to Do Not List.

Comment ID: 160 **TOPIC(S):** San Luis Rey River Total Nitrogen as N

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Total Nitrogen as N
The link is incorrect. It links to the Santa Margarita Watershed report.

Regional Board Response:

Comment noted. The link will be corrected for Decision ID 17072 for the San Luis Rey River Total Nitrogen impairment.

Comment ID: 161 **TOPIC(S):** San Luis Rey River Total Nitrogen as N

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

The SWAMP data indicates that only 5 samples were collected at SWAMP station 903SLSLR2 (as opposed to the 8 stated in the fact sheet).
Of these five, two exceeded 1 mg/L
Of those two, the 5/19/2004 sample included a nitrate value that was estimated and not compliant with the QAPP.
In addition, this LOE is for samples from SLR2, which is over 30 miles inland and should not be used in the evidence to list the lower 19 miles.
This line of evidence should be removed as it is not relevant to the assessment area.

Regional Board Response:

The Regional Board staff verified that the nitrate sample for May 19, 2004 exceeded was tagged as estimated data. However, the kjeldahl nitrogen and nitrite samples for May 2004 were in compliance. The kjeldahl nitrogen value for May 19, 2004 was 1.78 mg/l, which exceeds the water quality objective for total nitrogen as N.

Regional Board staff verified 4 exceedances from 4 samples collected at SLR2 for HA 903.2. Table 3.2 for conventional pollutants requires at sample size of at least five. Therefore, a 303(d) listing cannot be made due to insufficient data.

Data from the SLR2 site should be considered for the middle segment of the San Luis Rey River only (HA 903.2).

Comment ID: 162 **TOPIC(S):** San Luis Rey River Total Nitrogen as N

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

San Luis Rey River Total Nitrogen as N
The SWAMP data indicates that only 3 samples were collected at SWAMP station 903SLSLR8 (as opposed to the 8 stated in the fact sheet), all of which exceeded the WQO. Of those three, the 5/18/2004 sample included a nitrate value that was estimated

and not compliant with the QAPP, which is part of the Total Nitrogen calculations. Should this data point still be included?

Regional Board Response:

The Regional Board staff verified that one of four nitrate samples contained estimated data at site SLR8 (the sample collected on May 19, 2004). With this sample removed from the assessment, two of four samples exceed the water quality objective for total nitrogen. Table 3.2 for conventional pollutants requires at sample size of at least five. Therefore, a 303(d) listing cannot be made due to insufficient data.

Data from the SLR8 site will be used for the lower segment of the San Luis Rey River only (HA 903.1).

Comment ID: 163 **TOPIC(S):** Loma Alta Creek Selenium

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

Loma Alta Creek Selenium

One of the four samples has the comment "Estimated; not compliant with QAPP" and should therefore be removed from the listing assessment. More recent Copermitee stormwater and ambient TWAS data does not show any exceedances of the selenium WQO.

Regional Board Response:

The Regional Board staff have re-evaluated the mentioned data and revised the Lines of Evidence and Decisions, and recommends that Loma Alta Creek remain listed as impaired for selenium for this 303d Listing cycle. The solicitation of the next Integrated Report process will start in early 2010. The City of Oceanside is welcome to submit additional data for the next Integrated Report when the request for data is circulated. All submitted data will be considered for future listing and delisting evaluations.

Comment ID: 164 **TOPIC(S):** Agua Hedionda Lagoon Indicator Bacteria

ORGANIZATION: City of Oceanside (Water Utilities Department)

NAME: Mo Lahsaie

Comment:

Agua Hedionda Lagoon Indicator Bacteria

The City supports the recommendation to de-list Agua Hedionda Lagoon for indicator bacteria.

Regional Board Response:

Comment noted.

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Appendix L:
Responses to Public Comments

Comment ID: 165 **TOPIC(S):** Agua Hedionda Lagoon sedimentation/siltation

ORGANIZATION: City of Oceanside (Water Utilities Department)
NAME: Mo Lahsaie

Comment:

Agua Hedionda Lagoon Sedimentation
The city also supports the recommendation to de-list Agua Hedionda Lagoon for sedimentation/siltation.

Regional Board Response:

Comment noted.

Comment ID: 166 **TOPIC(S):** San Elijo Lagoon, Cardiff Outlett - Enterococcus

ORGANIZATION: City of Encinitas
NAME: Erik Steenblock

Comment:

San Elijo Lagoon, Cardiff Outlett - Enterococcus
The city of Encinitas supports the De-Listing decision for the following water-body pollutant combinations: San Elijo Lagoon, Cardiff Outlett - Enterococcus

Regional Board Response:

Comment noted.

Comment ID: 167 **TOPIC(S):** San Elijo Lagoon, Cardiff Outlett - Fecal Coliform

ORGANIZATION: City of Encinitas
NAME: Erik Steenblock

Comment:

San Elijo Lagoon, Cardiff Outlett - Fecal Coliform
The city of Encinitas supports the De-Listing decision for the following water-body pollutant combinations: San Elijo Lagoon, Cardiff Outlett - Fecal Coliform

Regional Board Response:

Comment noted.

Comment ID: 168 **TOPIC(S):** Pacific Ocean at Cardiff State Beach San Elijo

ORGANIZATION: City of Encinitas
NAME: Erik Steenblock

Comment:

Pacific Ocean at Cardiff State Beach San Elijo - Total Coliform

Remove or delay the listing of Cardiff State Beach at San Elijo for Total Coliform. Out of 6 Lines of Evidence (LOEs), LOE's 27417 and 27406 are identified as those supporting the impairment of the Shellfish Harvesting (SHELL) beneficial use due to Total Coliform exceedances. LOE 27406 identifies 117 of 302 samples exceeding Total Coliform standards for the Shellfish Harvesting. The Shellfish Harvesting Beneficial Use does NOT apply to this water body. It is arguably inappropriate to apply shellfish harvesting total coliform water quality standards to this water body.

Regional Board Response:

Pacific Ocean Shoreline, San Elijo HSA, at Cardiff State Beach at San Elijo Lagoon is the coast of the Pacific Ocean which is designated with a Shellfish Harvesting Beneficial Use (San Diego Basin Plan). San Elijo Lagoon is not designated with a Shellfish Harvesting Beneficial Use (San Diego Basin Plan) but this listing is not for San Elijo Lagoon, it is a listing for Pacific Ocean Shoreline, San Elijo HSA, at Cardiff State Beach at San Elijo Lagoon.

Comment ID: 171 **TOPIC(S):** Pacific Ocean at Cardiff State Beach San Elijo

ORGANIZATION: City of Encinitas

NAME: Erik Steenblock

Comment:

Pacific Ocean at Cardiff State Beach San Elijo - Total Coliform

There is currently a significant effort by a diverse group of stakeholders to address a variety of concerns regarding the San Elijo Lagoon including circulation, hydrodynamics, habitat, and water quality through the San Elijo Lagoon Restoration Project. A final data report related to this comprehensive lagoon monitoring effort was provided to the RWQCB In June of 2009, therefore should be considered in future 303(d) list development.

Regional Board Response:

A person does not need to submit data that are already in the Regional Boards' files (e.g., data submitted as part of a discharger's monitoring and reporting program). If a person would like to assure that a particular data set is evaluated, they should submit a completed "2012 303(d)/305(b) Data Solicitation Submittal Form" with the title of the data set and/or report containing the data in the "Summary of Data" field. The next data solicitation period should begin in early 2010.

Comment ID: 172 **TOPIC(S):** Cottonwood Creek DDT

ORGANIZATION: City of Encinitas

NAME: Erik Steenblock

Comment:

Cottonwood Creek DDT

It is recommended that the water body-pollutant combination of Cottonwood Creek-DDT be REEVALUATED or REMOVED from the Draft Report List because it does not fulfill the QAPP requirements.

Regional Board Response:

The Regional Board staff recommends retaining the listing of Cottonwood Creek for impairment by DDT on the 303d List for this listing cycle. Decision 5345 was made in 2006 and no new information was provided to the Regional Board for consideration during the 2008 listing cycle. As a result, this decision was carried over during this listing cycle. The City of Encinitas may wish to provide additional information for the Regional Board to consider during the next listing cycle beginning in early 2010. The City of Encinitas may wish to provide additional information for the Regional Board to consider during the next listing cycle beginning in early 2010.

Comment ID: 173 **TOPIC(S):** Cottonwood Creek Selenium

ORGANIZATION: City of Encinitas
NAME: Erik Steenblock

Comment:

Cottonwood Creek Selenium

It is recommended that the water body-pollutant combination of Cottonwood Creek-Selenium be re-evaluated for the Draft Report because the data used for this listing, SWAMP 2007 data, does not fulfill the QAPP.

Regional Board Response:

The Regional Board staff recommends listing of Cottonwood Creek for impairment by Selenium on the 303d List for this listing cycle. The City of Encinitas may wish to provide additional information for the Regional Board to consider during the next listing cycle beginning in early 2010.

Comment ID: 174 **TOPIC(S):** Escondido Creek DDT

ORGANIZATION: City of Encinitas
NAME: Erik Steenblock

Comment:

Escondido Creek DDT

It is recommended that the water body-pollutant combination of Escondido Creek for DDT be re-evaluated for the Draft Report because LOE 3247 identifies 5 of 8 total samples as exceeding applicable water quality criteria for DDT when the referenced SWAMP, 2004 data, has no result information provided and most samples, and a number of samples appear to be duplicative.

Regional Board Response:

The Regional Board staff recommends retaining the listing of Escondido Creek for impairment by DDT on the 303d List for this listing cycle. The Regional Boardstaff

reviewed the City of Escondido's Live Stream Discharge monitoring data for Escondido Creek, which had detection limits that were less than the water quality objective. When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality objective, the result shall not be used in the analysis (Listing Policy Section 6.1.5.5). Therefore, the Regional Board staff evaluation relied upon the SWAMP data from the 2006 listing cycle. The City may wish to provide additional information for the Regional Board to consider during the next listing cycle beginning in early 2010.

Comment ID: 175 **TOPIC(S):** Sandia Creek Total N

ORGANIZATION: US Marine Corps
NAME: D.F. Levi

Comment:

Sandia Creek Total N

1.) While the subject report proposes to de-list Sandia Creek in the Santa Margarita River watershed for nitrogen impairment, Camp Pendleton has data from an ongoing water quality study (2007-2009) that indicate the total nitrogen concentrations in Sandia Creek exceed Basin Plan limits in 24 of 24 samples. The study will not be completed until January 2010; however, the base is willing to share preliminary data regarding Sandia Creek in order to inform the Regional Board's decision. Camp Pendleton requests -as was recently discussed at the October 12, 2009 workshop -that the Board delay consideration of de-listing Sandia Creek until the next listing cycle.

Regional Board Response:

Also see response to comment ID: 125.

The Regional Board is interested in assessing the Sandia Creek data that you have collected.

The State Water Board will send out a request at the beginning of the next 303(d) listing cycle, which will begin in early 2010. Your submission of the Sandia Creek nitrogen data will be accepted at that time for the 2010 listing cycle.

Comment ID: 176 **TOPIC(S):** San Mateo Creek Invasive Species

ORGANIZATION: US Marine Corps
NAME: D.F. Levi

Comment:

San Mateo Creek Invasive Species

2.) The proposed listing of "invasive species" as a pollutant and source of impairment in San Mateo Creek is inappropriate under Section 303(d) of the CWA. The CWA not define invasive species as "pollutants." Even if invasive species could be considered pollutants under the CWA, it would be impossible to develop or measure a TDML for invasive fish. Additionally, invasive species are ubiquitous in San Diego County, yet San Mateo Creek is the only proposed invasive species listing. For the foregoing reasons,

Camp Pendleton requests that the Regional Board remove the invasive species listing for San Mateo Creek.

Regional Board Response:

Also see response to comment ID: 128.

The Regional Board staff recommends that the invasive species 303(d) listing for San Mateo Creek will be removed from the 2008 303(d) List.

No one will dispute that invasive plant species cause great harm to our waterbodies by reducing the amount of water in the stream through transpiration, outcompeting native species that provide valuable habitat and food sources for aquatic species and wildlife, reducing habitat space that is available for native algae/ plants and open water area, and possibly releasing toxins into the water. It is the San Diego Water Board's understanding that the U.S. Marine Corps Camp Pendleton will address invasive plant species on San Mateo Creek through development and implementation of an invasive species management plan for San Mateo Creek.

Comment ID: 177 **TOPIC(S):** Santa Margarita Watershed

ORGANIZATION: US Marine Corps
NAME: D.F. Levi

Comment:

Santa Margarita Watershed - Basin Plan Standards

3.) Although observations regarding the scientific propriety of water quality objectives in the San Diego Basin Plan are beyond the scope of review under Section 303(d) of the CWA, reference stream conditions in the Santa Margarita River watershed appear to contain naturally high levels of nutrients in the absence of anthropogenic loading. This may suggest that current Basin Plan water quality objectives are more stringent than natural conditions in the Santa Margarita River watershed. It is suggested that the Regional Board evaluate the propriety of Basin Plan standards in the Santa Margarita Watershed during the next Triennial Review.

Regional Board Response:

See response to comment ID: 127.

Comment noted. The USMC is invited to propose modified water quality objectives and supporting information during the next Triennial Review of the Basin Plan.

Comment ID: 178 **TOPIC(S):** Pacific Ocean Shoreline La Jolla Beach/Cove & Miss

ORGANIZATION: Amanda Sousa (Citizen)
NAME: Amanda Sousa

Comment:

Pacific Ocean Shoreline La Jolla Beach/Cove & Mission Bay

Support of the listing of Pacific Ocean Shoreline at La Jolla Shores Beach, at LaJolla Cove and at Pacific Beach Point. I would also like to take this opportunity to oppose the delisting of Mission Bay Shoreline at Fanuel Park and at Sail Bay. I feel it is important to include these waterways on the impaired waters list because the waters are frequently discolored and there is no biodiversity of animals. I feel that the low rainfall in San Diego over the last three years has resulted in samples that do not reflect an accurate picture of the health of the waterway.

Regional Board Response:

The Regional Board, the Dischargers within the watersheds of the lagoons (and other estuaries) in the San Diego Region, and the State Water Resources Control Board, and the Southern California Coastal Water Research Group have been collecting data on nutrients (nitrogen and phosphorus) to determine the dynamic of these systems with respect to algae/ plant growth and dissolved oxygen concentrations in these waterbodies.

While Mission Bay has been placed on on the 303(d) Impaired Waterbodies List in some locations but not others, the implementation of management plans for Mission Bay will benefit the entire bay system. In addition, the bay is affected to different degrees by larger inputs or more concentrated inputs of pollutants than by those that are much smaller.

A TMDL will be presented at our November 18, 2009 board meeting for approval regarding bacteria at many of our beaches and streams. Once all approvals have been given, implementation of the bacteria TMDL will begin for the affected waterbodies, including Mission Bay.

All of these waterbodies are on the CWA 303(d) List of Impaired Waterbodies and will eventually be addressed as a TMDL, or possibly as another management action, as time and resources allow.

Comment ID: 179 **TOPIC(S):** Poggi Creek Selenium

ORGANIZATION: City of Chula Vista

NAME: Khosro Aminpour

Comment:

Poggi Creek Selenium

In reviewing the SWAMP data, it is evident that test results from samples taken on 4/21/2003 and 5/15/2003 are both "Estimated, non-compliant with associated Quality Assurance Project Plan (QAPP)". Of the three test results on the same sample from 2/21/2003, two of the results are from "Matrix Spike/Matrix Spike duplicate" samples, indicating that they were blanks. Only one test result from a normal grab sample is compliant with the associated QAPP

Based on the presented data, only one test result on a sample out of three samples taken is valid, and therefore, the data does not meet the requirements of Table 3.1 of the Listing Policy. Since there are insufficient valid sample results from Poggi Canyon

Creek, the referenced LOE does not meet the requirements of Table 3.1 of the Listing Policy and, therefore, Poggi Canyon Creek should not be 303(d) listed for selenium.

Regional Board Response:

The Regional Board staff will recommend removing Poggi Canyon Creek listing for impairment by Selenium from the 2008 303(d) List. Only one of three samples was found to be in compliance with the SWAMP QAPP. This is an insufficient amount of data for a 303(d) List assessment.

Comment ID: 180 **TOPIC(S):** Poggi Creek DDT

ORGANIZATION: City of Chula Vista

NAME: Khosro Aminpour

Comment:

Poggi Creek DDT

The two entries from 1/21/2003 both had no result listed. The one entry from 4/21/2003 had no results listed and was "Estimated; non-compliant with associated QAPP." Out of the six entries from 5/15/2003, four of them were "Matrix Spike/Matrix Spike Duplicates," indicating that they are black samples. Two of these entries did not have results.

Based on the presented data, only one sample (taken 5/15/2003) out of the three samples taken is valid and, therefore, the data does not meet the requirements of Table 3.1 of the Listing Policy. Since there are insufficient valid sample results from Poggi Canyon Creek, the referenced LOE does not meet the requirements of Table 3.1 of the Listing Policy and, therefore, Poggi Canyon Creek should not be 303(d) listed for DDT.

Regional Board Response:

The Regional Board staff will recommend removing Poggi Canyon Creek listing for impairment by DDT from the 2008 303(d) List. The Poggi Canyon Creek samples collected were below the detection limit of 0.002 ug/l, which also was below the CTR value of 0.005 ug/l.

Comment ID: 181 **TOPIC(S):** Sweetwater River TDS, Salinity, Chloride

ORGANIZATION: City of Chula Vista

NAME: Khosro Aminpour

Comment:

Sweetwater River TDS, Salinity, Chloride

Two LOEs (7185, 6519) are presented to support the listing of the Sweetwater River for TDS/Salinity/Chloride. San Diego County Municipal Copermittees' Annual Progress Report, 2007, indicates that eleven of fifteen samples collected exceed the Water Quality Objectives for Total Dissolved Solids. The SWAMP Report, 2007 indicates that four of the eight samples collected at the Sweetwater River show excess sulfate concentrations. The only valid LOE presented in the Fact Sheet supports Listing of the Low Sweetwater River for TDS and not salinity or chloride.

Regional Board Response:

The Regional Board staff agrees with this comment for TDS/Salinity/Chloride. The decision has been changed to reflect one Line of Evidence and the pollutant name has been changed to Total Dissolved Solids. Review of the SWAMP sulfate data for Sweetwater River 3 shows 0 of 4 exceedences and Sweetwater River 8 has 4 of 4 exceedences. The LOE and decision language has been changed and the use support rating will be Fully Supporting.

Comment ID: 182 **TOPIC(S):** Sweetwater River Enterococcus

ORGANIZATION: City of Chula Vista

NAME: Khosro Aminpour

Comment:

Sweetwater River Enterococcus

LOE (7184) supports the listing of the Sweetwater River for Enterococcus. The Fact Sheet further states all 15 samples exceed the WQO for Enterococcus. Test samples were taken in HAS 909.12 which has a Potential Beneficial Use of REC-1. WQO applied to the Lower Sweetwater River is for contact recreation (REC-1), which is a Potential Beneficial Use for that segment of the River. The Correct WQO to be applied is for REC-2 since Potential Beneficial Use should not be used as a basis for 303(d) listing water bodies or developing TMDLs. The WQO applied to the Lower Sweetwater River is for contact recreation (REC-1), which is a Potential Beneficial Use for that segment of the River. It is recommended to use the WQO (REC-2) for comparison of test results and determination of exceedences.

Regional Board Response:

Both existing and potential beneficial uses are considered designated uses under the Clean Water Act. The Regional Board staff have been consistently applying the same water quality criteria to all beneficial uses, whether they are existing or potential. The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.

Comment ID: 183 **TOPIC(S):** Sweetwater River Fecal Coliform

ORGANIZATION: City of Chula Vista

NAME: Khosro Aminpour

Comment:

Sweetwater River Fecal Coliform

LOE (7376) support the listing of the Sweetwater River for Fecal Coliform. 13 of 15 samples exceed the WQO for Fecal Coliform. Test samples were taken in HAS 909.12 which has a Potential Beneficial Use of REC-1. WQO applied to the Lower Sweetwater River is for contact recreation (REC-1), which is a Potential Beneficial Use for that segment of the River. The Correct WQO to be applied is for REC-2 since Potential Beneficial Use should not be used as a basis for 303(d) listing water bodies or

developing TMDLs. The WQO applied to the Lower Sweetwater River is for contact recreation (REC-1), which is a Potential Beneficial Use for that segment of the River. It is recommended to use the WQO (REC-2) for comparison of test results and determination of exceedances.

Regional Board Response:

See response to comment ID: 182.

Both existing and potential beneficial uses are considered designated uses under the Clean Water Act. The Regional Board staff have been consistently applying same water quality criteria to all beneficial uses, being existing or potential. The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.

Comment ID: 184

TOPIC(S): City of SD Water Bodies

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

City of SD Water Bodies

Review of Section 6.1.4 of the WQ Control Plan for Developing California's Clean Water Act 303(d) List Policy States: "Data supported by a Quality Assurance Project Plan (QAPP) pursuant to the requirements of 40 CRF 31.45 are acceptable for use in developing the section 303(d) list" for impaired water body segments. Many of the individual sample results included in the listing assessment contained the following note: "Estimated: non-compliant with associated QAPP." These data should not be included in any listing assessments because the validity of the sample results is in question. The water segments to which this comment applies are detailed in the attached table.

Regional Board Response:

The Regional Board staff reassessed the "estimated" data about which you have concerns. Many of those "estimated" data are being removed from the assessment. Depending upon the data set and number of exceedences, sometimes the removal of "estimated" data will change a waterbody pollutant combination listings, sometimes it will not.

Comment ID: 185

TOPIC(S): Pacific Coastline - La Jolla Shellfish

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Coastline - La Jolla Shellfish

The ASBS designation was made prior to the original November 28, 1975 San Diego Basin Plan Shellfish beneficial use designation. Additionally, the collection of harvesting of shellfish is strictly prohibited and enforced within the ASBS. Therefore, the Shellfish beneficial use is not applicable to the shorelines within the ASBS which has an

enforceable intuitional control that was in place prior to the original Basin Plan Shellfish designation. The City recommends that the Shellfish beneficial use standards not be applied to the listed water bodies.

Regional Board Response:

See response to comment ID 258:

- 1) The number of exceedance in LOE 29148 is thirty-nine, not twenty-nine, which exceeds the allowable frequency of the listing policy.
- 2) Even though the area was designated ASBS and it is understandable that no shellfish harvesting would occur in the area, the San Diego Basin Plan does designate a SHELL beneficial use for the entire Pacific Ocean coastal waters, including the subject area. ASBSs are not excepted from this designation. Therefore, protective water quality standards for SHELL beneficial use are applied for all Pacific Ocean coastal waters.

Comment ID: 186

TOPIC(S): SWAMP database toxicity

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Quality control data for sample results are important for validation of individual test results. Information about individual toxicity sample controls was not included in the online SWAMP database. For example, the percent minimum significant difference (pMSD) bounds cannot be calculated because the replicate control results have not been same available in the online SWAMP database. The city requests that the quality control data specific to individual toxicity sample results be made available on the SWAMP database for public review.

Regional Board Response:

The SWAMP database reports the quality control information next to the data. There is no report of the control data missing or if the control samples were erroneous. At this time, the Regional Board has no reason to not use those SWAMP data that have adequate QA/QC.

Comment ID: 187

TOPIC(S): 303(d) Sediment and Toxicity Samples

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

In many of the proposed toxicity listings, sediment and water toxicity samples were combined to determine the final exceedance count and listing determination. The toxicants found in the water and sediment are likely to be different. Additionally, the species used to test toxicity are different from water and sediment. The Policy states: "A water segment shall be placed on the section 303(d) list if the water segment exhibits

statistically significant water or sediment toxicity using the binomial distribution..." The policy does not state that water and sediment toxicity data can be combined.

Regional Board Response:

The Regional Board staff disagrees with this comment. Section 3.6 of the Listing Policy states "Water may also be placed on the section 303(d) list for toxicity alone. If the pollutant causing or contributing to the toxicity is identified, the pollutant shall be included on the section 303(d) list as soon as possible". The information in most monitoring reports does not identify with any degree of certainty the cause of toxicity.

In cases where sediment toxicity tests were also run along with the water toxicity tests, separate LOEs were written for the sediment and water toxicity tests but the number of samples and exceedances are summed under one decision. The rationale for counting these data results together is that the State Board and Regional Board are interested in whether or not the waterbody is impaired for toxicity.

Comment ID: 188 **TOPIC(S):** total selenium and dissolved selenium criterion

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

The total selenium criteria used for comparison of the dissolved selenium sample data was based on the chronic water quality criteria from the California Toxics Rule (CTR) (40 CRF Part 131). The total selenium criterion from the CTR is 5.0 ug/L. There is no accurate criterion for total or dissolved selenium included in the CTR. However, the dissolved selenium grab samples collected through the SWAMP program were compared to chronic total selenium criterion for assessment purposes, which is inappropriate and is not a scientifically sound method.

Regional Board Response:

Please see response to comment ID: 197.

Comment ID: 189 **TOPIC(S):** Selenium Listing

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

The SD County Municipal Copermittees have collected recent data that were not included in the listing criteria for dissolved selenium. The majority of the selenium listings were based on dissolved selenium grab sample results collected under the SWAMP and the Copermittees Regional Monitoring. These data were not included in the LOE in the fact sheets. Water bodies to which this applies are indicated in the attached table. The copermittees collected ambient condition total and dissolved selenium samples as directed under RWQB order R9-2007-0001 (Permit). These samples were representative of ambient conditions and are comparable to the chronic criterion. Results

collected during ambient conditions were collected over a 24 hour period. The samples were collected during fall 2007 and spring 2008 at many locations in northern SD county and Chollas Creek. The samples, when compared to the chronic criteria of 5.0 ug/L for selenium, do not indicate any issues with total selenium levels during ambient conditions. This is directly based to the results of the SWAMP monitoring results and listing assessments. Based on Municipal Copermittees current data and the misapplication of chronic criteria on acute grab samples, the city is recommending that the proposed listing be reevaluated or moved th the Category 3 list.

Regional Board Response:

The Regional Board staff disagrees with this comment about misapplication of the chronic selenium criteria. The California Toxics Rule does not provide a Criterion Maximum Concentration for freshwater, or a site specific objective, therefore the Regional Board used the Criterion Continuous Concentration. Region's 9 use of the Criterion Continuous Concentration is consistent with other Regional Board selenium assessments for this Integrated Report.

The 2010 Integrated Report will start in early 2010. The City of San Diego is welcome to submit additional data for the next Integrated Report when the request for data is circulated. All submitted data will be considered for future listing and delisting requests.

Comment ID: 190 **TOPIC(S):** Total Nitrogen Listing

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

It is not clear from the Fact Sheets how samples were assessed to determine total nitrogen levels. The listing evaluations for total nitrogen incorporated data from the San Diego Copermittees Regional Monitoring data, as applicable. However the sampling program does not analyze for total nitrogen. Additionally, the term total nitrogen and total nitrogen as N are used interchangeably. The City recommends that the method for determining total nitrogen be included in the Fact Sheets, and the definition of total nitrogen be explicitly defined.

Regional Board Response:

The term "total nitrogen" as used in the 303(d) assessment refers to "total nitrogen as N". The data reference for each entry to the 303(d) database can be found in the LOEs. The method of analysis can be found in the data reference, San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007.

Total nitrogen is usually measured by analyzing samples for nitrate, nitrite, and Kjeldahl nitrogen. The values of the results from these three analytes are combined to produce a value for total nitrogen (as N).

Comment ID: 191 **TOPIC(S):** Miramar, Murray, San Vicente Reservoir, LakHodges

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

The San Diego Basin plan criterion for un-ionized ammonia of 0.025 mg/L was used for the listing evaluations of ammonia as N in Miramar Reservoir, Lake Hodges, Murray Reservoir, and San Vicente Reservoir. The United States Environmental Protection Agency (USEPA) provides guidance on the criteria for ionized ammonia in its 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014. These criteria incorporate temperature, conductivity, and pH into the calculation to determine appropriate ammonia criteria. The USEPA approved method should be used to assess acute ambient levels of ammonia as nitrogen in these water bodies. The un-ionized ammonia criteria should not be used for listing assessments of ammonia as N, and the City recommends that these proposed listings be moved to the Category 3 list.

Regional Board Response:

The Regional Board staff agrees that samples analyzed as ammonia as N (NH₄, which is really ammonium) should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects on organisms.

Comment ID: 192 **TOPIC(S):** Listing Program

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

The Storm Water Department supports the listing program with the goal of protecting and restoring water quality using sound science. In order to assure the City's resources are used cost effectively to reduce identified impairments, we have provided these comments based on sound science approaches. The ultimate management of these listings will require significant City resources. The City will be required to first identify the source of toxicity, and then identify the specific sources of the constituents before management actions can be implemented. When the listing process does not have a sound science approach, significant resources and time will most likely be needed before specific actions can be implemented to address the impairment. For example, where listings are based on the combined water and sediment toxicity results for a single listing, the data should be reevaluated and moved to a Category 3 list. This modification will allow for further studies using data from a combination of regional efforts (e.g. Bight08, Regional Harbor Management Program, Regional Monitoring Program, etc.) and the City's planned special studies to verify potential water quality impairments. These studies will use sound science approaches in addition to obtaining input from the Regional Board. This recommended approach will allow the City to direct its limited resources to higher priority water quality issues and address them in a timely manner.

Regional Board Response:

Comment noted.

Comment ID: 193 **TOPIC(S):** Rose Creek Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Rose Creek Toxicity

1.) It is recommended that Rose Creek be listed as Category 3 in the 2008 305(b)/303(d) Integrated Report for Toxicity. All available data (two water samples and two sediment samples) are noted as "Estimated; non-compliant with associated QAPP". This means that neither the water nor sediment samples are appropriate for inclusion in the listing assessment. Please remove them from the analysis. Section 3.6 of the Policy states that water segments may be listed for statistically significant water or sediment toxicity. The section does not state that water and sediment toxicity results may be used together to list a water body. The sensitivity of test organisms to pollutants may be quite different in these two matrices; therefore, sediment and water toxicity results should not be combined. Control data were not provided and these need to be evaluated in order to validate sample results.

Regional Board Response:

The Regional Board staff recommends that Rose Creek remain listed as impaired for toxicity on the 303(d) List for this listing cycle.

The Regional Board staff disagrees with this comment. Section 3.6 of the Listing Policy states "Water may also be placed on the section 303(d) list for toxicity alone. If the pollutant causing or contributing to the toxicity is identified, the pollutant shall be included on the section 303(d) list as soon as possible". The information in most monitoring reports does not identify with any degree of certainty the cause of toxicity.

1) The Regional Board has adequate information to assess Rose Creek and it cannot be move to the listing category 3 for insufficient information to determine if the beneficial use is supported. New data will be evaluated for the 2010 303(d) listing cycle.

2) Three of four *Selenastrum capricornutum* survival test samples were found to be toxic (LOE 21389). This LOE was used to keep Rose Canyon Creek on the 303(d) List.

2) Regional Board staff reviewed the *Hyaella azteca* survival and growth data and has determined all four samples to be estimated and the one survival sample for sediment toxicity from 6/5/02 was not significantly different compared to the negative control. Also, the *Hyaella azteca* survival and growth test data available in the SWAMP online database included only two samples. Therefore, the Regional Board removed LOE 30285 with these samples and edited the decision 17012 with this change in the CalWQA database but this waterbody still has another LOE with exceedances that according to the Listing Policy accounts for this waterbody to be listed for toxicity.

3) Control data is used to validate sample results. The SWAMP database reports the quality control information next to the data. The control data were reported to be in order.

4) In cases where sediment toxicity tests were also run along with the water toxicity tests, separate LOEs were written for the sediment and water toxicity tests but the number of samples and exceedances were summed under one decision.

The rationale for counting these data results together is that the State Board and San Diego Regional Board are interested in whether or not the waterbody is impaired for toxicity. For waterbodies with storm and urban run-off inputs there are many potential sources of toxicity and it is likely several pollutants are causing the toxicity.

Comment ID: 194 **TOPIC(S):** Rose Creek Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Rose Creek Toxicity

2.) Only Selenastrum results support listing this water body as impaired for toxicity. One of four Ceriodaphnia results was toxic, and not two of four. This discrepancy should be corrected in the database. Toxicity endpoints and species should not be combined for listing decisions, as individual species are sensitive to different pollutants and the toxicity endpoints are indicative of different conditions. The scientific justification for this practice should be verified.

Regional Board Response:

The Regional Board staff disagrees with this comment. Section 3.6 of the Listing Policy states "Water may also be placed on the section 303(d) list for toxicity alone. If the pollutant causing or contributing to the toxicity is identified, the pollutant shall be included on the section 303(d) list as soon as possible". The information in most monitoring reports does not identify with any degree of certainty the cause of toxicity.

1) The Ceriodaphnia survival analysis was 100% mortality but there is no reason not to use this data.

2) Two of the four Ceriodaphnia results are toxic.

3) In cases where sediment toxicity tests were also run along with the water toxicity tests, separate LOEs were written for the sediment and water toxicity tests but the number of samples and exceedances were summed under one decision.

The rationale for counting these data results together is that the State Board and San Diego Regional Board are interested in whether or not the waterbody is impaired for toxicity.

For waterbodies with storm and urban run-off inputs there are many potential sources of toxicity and it is likely several pollutants are causing the toxicity.

Comment ID: 195 **TOPIC(S):** Tecolote Creek Nitrogen

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Tecolote Creek Nitrogen

3.) This LOE is based on fixed station physical chemistry monitoring (SWAMP data) conducted in 2002. None of the three samples collected exceeded the water quality objective for total nitrogen. This LOE does not support listing

Regional Board Response:

The Regional Board staff disagrees with this comment and recommends that Tecolote Creek be identified as impaired for total nitrogen on the 303(d) List.

Decision 16719 is associated with two LOEs 7379 and 7192. LOE 7192 has 33 out of 37 exceedances for Total Nitrogen. With the three samples from LOE 7379, there are 33 of 40 exceedances, which places Tecolote Creek on the 303(d) List.

Comment ID: 196

TOPIC(S): Tecolote Creek Nitrogen

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Tecolote Creek Nitrogen

4.) Reasons for Proposed Changes/Comments:

Based on fixed station physical chemistry monitoring (Urban Runoff Monitoring data) conducted between 1994 and 2006. The fact sheet states that thirty-three of 37 samples exceeded the water quality objective. However, total nitrogen was not measured in this monitoring program and the exceedances are assumed to be based on the sum of nitrate, nitrite and TKN. Of the 37 samples, nitrate and nitrite did not exceed their WQO between 1994 and 2006. No WQO for TKN is available for comparison. If the three nutrient values are summed to assess total nitrogen, and assuming a WQO of 1 mg/L, 28 samples exceeded.

Comments/Proposed Changes:

The analysis results for total nitrogen should be corrected, and the methodology for summing the nitrogen species made clear.

It is recommended that number of exceedances be updated.

Regional Board Response:

The term "total nitrogen" as used in the 303(d) assessment refers to "total nitrogen as N". The data reference for each entry to the 303(d) database can be found in the LOEs. The method of analysis can be found in the data reference, San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007.

Total nitrogen is usually measured by analyzing samples for nitrate, nitrite, and Kjeldahl nitrogen. The values of the results from these three analytes are combined to produce a value for total nitrogen (as N).

Comment ID: 197 **TOPIC(S):** Tecolote Creek Selenium

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Tecolote Creek Selenium

5.) Reasons for proposed changes/Comments:

The fact sheets state that this listing is based on three lines of evidence. However, only one line of evidence is presented. Three samples were collected in 2002 under the SWAMP program. All three samples were analyzed for dissolved selenium and exceeded the California Toxics Rule chronic water quality objective for total Selenium (5µg/L). Copermittee Regional Monitoring data were not included in the assessment. There were 41 samples collected between 1993 and 2007, zero of which exceeded the chronic condition total selenium criteria. Current monitoring data for ambient condition are being collected and will be available for the 2010 integrated report.

Comments/proposed Changes:

The fact sheet should be updated to the correct number of LOEs (one). 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. This water body should be listed as Category 3, there are not enough data to adequately assess the condition of the waterbody and not all currently available data were used in the assessment.

Regional Board Response:

The Regional Board staff have changed the language to reflect the one Line of Evidence.

The Regional Board disagrees with this comment about misapplication of the selenium criteria. The Regional Board used the Criterion Continuous Concentration which is consistent with other Regional Board selenium assessments for this Integrated Report. The City of San Diego may want to consider providing additional data for consideration by the Regional Board for the next Integrated Report. The 2010 Integrated Report will start in early 2010.

Comment ID: 198 **TOPIC(S):** Soledad Canyon Selenium

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Soledad Canyon Selenium

6.) Reasons for proposed changes/Comments:

Four water samples were collected at Soledad Canyon Creek station 906LPSOL2 in March, April, June, and September 2002. Three samples showed excessive selenium

concentration according to results in the Surface Water Ambient Monitoring Program Report, 2007. Sample results were between 7.6 µg/L and 9.5 µg/L.

Comments/proposed Changes:

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

Regional Board Response:

For some stream locations, only the most common conventional data were reviewed and assessed. The Regional Board staff had to prioritize the overwhelming abundance of data available for assessment in the 2008 listing cycle. Your comment is one of the examples of how the Regional Board sometimes limited the assessment, but still managed to address the waterbody to some extent for the 2008 listing cycle.

The City may wish to consider making a request for a more comprehensive assessment for a specific waterbody or Hydrologic Sub Area can be made in the 2010 listing cycle.

Grab samples collected during base flow conditions are most representative of what is occurring over time in a stream, rather than composite samples taken during a storm event. The Copermittee data is, for the most part, collected during storm events, which occur in San Diego only a few times a year. These storm events cause increased stream flows for a matter of hours or possibly a few days. The water chemistry reported during storm events can be very different from the base flow water quality.

Regarding the correct use of the CTR Freshwater Criterion Continuous Concentration (chronic): Section 6.1.5.6 of the Listing Policy states "if sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period". Therefore, regardless of the elapsed time between discrete samples, the reported concentrations should be compared to the available criterion.

Comment ID: 199 **TOPIC(S):** Los Peñasquitos Enterococcus

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Reasons for Proposed Changes/Comments:
Fifteen of fifteen samples exceeded the maximum limit at 61 colonies per 100mL (RWQCB, 2007) which is derived from the US EPA criteria for water contact.

Regional Board Response:

Comment noted.

Comment ID: 200 **TOPIC(S):** Los Peñasquitos Fecal Coliform

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

8.)

Reasons for Proposed Changes/Comments:

Eleven of 15 samples exceeded the WQO of 400 MPN/100mL.

Regional Board Response:

Comment noted.

Comment ID: 201

TOPIC(S): Los Peñasquitos Selenium

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Los Peñasquitos Selenium

9.) Reasons for Proposed Changes/Comments:

Los Peñasquitos Selenium Decision Recommendation: This water body should be listed as Category 3, current ambient monitoring data from the Copermittee Regional Monitoring program are not included in the assessment, and these data show no exceedances of chronic total selenium criteria. Additionally, wet weather data collected between November 2001 to February 2006 do not show any exceedances of chronic total selenium criteria. Finally, Selenium should be compared to the correct criteria; the criterion is for chronic total selenium.

Reasons for proposed changes/Comments:

This LOE lists four samples, of which three 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 two 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 three stations and two events (six samples in total).

Comments/proposed Changes:

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.

Regional Board Response:

The Regional Board staff disagrees with this comment. The SWAMP dissolved selenium data had two of three exceedences for selenium (one sample was removed because it was out of compliance with the QAPP). The SWAMP data combined with the Copermittee stormwater data brings the total to two of eighteen exceedences for selenium. In order to delist selenium at Los Penasquitos Creek, the appropriate number of data points must be submitted during the solicitation for data for a 303(d) Listing cycle. See Section 4.1 in the 303(d) Listing Policy. The next listing cycle will begin in early 2010.

Grab samples collected during base flow conditions are most representative of what is occurring over time in a stream, rather than composite samples taken during a storm event. The Copermittee data is, for the most part, collected during storm events, which occur in San Diego only a few times a year. These storm events cause increased stream flows for a matter of hours or possibly a few days. The water chemistry reported during storm events can be very different from the base flow water quality.

Regarding the correct use of the CTR Freshwater Criterion Continuous Concentration (chronic): Section 6.1.5.6 of the Listing Policy states "if sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period". Therefore, regardless of the elapsed time between discrete samples, the reported concentrations should be compared to the available criterion.

Comment ID: 202 **TOPIC(S):** Los Peñasquitos Selenium

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Los Peñasquitos Selenium

10.) Reasons for proposed changes/Comments:

None of the fifteen dissolved selenium samples collected exceed the water quality objective according to results in the San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007. Samples were collected in November 2001 to February 2006.

Comments/proposed Changes:

The CTR states that the selenium criteria apply to total selenium, and dissolved selenium should not be assessed using standard benchmarks due to the bioaccumulative nature of the substance.

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

Regional Board Response:

The Regional Board staff disagrees with this comment. Both LOE 7050 and LOE 26869 apply to Decision 16570 for Los Penasquitos - Selenium.

LOE 7050 has two of three exceedences, which meets the Listing Policy criteria to support a decision to list Los Penasquitos Creek as impaired for Selenium on the 303(d) List for this listing cycle. In order to delist selenium at Los Penasquitos Creek, the

appropriate number of data points must be submitted during the solicitation for data for a 303(d) Listing cycle. See Section 4.1 in the 303(d) Listing Policy. The next listing cycle will begin in early 2010.

Grab samples collected during base flow conditions are most representative of what is occurring over time in a stream, rather than composite samples taken during a storm event. The Copermittee data is, for the most part, collected during storm events, which occur in San Diego only a few times a year. These storm events cause increased stream flows for a matter of hours or possibly a few days. The water chemistry reported during storm events can be very different from the base flow water quality.

Regarding the correct use of the CTR Freshwater Criterion Continuous Concentration (chronic): Section 6.1.5.6 of the Listing Policy states "if sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period". Therefore, regardless of the elapsed time between discrete samples, the reported concentrations should be compared to the available criterion.

Comment ID: 203 **TOPIC(S):** Los Peñasquitos Total Nitrogen

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

11.)

Reasons for Proposed Changes/Comments:

One of 4 samples collected exceeded the water quality objective according to results in the Surface Water Ambient Monitoring Program Urban Runoff Monitoring Report, January 2007. Samples were collected on March 13, April 24, June 5, and September 18, 2002.

Regional Board Response:

Comment noted. The data reference for each entry to the 303(d) database can be found in the LOEs. The method of analysis can be found in the data reference, Surface Water Ambient Monitoring Program Urban Runoff Monitoring Report, January 2007.

Comment ID: 204 **TOPIC(S):** Los Peñasquitos Total Nitrogen

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Los Peñasquitos Total Nitrogen

12.) Reasons for Proposed Changes/Comments:

The fact sheet states that 15 of 15 samples exceeded the total nitrogen criteria of 1 mg/L. However, total nitrogen was not measured in this monitoring program and the exceedances are assumed to be based on the sum of nitrate, nitrite and TKN. If the monitoring results from November 2001 through February 2008 are assessed, meaning

that nitrate, nitrite, and total kjeldahl nitrogen are summed, then 18 of 20 samples exceed the Basin Plan criteria of 1 mg/L.

The methodology used to calculate total nitrogen should be stated.

Regional Board Response:

The data reference for each entry to the 303(d) database can be found in the LOEs. The method of analysis can be found in the data reference, San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007.

Comment ID: 205 **TOPIC(S):** Los Peñasquitos Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Los Peñasquitos Toxicity

13.) Reasons for Proposed Changes/Comments:

Fifteen storm water samples were collected and used to test for toxicity to Selenastrum, Ceriodaphnia dubia, and Hyalella azteca. None of the samples for any species or test were found to be toxic.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board staff disagrees with this comment and Los Penasquitos Creek shall be listed for toxicity. In LOE 26872 (comment typo 26875), none of the 15 samples were found to exhibit toxicity for Selenastrum, none of the 15 samples were found to exhibit toxicity for Hyalella azteca, and none of the fifteen samples were found to be toxic as determined by the Ceriodaphnia dubia survival/reproductive test according to results in the San Diego County Municipal Copermittees Annual Progress Report, 2007.

The listing decision rates LOE 29872 as fully supporting the beneficial use while LOE 21387 with three out of four exceedances does not support the beneficial use and according to the Listing Policy accounts for listing Los Penasquitos for Toxicity. LOE 21387 showed samples with significant toxicity levels (SL) in the following tests: Selenastrum algae growth test with three of the four samples showing significant levels of toxicity and Ceriodaphnia dubia survival and reproductive test with one of the four samples showing significant levels of toxicity.

Comment ID: 206 **TOPIC(S):** Los Peñasquitos Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Reasons for Proposed Changes/Comments:

Four ambient water samples were collected at one station during 2002. The samples were used to test for toxicity to Selenastrum and Ceriodaphnia dubia. Three of the Selenastrum and one of the four Ceriodaphnia samples were found to be toxic.

Regional Board Response:

Comment noted.

The Regional Board disagrees with this comment and recommends that Los Penasquitos Creek be listed for impairment by toxicity on the 303d List. In LOE 26872 (comment typo 26875), none of the 15 samples were found to exhibit toxicity for Selenastrum, none of the 15 samples were found to exhibit toxicity for Hyalella azteca, and none of the fifteen samples were found to be toxic as determined by the Ceriodaphnia dubia survival/reproductive test according to results in the San Diego County Municipal Copermittees Annual Progress Report, 2007. The listing decision rates LOE 29872 as fully supporting the beneficial use while LOE 21387 with three out of four exceedances does not support the beneficial use and according to the Listing Policy accounts for listing Los Penasquitos for Toxicity. LOE 21387 showed samples with significant toxicity levels (SL) in the following tests: Selenastrum algae growth test with three of the four samples showing significant levels of toxicity and Ceriodaphnia dubia survival and reproductive test with one of the four samples showing significant levels of toxicity.

Comment ID: 207 **TOPIC(S):** Chollas Creek Phosphorus

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

15.)

Reasons for Proposed Changes/Comments:

The LOE states 39 of 40 samples exceeded the Basin Plan WQO of 0.1 mg/L based on data collected at the MLS under the Urban Runoff Monitoring program between 1994 and 2006.

Regional Board Response:

Comment noted.

LOE 6161 for Miramar Reservoir (Decision 16694) state that there are 10 of 10 samples exceeding the un-ionized ammonia criteria of 0.025 mg/l. This LOE is not associated with Chollas Creek for phosphorus.

Comment ID: 208 **TOPIC(S):** Chollas Creek Total Nitrogen

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

6.)

Reasons for Proposed Changes/Comments:

One sample was collected under the SWAMP program in June 2006. This sample exceeded the WQO.

Regional Board Response:

Comment noted.

Comment ID: 209

TOPIC(S): Chollas Creek Total Nitrogen

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

17.)

Reasons for Proposed Changes/Comments:

This LOE states that 37 of 39 samples exceeded Basin Plan WQO based on wet weather data collected under the Urban Runoff Monitoring Program between 1994 and 2006.

Regional Board Response:

Comment noted.

Comment ID: 210

TOPIC(S): Mission Bay at Quivira Basin Copper

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

18.)

Reasons for Proposed Changes/Comments:

This LOE states that three samples were collected under the Regional Harbor Monitoring Pilot Program. Two of the three samples exceeded the acute criteria (4.8 ppb) and all three exceeded the chronic criteria (3.1 ppb). All three samples, analyzed for total, dissolved and sediment, were above WQOs for copper.

Regional Board Response:

Comment noted.

Comment ID: 211

TOPIC(S): Mission Bay at Quivira Basin Copper

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

19.)

Reasons for Proposed Changes/Comments:

The mean of the three water column samples (therefore one sample location) exceeded the chronic water quality objective but not the acute water quality objective for Copper.

Regional Board Response:

Comment noted.

Comment ID: 212

TOPIC(S): Miramar Reservoir Ammonia as N

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Miramar Reservoir Ammonia as N

20.) Reasons for Proposed Changes/Comments:

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.

Comments/Proposed Changes:

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. *(U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999)

This LOE ID (6161) is repeated, the same LOE ID is used in conjunction with decision number 116712.

Regional Board Response:

The Regional Board staff agrees with this comment and recommends that Miramar Reservoir be removed from the 303(d) List.

LOE 6161 for Miramar Reservoir (Decision 16694) state that there are 10 of 10 samples exceeding the ammonia criteria of 0.025 mg/l.

The Regional Board staff agrees that samples analyzed as ammonia (NH₄, which is really ammonium) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

Regional Board staff agrees that non-detect samples should not be removed from the assessment.

Regional Board staff agree that samples analyzed as ammonia (NH₄) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

The reservoir Ammonia (NH₄) samples will be assessed in the 2010 303(d) Listing Cycle using the appropriate method for assessment *(U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999). In addition, the San Diego Water Board would like to have more drinking water reservoir data to review and analyze for the 2010 303(d) assessment.

Comment ID: 213 **TOPIC(S):** Miramar Reservoir Total Nitrogen as N

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

21.)

Reasons for Proposed Changes/Comments:
LOE states that 26 of 28 samples exceeded the WQO.

Regional Board Response:

Comment noted.

Comment ID: 214 **TOPIC(S):** Paleta Creek Total Chromium

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

22.)

Reasons for Proposed Changes/Comments:

This LOE states that two of 32 samples exceeded the acute WQO and four of 32 samples exceeded the chronic WQO for total chromium. The samples were collected from one monitoring station in 2007. However, these data were not available for verification in the "Monitoring and Modeling of Chollas, Paleta and Switzer Creeks" report (SCCWRP, 2007).

The sample size for this assessment is stated as 64, however the number of samples is 32, and they were compared to two criteria. This does not make the sample size 64. In fact, if a sample exceeded both the chronic and acute criteria, this should not count as a double exceedance. As the samples were grab samples, and not composited over a long period of time, the acute criteria should only apply. Therefore, 2 of 32 samples exceed criteria.

Additionally, these data were collected at one station during three storm events. According to the Water Quality Policy, Section 6.1.5.3, data collected "...on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision".

Comments/Proposed Changes:

Please make these data publicly available

Multiple samples from three storm events were used in this listing assessment; however, they were included in the assessment as discrete and representative samples. They should be aggregated by event (perhaps an EMC or other) and assessed that way.

Individual grab samples should be compared to the acute criteria ONLY, and therefore the number of exceedances would be 2 of 32. This is below the allowable number of 3 exceedances.

It is recommended that this waterbody/pollutant combination NOT be listed on the 2008 §303d list.

Regional Board Response:

The Regional Board staff recommends that Paleta Creek not be identified as impaired for total chromium on the 303(d) List for this listing cycle.

One of three exceedances for the stormwater data set collected by SCCWRP in 2006. The data were represented by 32 samples collected over three storm events; however, samples collected within a 24-hour period represent only one data point, which is the average of each 24-hour period.

According to Section 3.1 of the Listing Policy, at least two exceedances are needed before a listing can be made for a toxicant.

Comment ID: 215 **TOPIC(S):** Paleta Creek Copper

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Paleta Creek Copper

23.) Reasons for Proposed Changes/Comments:

27 of 32 samples exceeded the acute WQO and 31 of 32 samples exceeded the chronic WQO for copper. These copper concentrations were above the WQO. Comparing the same sample to both the acute and chronic criteria does not double the sample size.

Comments/Proposed Changes:

Please update the sample size to 32 samples, not 64.

Regional Board Response:

The Regional Board staff agrees with that the number of samples is not 32 but three samples reflecting the three storm events and used the mean value of copper for each storm event.

Comment ID: 216 **TOPIC(S):** San Diego Bay Shoreline at Spanish Landing Colifor

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

24.)

Reasons for Proposed Changes/Comments:

39 of 231 samples exceeded the shellfish standard for Total Coliform. The allowable number of exceedances is 38.

Regional Board Response:

Comment noted. These exceedances warrant a toxicity listing for Total Coliform listing for San Diego Bay Shoreline at Spanish Landing according to the Listing Policy.

Comment ID: 217

TOPIC(S): Lake Hodges Ammonia as N

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Lake Hodges Ammonia as N

25.) Reasons for Proposed Changes/Comments:

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.

Comments/Proposed Changes:

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)

Regional Board Response:

The Regional Board staff agree that samples analyzed as ammonia (NH₄) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

The reservoir Ammonia (NH₄) samples will be assessed in the 2010 303(d) Listing Cycle using the appropriate method for assessment (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999). In addition, the Regional Board staff encourages the City to provide additional drinking water reservoir data to review and analyze for the 2010 303(d) assessment.

Comment ID: 218

TOPIC(S): Murray Reservoir Ammonia as N

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Murray Reservoir Ammonia as N

26.) Reasons for Proposed Changes/Comments:

This 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. All ten 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.

Comments/Proposed Changes:

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).

Regional Board Response:

The Regional Board staff agree that samples analyzed as ammonia (NH₄) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

The reservoir Ammonia (NH₄) samples will be assessed in the 2010 303(d) Listing Cycle using the appropriate method for assessment (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999). In addition, the Regional Board encourages the City to provide additional drinking water reservoir data to review and analyze for the 2010 303(d) assessment.

Comment ID: 219

TOPIC(S): Murray Reservoir Nitrogen

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

27.)

Reasons for Proposed Changes/Comments:

This listing is based on one LOE with 22 of 28 samples exceeding Basin Plan

Regional Board Response:

Comment noted. These exceedances warrant a nitrogen listing for Murray Reservoir according to the Listing Policy.

Comment ID: 220

TOPIC(S): San Dieguito River Toxicity

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

28.)

Reasons for Proposed Changes/Comments:

This LOE is based on the Urban Runoff Monitoring data collected between 2001 and 2006. The LOE indicated that six of 15 samples collected were toxic to the Ceriodaphnia dubia survival/reproductive test. None of the 15 samples collected for Hyalella azteca survival were found to be toxic. Five of fifteen Selenastrum capricornutum samples were found to be toxic in the growth test.

Regional Board Response:

Comment noted. These exceedances in LOE 7492 warrant a toxicity listing for San Dieguito River according to the Listing Policy.

Comment ID: 221

TOPIC(S): San Dieguito River Toxicity

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

San Dieguito River Toxicity

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.

Regional Board Response:

The correct reference 1621 for Surface Water Ambient Monitoring Program Annual Progress Report, 2007 has been assigned to the field named "data used to assess water quality". The LOE 24991 and decision 17058 in the CalWQA database have been revised to show the total number of samples for Selenastrum as three because one sample is estimated. The San Dieguito River remains listed for toxicity.

Comment ID: 222

TOPIC(S): Tijuana River Total Nitrogen as N

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Tijuana River Total Nitrogen as N

30.) Reasons for Proposed Changes/Comments:

The LOE states that this is based on two samples of two exceeding Basin Plan WQOs. However, analysis of the SWAMP data shows that there is no measured total nitrogen data for the Tijuana River 5 Monitoring Station. Only TKN was measured at this site; neither nitrate nor nitrite were measured therefore total nitrogen cannot be assessed.

Comments/Proposed Changes:

Please provide additional rationale for this recommended listing, provide the total nitrogen data used, or move to Category 3 listing.

Regional Board Response:

Total Kjeldahl Nitrogen is a measure of both organic nitrogen and ammonia (NH₃). These are two large components of Total Nitrogen minus nitrate (and nitrite, which is a very small fraction). The statistical error involved with not including nitrate in the analysis, is that we have not listed a waterbody that should be listed for a pollutant because we did not have the nitrate data. (Type II error - acceptance of a false null hypothesis). We have erred on the conservative side.

Comment ID: 223 **TOPIC(S):** Tijuana River Total Nitrogen as N

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Tijuana River Total Nitrogen as N

31.) Reasons for Proposed Changes/Comments:

This LOE is based on the Urban Runoff Monitoring Program which does not assess total nitrogen. Nitrate concentrations were above the Basin Plan WQO in one of the 15 samples, all nitrate data were below the WQO. No WQO is available for TKN.

Comments/Proposed Changes:

Please provide methodology or note of how the total nitrogen results were obtained.

Regional Board Response:

The term "total nitrogen" as used in the 303(d) assessment refers to "total nitrogen as N". The data reference for each entry to the 303(d) database can be found in the LOEs. The method of analysis can be found in the data reference, San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007.

Total nitrogen is usually measured by analyzing samples for nitrate, nitrite, and Kjeldahl nitrogen. The values of the results from these three analytes are combined to produce a value for total nitrogen (as N).

Comment ID: 224 **TOPIC(S):** Tijuana River Toxicity

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

32.)

Reasons for Proposed Changes/Comments:

This LOE states that the five of 15 samples collected were found to be toxic for *Hyaella azteca* growth and survival. All 15 samples were toxic to *Ceriodaphnia dubia*. Results were from the San Diego County Municipal Copermittees Annual Progress Report, 2007.

-Sites: TJ MLS and Hollister Street Bridge, Jan 2002 to Feb 2006.

Regional Board Response:

The comment is correct. Revision has been made.

Comment ID: 225 **TOPIC(S):** Tijuana River Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

33.)

Reasons for Proposed Changes/Comments:

This LOE states that 2 of 2 samples collected were found to be toxic for *Hyaella azteca* survival and growth, for site Tijuana River 5, lat/long: 32.55132, -117.08439 on May 31, 2005 and April 10, 2006. Samples and results confirmed – compliant with QAPP. Supplemental data available for Tecate Creek (911TTET02).

Regional Board Response:

Comment noted.

Comment ID: 226 **TOPIC(S):** Tijuana River Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Reasons for Proposed Changes/Comments:

This LOE states that 1 of 2 samples collected was found to be toxic for *Selenastrum capricornutum* algae growth and *Ceriodaphnia dubia* survival and reproduction for site Tijuana River 5, lat/long: 32.55132, -117.08439 on May 31, 2005 and April 10, 2006. Samples and results confirmed – compliant with QAPP. Supplemental data available for Tecate Creek (911TTET02).

Regional Board Response:

Comment noted.

Comment ID: 227 **TOPIC(S):** Sweetwater River Enterococcus

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

35.)

Reasons for Proposed Changes/Comments:

One LOE is provided for enterococcus based on Urban Runoff Monitoring Program with all 15 samples exceeding WQO for enterococcus. Reassessment of these data confirms that 15 exceedances occurred based on the WQO of 61 MPN/100mL.

Regional Board Response:

Comment noted.

Comment ID: 228

TOPIC(S): Sweetwater River Fecal Coliform

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

36.)

Reasons for Proposed Changes/Comments:

One LOE is provided for enterococcus based on Urban Runoff Monitoring Program with 13 of 15 samples exceeding WQO for fecal coliform. Reassessment of these data confirms that 13 exceedances occurred.

Regional Board Response:

Comment noted.

Comment ID: 229

TOPIC(S): Sweetwater River Phosphorus

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Sweetwater River Phosphorus

37.) Reasons for Proposed Changes/Comments:

Four samples were collected under the SWAMP program, of which zero exceeded.

Comments/Proposed Changes:

This LOE does not support listing

Regional Board Response:

The Regional Board staff will separate the Sweetwater River into upper and lower segments, according to the designated Hydrologic Area boundaries. As a result, the the following decisions are included in the 303(d) List for this listing cycle:

The Regional Board staff recommends that the Upper Sweetwater River not be listed for impairment by phosphorus on the 303(d) List.

LOE 7377 has 0 of 4 exceedances at the SWAMP Sweetwater River Site 3, which is located on the Upper Sweetwater River. This segment will not be placed on the 2008 303(d) List.

The Regional Board staff recommends that Lower Sweetwater River be included as impaired for phosphorus on the 2008 303(d) List. LOE 7186 has 15 of 15 exceedences (from the Co-permittee stormwater data) for phosphorus on the Lower Sweetwater River; which places the Lower Sweetwater River on the 303(d) List for phosphorus for a conventional pollutant.

Comment ID: 230 **TOPIC(S):** Sweetwater River Phosphorus

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

8.)
Reasons for Proposed Changes/Comments:
15 of 15 samples collected under the Urban Runoff Monitoring Program exceeded the Basin Plan WQO of 0.1 mg/L.

Regional Board Response:
Comment noted.

Comment ID: 231 **TOPIC(S):** Sweetwater River Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Sweetwater River Toxicity Decision Recommendation: The distance between the Sweetwater River 3 and Sweetwater River 8 sampling sites is approximately 27 miles, but the water segment listing is for 50 miles. Section 6.1.5.4 of the Policy states that, "data shall be aggregated by water body segments as defined in the Basin Plans." Please update the water body definition to reflect two separate water bodies. The Water Quality Listing Policy states that a minimum of two exceedances is necessary to list a waterbody/pollutant combination on the 303(d) list. The upstream water body (Sweetwater River station 3) should not be listed for toxicity, as one of four water samples showed toxicity, and zero of one sediment samples showed toxicity. This does not meet the minimum requirements for listing.

39.) Reasons for Proposed Changes/Comments:
Data from the Copermittee Regional Monitoring program were assessed. Eight of 15 samples were found to be toxic. Seven of 15 samples were found to be toxic to Selenastrum, five of 15 tests were toxic to Ceriodaphnia dubia, and no samples were toxic to H. azteca.

Regional Board Response:
Comment noted.

1) Sweetwater River has been revised to show two separate water bodies, Upper and Lower in the CalWQA database. Staff separated the IBI data as appropriate for station

locations and edited and moved the LOEs for Sweetwater River into the Upper and Lower segments of Sweetwater River.

2) Upper Sweetwater River, decision 17877, is not listed for toxicity because after the segmentation of the waterbody in CalWQA and the separation of the LOEs, there is only one out of four exceedances and according to the Listing Policy this does not place this water segment on the list for toxicity. Lower Sweetwater River, decision 17874, is listed for toxicity with eleven of the eighteen samples exceeding the toxicity objective.

Comment ID: 232

TOPIC(S): Sweetwater River Toxicity

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Sweetwater River Toxicity

40.) Reasons for Proposed Changes/Comments:

Eight water samples from two locations within the Sweetwater River were collected and used to test for toxicity to Selenastrum, Ceriodaphnia, and Hyalella. The distance between the two sample locations is approximately 27 miles, and therefore the sample results are evaluated separately here.

At the upstream location (Sweetwater River station 3) one of four sample results was toxic to Ceriodaphnia for reproduction. Selenastrum and Ceriodaphnia percent survival were not affected (zero of four samples).

Three of four samples at Sweetwater River station 8 were toxic to Selenastrum, but not for Ceriodaphnia survival or reproduction, or Hyalella survival.

Comments/Proposed Changes:

The distance between the Sweetwater River 3 and Sweetwater River 8 sampling sites is approximately 27 miles, but the water segment listing is for 50 miles. Section 6.1.5.4 of the Policy states that, "data shall be aggregated by water body segments as defined in the Basin Plans."

In addition, the Policy states that at a minimum the RWQCBs should identify stream reaches that may have different pollutant levels based on differences in land use, tributary inflow, or discharge input. Therefore, two separate reaches of the waterbody should be listed, not 50 miles.

Regional Board Response:

The Regional Board staff have revised the Sweetwater River entry to include two separate water bodies for the Upper and Lower Sweetwater River in the CalWQA database. Regional Board staff separated the IBI data as appropriate for station locations and edited and moved the LOEs for Sweetwater River into the Upper and Lower segments of Sweetwater River.

Upper Sweetwater River, decision 17877, is not listed for toxicity because after the segmentation of the waterbody in CalWQA and the separation of the LOEs, there is only one out of four exceedances and according to the Listing Policy this does not place this water segment on the list for toxicity. Lower Sweetwater River, decision 17874, is listed for toxicity with eleven of the eighteen samples exceeding the toxicity objective.

Comment ID: 233 **TOPIC(S):** Sweetwater River Toxicity

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Sweetwater River Toxicity

41.) Reasons for Proposed Changes/Comments:

The fact sheet states that five sediment samples were collected at stations Sweetwater River stations 3 and 8 and assessed for toxicity to *Hyaella azteca*. However, the data included in the SWAMP online database included only one sample at each location. Sweetwater River station 3 toxicity results show no toxicity to *Hyaella* for either survival or growth.

There is one exceedance for *Hyaella* growth at Sweetwater River station 8.

Comments/Proposed Changes:

Sweetwater River 8 is in hydrological sub area (HSA) 909.12, and Sweetwater River 3 is in HSA 909.31. It is recommended that the water segment be changed to reflect the 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."

In addition, one of four ambient samples and zero of one sediment samples exceeded toxicity criteria at Sweetwater River 3, and this is below the number required to list the water segment on the Draft 2008 303(d) list.

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 one of one samples were toxic for *Hyaella* growth in sediment.

Regional Board Response:

The Regional Board staff agree with the first comment and the Sweetwater River has been revised to show two separate water bodies, Upper and Lower in the CalWQA database. Regional Board staff separated the IBI data as appropriate for station locations and edited and moved the LOEs for Sweetwater River into the Upper and Lower segments of Sweetwater River.

Upper Sweetwater River is not listed for toxicity because after the segmentation of the waterbody in CalWQA and the separation of the LOEs, there is only one out of four exceedances and according to the Listing Policy this does not place this water segment on the list for toxicity. Lower Sweetwater River is listed for toxicity with twelve of the nineteen samples exceeding the toxicity objective. *Selenastrum capricornutum*- All three samples showed significant toxicity levels. The Regional Board staff has revised the number of samples to include the *Hyaella azteca* sample that is toxic for *Hyaella* growth in sediment. According to the Listing Policy the number of exceedances supports a decision to list this waterbody for impairment by toxicity on the 303d List for this cycle.

Comment ID: 234

TOPIC(S): San Vicente Reservoir Ammonia as N

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

San Vicente Reservoir Ammonia as N

42.) Reasons for Proposed Changes/Comments:

Exceedances were based on the Basin Plan un-ionized ammonia criteria of 0.025mg/L. Four of the 24 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.

Comments/Proposed Changes:

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)

Regional Board Response:

The Regional Board staff agree that samples analyzed as ammonia (NH₄) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

The reservoir Ammonia (NH₄) samples will be assessed in the 2010 303(d) Listing Cycle using the appropriate method for assessment (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999). In addition, the Regional Board staff encourages the City to provide additional drinking water reservoir data to review and analyze for the 2010 303(d) assessment.

Comment ID: 235

TOPIC(S): San Vicente Reservoir Total Nitrogen as N

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

43.)

Reasons for Proposed Changes/Comments:

Thirty-two of 37 samples exceed the criteria for total nitrogen.

Regional Board Response:

Comment noted.

Comment ID: 236

TOPIC(S): El Capitan Lake Phosphorus

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

4.)

Reasons for Proposed Changes/Comments:
Six of seven samples exceed criteria for total phosphorus.

Regional Board Response:

Comment noted.

Comment ID: 237

TOPIC(S): El Capitan Lake Total Nitrogen as N

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

45.)

Reasons for Proposed Changes/Comments:
Thirty of 35 samples exceed the criteria for total nitrogen.

Regional Board Response:

Comment noted.

Comment ID: 238

TOPIC(S): Switzer Creek Copper

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Switzer Creek Copper

46.) Reasons for Proposed Changes/Comments:
No Fact Sheet.

Comments/Proposed Changes:
Please provide fact sheets for this listing or remove from Category 5.

Regional Board Response:

Decision 16763 for listing of Switzer Creek for Copper is supported by LOE 7052, as indicated in the Fact Sheets provided as Appendix H on the Regional Board web page http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/.

Comment ID: 239

TOPIC(S): Switzer Creek Nickel

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Switzer Creek Nickel
47.) Reasons for Proposed Changes/Comments:
No Fact Sheet.

Comments/Proposed Changes:
Please provide fact sheets for this listing or remove from Category 5.

Regional Board Response:

Decision 16765 for listing of Switzer Creek for Nickel is supported by LOE 7155, as indicated in the Fact Sheets provided as Appendix H on the Regional Board web page http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/.

Comment ID: 240 **TOPIC(S):** Switzer Creek Zinc

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Switzer Creek Zinc
48.) Reasons for Proposed Changes/Comments:
No Fact Sheet.

Comments/Proposed Changes:
Please provide fact sheets for this listing or remove from Category 5.

Regional Board Response:

Decision 16766 for listing of Switzer Creek for Zinc is supported by LOE 7156, as indicated in the Fact Sheets provided as Appendix H on the Regional Board web page http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/.

Comment ID: 241 **TOPIC(S):** San Diego River (lower) Enterococcus

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

San Diego River (lower) Enterococcus
49.) Reasons for Proposed Changes/Comments:
No Fact Sheet.

Comments/Proposed Changes:
Please provide fact sheets for this listing or remove from Category 5.

Regional Board Response:

This is a 2006 listing, no fact sheet was provided. However, LOE 7487 described details such as sampling location and time, number of total samples and exceedances. This information is adequate for listing determination.

Comment ID: 242 **TOPIC(S):** San Diego River (lower) Nitrogen

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:
San Diego River (lower) Nitrogen
50.) Reasons for Proposed Changes/Comments:
No Fact Sheet.

Comments/Proposed Changes:
Please provide fact sheets for this listing or remove from Category 5.

Regional Board Response:
Decision No. 17046 for listing of the lower San Diego River for exceedences of total nitrogen is supported by LOE 7940, as indicated in the Fact Sheets provided as Appendix H on the Regional Board web page
http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/.

Comment ID: 243 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:
Pacific Ocean at Los Peñasquitos mouth
51.) Reasons for Proposed Changes/Comments:
Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting.
Only addresses one Enterococcus exceedance which is not the pollutant of concern.

Comments/Proposed Changes:
Not clear that this LOE supports listing

Regional Board Response:
The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 244 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean at Los Peñasquitos mouth

52.) Reason for Proposed Changes/Comments:

Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. States that Health Advisories were posted on the beaches for 35 Exceedances out of 2555 Samples. This gives an exceedance percentage of 1.37% which is below the 4% exceedance percentage for coastal beaches from section 3.3 of the Policy

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1.) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2.) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 245 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean at Los Peñasquitos mouth

53.) Reason for Proposed Changes/Comments:

Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. States that there were no exceedances of water quality objectives.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 246 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean at Los Peñasquitos mouth
54.) Reason for Proposed Changes/Comments:
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.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 247 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean at Los Peñasquitos mouth
55.) Reason for Proposed Changes/Comments:
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%.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 248 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

56.)

Reason for Proposed Changes/Comments:

Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. Addresses exceedances from storm events only which are isolated events and not indicative of a persistent exceedance of water quality objectives.

Regional Board Response:

Comment noted.

Comment ID: 249 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean at Los Peñasquitos mouth

57.) Reason for Proposed Changes/Comments:

States that no samples from Anderson Canyon exceeded the water quality objectives for Shellfish Harvesting.

Comments/Proposed Changes:

This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 250 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

58.)

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Appendix L:
Responses to Public Comments

Reason for Proposed Changes/Comments:
Sixteen of 21 samples exceed shellfish standards.

Regional Board Response:
Comment noted.

Comment ID: 251 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:
Pacific Ocean at Los Peñasquitos mouth
59.) Reason for Proposed Changes/Comments:
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.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:
The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 252 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:
60.)
Reason for Proposed Changes/Comments:
This dataset includes the storm event samples and exceedances.
There were 120 exceedances and 497 samples (24%).

Regional Board Response:
Comment noted.

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Appendix L:
Responses to Public Comments

Comment ID: 253
Shores

TOPIC(S): Pacific Ocean - Avienda La Playa - Lo Jolla

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean - Avienda La Playa - La Jolla Shores - Total Coliform
61.) Reason for Proposed Changes/Comments:
Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting.
1 out of 49 geometric means exceeded which is within the allowable frequency.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16825 was based on LOE 29148 where 39 out of 213 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 254
Shores

TOPIC(S): Pacific Ocean - Avienda La Playa - La Jolla

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean - Avienda La Playa - La Jolla Shores - Total Coliform
62.) Reason for Proposed Changes/Comments:
Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting.
23 out of 2555 samples exceeded for beach postings which is below the allowable frequency of 4% for coastal beaches from section 3.3 of the Policy.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16825 was based on LOE 29148 where 39 out of 213 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 255 **TOPIC(S):** Pacific Ocean - Avienda La Playa - Lo Jolla Shores

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean - Avienda La Playa - La Jolla Shores Total Coliform 63.) Reason for Proposed Changes/Comments:
Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. 2 out of 213 samples exceeded which is below the allowable listing frequency.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16825 was based on LOE 29148 where 39 out of 213 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 256 **TOPIC(S):** Pacific Ocean - Avienda La Playa - Lo Jolla Shores

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean - Avienda La Playa - La Jolla Shores - Total Coliform 64.) Reason for Proposed Changes/Comments:
Seven of nine samples exceeded the Shellfish harvesting standard
This area is a California Ocean Plan designated ASBS, designated April 18, 1974 (Resolution No. 74-32) and June 19, 1975 (Resolution No. 75-61). This ASBS designation was made prior to the original November 28, 1975 San Diego Basin Plan shellfish beneficial use designation. The City of San Diego is recommending the removal of this listing because the shellfish beneficial use does not and will not occur in the ASBS, because it was designated an ASBS prior to the original Basin Plan shellfish designation and is therefore under an existing institutional control.

Comments/Proposed Changes:
This LOE should not be included in the assessment

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designates both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16825 was based on LOE 29148 where 39 out of 213 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 257
Shores

TOPIC(S): Pacific Ocean - Avienda La Playa - Lo Jolla

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean - Avienda La Playa - Lo Jolla Shores - Total Coliform

65.) Reason for Proposed Changes/Comments:

Zero of nine samples exceed the Water Contact Recreation standard.

Comments/Proposed Changes:

This LOE does not support listing

Regional Board Response:

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16825 was based on LOE 29148 where 39 out of 213 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 258
Shores

TOPIC(S): Pacific Ocean - Avienda La Playa - Lo Jolla

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean - Avienda La Playa - Lo Jolla Shores - Total Coliform

66.) Reason for Proposed Changes/Comments:

Twenty-nine of 213 samples exceed the shellfish standard. This is below the number of allowable exceedances of 35.

The assessment results do not support listing

This area is a California Ocean Plan designated ASBS, designated April 18, 1974

(Resolution No. 74-32) and June 19, 1975 (Resolution No. 75-61). This ASBS

designation was made prior to the original November 28, 1975 San Diego Basin Plan

shellfish beneficial use designation. The City of San Diego is recommending the removal

of this listing because the shellfish beneficial use does not and will not occur in the ASBS, because it was designated an ASBS prior to the original Basin Plan shellfish designation and is therefore under an existing institutional control.

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

The Regional Board staff disagrees with this comment.

- 1) The number of exceedance in LOE 29148 is thirty-nine, not twenty-nine, which exceeds the allowable frequency of the listing policy.
- 2) Even though the area was designated ASBS and it is understandable that no shellfish harvesting would occur in the area, the San Diego Basin Plan does designate a SHELL beneficial use for the entire Pacific Ocean coastal waters, including the subject area. ASBSs are not excepted from this designation. Therefore, protective water quality standards for SHELL beneficial use are applied for all Pacific Ocean coastal waters.

Comment ID: 259 **TOPIC(S):** Pacific Ocean Shoreline Childrens Pool

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline Childrens Pool - Indicator Bacteria
67.) Reason for Proposed Changes/Comments:
This LOE is a placeholder to support a 303(d) listing decision made prior to 2006. Does not include any supporting data.

Comments/Proposed Changes
Please provide additional information on bacteria concentrations :

Regional Board Response:

This LOE was not used to make listing determination.

Comment ID: 260 **TOPIC(S):** Pacific Ocean Shoreline Childrens Pool

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline Childrens Pool - Indicator Bacteria
68.) Reason for Proposed Changes/Comments:
This beach was on a year round beach advisory due to the presence of marine mammals and the resulting potential to have high bacteria. It is not clear if there is bacteria data to support listing this location.

Comments/Proposed Changes:
Please provide additional information on bacteria concentrations

Regional Board Response:

There are actual bacterial data for the water body. Decisions 17861, 17862 and 17863 are based on these bacterial data reported in LOE 30195 as indicated in the Fact Sheets provided as Appendix H on the Regional Board web page http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/.

Comment ID: 261 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Cove

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Cove - Total Coliform

69.) Reason for Proposed Changes/Comments:

Fifty-nine of 292 samples exceeded the Shellfish Harvesting water quality standards, compared to an allowable 48 exceedances.

This area is a California Ocean Plan designated ASBS, designated April 18, 1974 (Resolution No. 74-32) and June 19, 1975 (Resolution No. 75-61). This ASBS designation was made prior to the original November 28, 1975 San Diego Basin Plan shellfish beneficial use designation. As an ASBS the collection of shellfish or any other life, is strictly prohibited and enforced. At this time the California Department of Fish and Game (CDFG) is recommending expansion of the protection of the ASBS under the Marine Life Protection Act. The City of San Diego is recommending the removal of this listing because the shellfish beneficial use does not and will not occur in the ASBS, because it was designated an ASBS prior to the original Basin Plan shellfish designation and is therefore under an existing institutional control.

Comments/Proposed Changes:
This LOE should not be included in the listing assessment

Regional Board Response:

Even though the area was designated ASBS and it is understandable that no shellfish harvesting would occur in the area, the San Diego Basin Plan does designate a SHELL beneficial use for the entire Pacific Ocean coastal waters, including the subject area. ASBSs are not excepted from this designation. Therefore, protective water quality standards for SHELL beneficial use are applied for all Pacific Ocean coastal waters.

Comment ID: 262 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Cove

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Cove - Total Coliform

70.) Reason for Proposed Changes/Comments:
Nine exceedances out of 2555 compared to Water Contact Recreation.

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

Decision 16842 was based on LOE 29226 where 51 out of 292 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 263 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Cove

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Cove - Total Coliform
71.) Reason for Proposed Changes/Comments:
Assessed data for the Beneficial Use of Water Contact Recreation.
Zero exceedances out of 66 Geometric mean calculations

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

Decision 16842 was based on LOE 29226 where 51 out of 292 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 264 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Cove

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Cove - Total Coliform
72.) Reason for Proposed Changes/Comments:
A total of 292 single samples were collected with nine samples correlated with a storm event. Two of the nine samples exceeded the Shellfish Harvesting single sample water quality objective. This information will not be used in determining a listing decision, but is of interest to the Regional Board and has been included here as additional anecdotal information.
This area is a California Ocean Plan designated ASBS, designated April 18, 1974 (Resolution No. 74-32) and June 19, 1975 (Resolution No. 75-61). This ASBS designation was made prior to the original November 28, 1975 San Diego Basin Plan shellfish beneficial use designation. The City of San Diego is recommending the removal of this listing because the shellfish beneficial use does not and will not occur in the

ASBS, because it was designated an ASBS prior to the original Basin Plan shellfish designation and is therefore under an existing institutional control.

Comments/Proposed Changes:

This LOE was not used to make the listing decision
Any comparison to Shellfish Harvesting standards should not be included in listing decisions for this water body

Regional Board Response:

Even though the area was designated ASBS and it is understandable that no shellfish harvesting would occur in the area, the San Diego Basin Plan does designate a SHELL beneficial use for the entire Pacific Ocean coastal waters, including the subject area. ASBSs are not excepted from this designation. Therefore, protective water quality standards for SHELL beneficial use are applied for all Pacific Ocean coastal waters.

Comment ID: 265 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Cove

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Cove - Total Coliform
73.) Reason for Proposed Changes/Comments:
A total of 292 single samples were collected with 10 samples correlated with a storm event. One of the 10 samples exceeded the Water Contact Recreation single sample water quality objective. This information will not be used in determining a listing decision, but is of interest to the Regional Board and has been included here as additional anecdotal information.

Comments/Proposed Changes:
This LOE was not used to make the listing decision

Regional Board Response:

Decision 16842 was based on LOE 29226 where 51 out of 292 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 266 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Cove

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Cove - Total Coliform
74.) Reason for Proposed Changes/Comments:
A total of 292 single samples were collected with one sample exceeding the single sample water quality objective.

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Appendix L:
Responses to Public Comments

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

Decision 16842 was based on LOE 29226 where 51 out of 292 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 267 **TOPIC(S):** Pacific Ocean Shoreline at Ravina Total Coliform

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

75.)

Reason for Proposed Changes/Comments:

54 out of 313 samples exceeded Shellfish Harvesting standards (~17%), compared to an allowable 51 exceedances.

Regional Board Response:

Comment noted.

Comment ID: 268 **TOPIC(S):** Pacific Ocean Shoreline at Ravina Total Coliform

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at Ravina Total Coliform

76.) Reason for Proposed Changes/Comments:

Four of 313 exceeded Water Contact Recreation standards

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16836 was based on LOE 29204 where 54 out of 313 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 269 **TOPIC(S):** Pacific Ocean Shoreline at Ravina Total Coliform

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at Ravina Total Coliform

77.) Reason for Proposed Changes/Comments:

One of 76 geometric mean calculations exceeded the Water Contact Recreation standard.

Comments/Proposed Changes:

LOE does not support listing

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16836 was based on LOE 29204 where 54 out of 313 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 270

TOPIC(S): Pacific Ocean Shoreline at Ravina Total Coliform

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at Ravina Total Coliform

78.) Reason for Proposed Changes/Comments:

A total of 313 single samples were collected with 11 samples correlated with a storm event. One of the 11 samples exceeded the single sample water quality objective. This information will not be used in determining a listing decision, but is of interest to the Regional Board and has been included here as additional anecdotal information

Comments/Proposed Changes:

This LOE was not used in the listing assessment.

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16836 was based on LOE 29204 where 54 out of 313 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 271

TOPIC(S): Pacific Ocean Shoreline at Ravina Total Coliform

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at Ravina Total Coliform

79.) Reason for Proposed Changes/Comments:

Five of 2555 exceeded Water Contact Recreation standards.

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16836 was based on LOE 29204 where 54 out of 313 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 272 **TOPIC(S):** Pacific Ocean Shoreline at Ravina Total Coliform

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at Ravina Total Coliform
80.) Reason for Proposed Changes/Comments:
A total of 313 single samples were collected with 11 samples correlated with a storm event. Five of the 11 samples exceeded the Shellfish Harvesting single sample water quality objective. This information will not be used in determining a listing decision, but is of interest to the Regional Board and has been included here as additional anecdotal information.

Comments/Proposed Changes:
LOE was not used in listing decision

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16836 was based on LOE 29204 where 54 out of 313 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 273 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Shores Beach

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Shores Beach - Total Coliform
81.) Reason for Proposed Changes/Comments:
A total of 33 single samples were collected with six samples exceeding the Shellfish Harvesting single sample water quality objective.
This area is a California Ocean Plan designated ASBS, designated April 18, 1974 (Resolution No. 74-32) and June 19, 1975 (Resolution No. 75-61). This ASBS designation was made prior to the original November 28, 1975 San Diego Basin Plan shellfish beneficial use designation. As an ASBS the collection of shellfish or any other

life, is strictly prohibited and enforced. At this time the California Department of Fish and Game (CDFG) is recommending expansion of the protection of the ASBS under the Marine Life Protection Act. The City of San Diego is recommending the removal of this listing because the shellfish beneficial use does not and will not occur in the ASBS, because it was designated an ASBS prior to the original Basin Plan shellfish designation and is therefore under an existing institutional control.

Comments/Proposed Changes:

This LOE should not be included in the listing assessment

Any comparison to Shellfish Harvesting standards should not be included in listing decisions for this water body

Regional Board Response:

The Regional Board staff disagree with this comment. Even though the area was designated ASBS and it is understandable that no shellfish harvesting would occur in the area, the San Diego Basin Plan does designate a SHELL beneficial use for the entire Pacific Ocean coastal waters, including the subject area. ASBSs are not excepted from this designation. Therefore, protective water quality standards for SHELL beneficial use are applied for all Pacific Ocean coastal waters. The Regional Board staff are obligated to make listing decisions that are consistent with the designated beneficial uses in the Basin Plan and the 303(d) Listing Policy.

Comment ID: 274 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Shores Beach

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Shores Beach - Total Coliform 82.) Reason for Proposed Changes/Comments:

A total of 33 single samples were collected with no samples exceeding the Water Contact Recreation single sample water quality objective.

Comments/Proposed Changes:

LOE does not support listing

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16921 was based on LOE 29653 where 6 out of 33 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 275 **TOPIC(S):** Pacific Ocean Shoreline at La Jolla Shores Beach

ORGANIZATION: City of San Diego
NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Shores Beach - Total Coliform

83.) Reason for Proposed Changes/Comments:

A total of 20 single samples were collected with 19 monthly geometric means calculated. None of the geometric means exceeded the geometric mean Water Contact Recreation water quality objective.

Comments/Proposed Changes:

LOE does not support listing

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16921 was based on LOE 29653 where 6 out of 33 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 276

TOPIC(S): Pacific Ocean Shoreline at La Jolla Shores Beach

ORGANIZATION: City of San Diego

NAME: Kris McFadden

Comment:

Pacific Ocean Shoreline at La Jolla Shores Beach - Total Coliform

84.) Reason for Proposed Changes/Comments:

One health advisory was issued out of 2555 beach days.

Comments/Proposed Changes:

LOE does not support listing

Regional Board Response:

The Regional Board staff disagree with this comment. Decision 16921 was based on LOE 29653 where 6 out of 33 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 277

TOPIC(S): San Diego Ocean Water Segment - Acidification

ORGANIZATION: Center For Biological Diversity

NAME: Emily Jeffers

Comment:

The Center for Biological Diversity requests that San Diego's ocean water segments be added to the Clean Water Act § 303(d) list of impaired water bodies due to impairment resulting from ocean acidification. San Diego Water Board's draft Integrated Report failed to list ocean waters as impaired from ocean acidification or even discuss how this serious water quality problem will be addressed by the Board.

Coastal estuaries and temperate nearshore ecosystems are among the most biologically productive and maintain some of the most extensive and measurable ecosystem services (e.g., commercial and recreational fisheries, fish and invertebrate nursery grounds, water purification, flood and storm surge protection, human recreation). Because they are shallower, less saline, and have lower alkalinity, these habitats are more susceptible to changes in pH than the open ocean and will likely experience more acute impacts from elevated CO₂ (Miller et al. 2009). Shell forming marine life off the coast of Washington has already been documented as being adversely affected, even by seasonal exposure to corrosive water. The consequences for coral reefs arouse concern as well because lowered carbonate ion concentration directly affects the ability of organisms to precipitate aragonite, which is the basic building block of coral reefs (Brewer 2009). Changes in ocean acidification are also likely to have impacts on a range of biological processes in addition to calcification, including impacts on photosynthesis, oxygen exchange and reproduction (Vernon 2009).

The San Diego Regional Board is urged to add ocean waters to its impaired waters list. The Board is encouraged to consider the new information on ocean acidification enclosed here as well as the other supporting information previously submitted by the Center for Biological Diversity in support of the listing.

Regional Board Response:

The Regional Boards are not addressing this issue individually.

Staff of the State Water Resources Control Board reviewed the Center For Biological Diversity's request and the scientific papers they provided. In response, Ms. Shakoora Azimi-Gaylon of the State Water Board sent a letter to Ms. Emily Jeffers of the Center for Biological Diversity dated September 10, 2008. The letter explains how staff conduct assessments and summarizes the data that was reviewed by staff. As stated in the letter, Section 6.1.4 of the Listing Policy requires consideration of only the data and information that meet the minimum quality assurance requirements. The variable pH data submitted by the Center for Biological Diversity do not meet the data quality requirements described in the Listing Policy and the research results cannot be used for 303(d) listing.

Comment ID: 278 **TOPIC(S):** Water Bodies Impaired by Invasive Species

ORGANIZATION: San Diego Coast Keeper

NAME: Karen Franz

Comment:

We strongly support listing water bodies impaired by invasive species. Since 2005, California has included aquatic invasive species as pollutants in its 303(d) listing methodology. The California Water Resources Control Board applied a method where water segments are listed for invasive species impairment if data indicates a correlation between a rise in invasive species and a decline in water quality.⁴ This is usually evidenced by a reduction in native species.

Regional Board Response:

The Regional Board staff recommends that waterbodies not be listed for impairment by invasive species at this time. This does not negate the recognition of significant potential impacts for invasive species in some watersheds, only that other options may be better used to address this issue.

It is the San Diego Water Board's understanding that the U.S. Marine Corps Camp Pendleton will address invasive plant species on San Mateo Creek through development and implementation of an invasive species management plan for San Mateo Creek.

Comment ID: 279 **TOPIC(S):** San Mateo Creek - Warm Water Fish Invasives

ORGANIZATION: San Diego Coast Keeper
NAME: Karen Franz

Comment:

We strongly support listing San Mateo Creek as being impaired by invasive species. The presence of several different species of warm-water fish has made it difficult for the native rainbow trout to feed because the warm-water fish have taken over as top predator in the habitat.

Regional Board Response:

Comment noted. The Regional Board staff recommends this listing be deleted at this time.

It is the San Diego Water Board's understanding that the U.S. Marine Corps Camp Pendleton will address invasive plant species on San Mateo Creek through development and implementation of an invasive species management plan for San Mateo Creek.

Comment ID: 280 **TOPIC(S):** San Mateo Creek - Invasive Species Single LOE

ORGANIZATION: San Diego Coast Keeper
NAME: Karen Franz

Comment:

We agree with the Regional Board's assessment that Invasive Species require a single line of evidence. With the trout in San Mateo Creek, the evidence (from fish surveys) shows an increase in invasive fish species and a decrease in the rainbow trout population (the trout has not been surveyed in San Mateo Creek since 2000). A tributary of San Mateo Creek with similar conditions, but without the invasive species, had a much healthier rainbow trout population after 2000, until low water conditions impacted the population. Thus, there is sufficient evidence to support the single line requirement showing the invasive fish species are responsible for the decline of native trout populations. Therefore, San Mateo Creek should be on the 303(d) list because it is impaired by a pollutant – the invasive warm-water fish species.

Regional Board Response:

Comment noted. The Regional Board staff recommends this listing be deleted at this time.

It is the San Diego Water Board's understanding that the U.S. Marine Corps Camp Pendleton will address invasive plant species on San Mateo Creek through development and implementation of an invasive species management plan for San Mateo Creek.

Comment ID: 281 **TOPIC(S):** Invasive Species TMDL

ORGANIZATION: San Diego Coast Keeper
NAME: Karen Franz

Comment:

We encourage the Regional Board to continue listing water bodies that are impaired by invasive species and look forward to the State Board establishing an invasive species TMDL in the near future.⁹

Regional Board Response:

No one will dispute that invasive plant species cause great harm to our waterbodies by reducing the amount of water in the stream through transpiration, outcompeting native species that provide valuable habitat and food sources for aquatic species and wildlife, reducing habitat space that is available for native algae/ plants and open water area, and possibly releasing toxins into the water.

The Regional Board agrees that a management plan for addressing invasive species should be developed for the San Diego Region, followed by a method for modeling invasive species management.

Comment ID: 282 **TOPIC(S):** SWAMP Data

ORGANIZATION: San Diego Coast Keeper
NAME: Karen Franz

Comment:

At the October 12 303(d) workshop, the staff of the Regional Board introduced the new database (Cal-WQA) that was developed as a decision-making tool for the 303(d) process. It is admirable that the state has developed a database system to better compile and analyze the data for the purpose of streamlining the decision-making process. However, the Cal-WQA database does not interface with the California Data Exchange Network (CEDEN) database, which is the central repository for all of the Copermittee data under the current stormwater permit. Integration of these two databases would also streamline any quality control processing for data input into the Cal-WQA database. Further, as the data systems supporting the 303(d) process continue to develop, the database must be transparent in order for both dischargers and environmental groups to be able to track the decisionmaking process. Lastly, many of the links on the regional board website¹⁰ for the Lines of Evidence are broken

Regional Board Response:

Comment noted. The fact sheets associated with lines of evidence and decisions will be available on Regional Board and State Board web sites. The State Board Office of Information Management is currently working on integration of several databases to facilitate viewing of all data submitted. The broken links will be addressed.

Comment ID: 283 **TOPIC(S):** Water Bodies Impaired by Invasive Species

ORGANIZATION: San Diego Coast Keeper
NAME: Karen Franz

Comment:

On behalf of its members, San Diego Coastkeeper strongly supports the inclusion of water bodies impaired by invasive species on the 2008 303(d) list. Although there are currently no TMDLs for invasive species, the creation of such TMDLs needs to be a higher priority. Additionally, integration of the Cal-WQA and CEDEN databases needs to be implemented in order to ensure accurate and complete data compilation. These databases must then be transparent to allow dischargers and environmental groups to track the decision-making process. And, finally, the links for the data references in the Lines of Evidence need to be fixed so the listing process can continue to move smoothly.

Regional Board Response:

No one will dispute that invasive plant species cause great harm to our waterbodies by reducing the amount of water in the stream through transpiration, outcompeting native species that provide valuable habitat and food sources for aquatic species and wildlife, reducing habitat space that is available for native algae/ plants and open water area, and possibly releasing toxins into the water.

The fact sheets associated with lines of evidence and decisions will be available on Regional Board and State Board web sites. The State Board Office of Information Management is currently working on integration of several databases to facilitate viewing of all data submitted. The broken links will be addressed.

Comment ID: 284 **TOPIC(S):** San Dieguito
San Dieguito River - Toxicity

ORGANIZATION: City of Del Mar
NAME: Joseph Stefano II

Comment:

San Dieguito River Toxicity

1.) 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.

Regional Board Response:

The Regional Board staff recommends that the San Dieguito River remain listed as impaired for toxicity on the 2008 303(d) List.

The Regional Board staff have updated the LOE and verified that:

Three of three Selenastrum capricornutum total cell count samples were toxic. (One of four Selenastrum samples was estimated data. That data point was removed from the assessment.)

Neither of the two Hyallela azteca samples were toxic.

One of three Ceriodaphnia dubia reproduction test samples were toxic.

Two of three Ceriodaphnia dubia survival test samples were toxic.

Comment ID: 285 **TOPIC(S):** Pacific Ocean Shoreline at Los Peñasquitos mouth

ORGANIZATION: City of Del Mar
NAME: Joseph Stefano II

Comment:

Pacific Ocean Shoreline at Los Peñasquitos - Total Coliform

2.) Reason for Proposed Changes/Comments:

Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. Only addresses one Enterococcus exceedance which is not the pollutant of concern.

Comments/Proposed Changes:
Not clear that this LOE supports listing

Regional Board Response:

See response to comment ID: 243

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 286 **TOPIC(S):** Pacific Ocean Shoreline at Los Peñasquitos

ORGANIZATION: City of Del Mar
NAME: Joseph Stefano II

Comment:

Pacific Ocean Shoreline at Los Peñasquitos - Total Coliform

3.) Reason for Proposed Changes/Comments:

Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting.
States that there were no exceedances of water quality objectives.

Comments/Proposed Changes:

This LOE does not support listing

Regional Board Response:

See response to comment ID: 245

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 287

TOPIC(S): Pacific Ocean Shoreline at Los Peñasquitos

ORGANIZATION: City of Del Mar

NAME: Joseph Stefano II

Comment:

Pacific Ocean Shoreline at Los Peñasquitos - Total Coliform

4.) Reason for Proposed Changes/Comments:

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.

Comments/Proposed Changes:

This LOE does not support listing

Regional Board Response:

See response to comment ID: 246

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 288 **TOPIC(S):** Pacific Ocean Shoreline at Los Peñasquitos

ORGANIZATION: City of Del Mar
NAME: Joseph Stefano II

Comment:

Pacific Ocean Shoreline at Los Peñasquitos - Total Coliform
5.) Reason for Proposed Changes/Comments:
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%.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

See response to comment ID: 247

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.
2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 289 **TOPIC(S):** Pacific Ocean Shoreline at Los Peñasquitos

ORGANIZATION: City of Del Mar
NAME: Joseph Stefano II

Comment:

Pacific Ocean Shoreline at Los Peñasquitos - Total Coliform
6.) Reason for Proposed Changes/Comments:
States that no samples from Anderson Canyon exceeded the water quality objectives for Shellfish Harvesting.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

See response to comment ID: 249

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan.
1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 290 **TOPIC(S):** Pacific Ocean Shoreline at Los Peñasquitos

ORGANIZATION: City of Del Mar
NAME: Joseph Stefano II

Comment:

Pacific Ocean Shoreline at Los Peñasquitos - Total Coliform

7.) Reason for Proposed Changes/Comments:

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.

Comments/Proposed Changes:
This LOE does not support listing

Regional Board Response:

See response to comment ID: 251

The Regional Board is obligated to ensure that listing or delisting decisions are consistent with the "designated" beneficial uses identified in the Basin Plan.

1) The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body.

2) Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 291 **TOPIC(S):**

ORGANIZATION: San Diego River Park Foundation
NAME: Shannon Quigley

Comment:

We support the additional listing of Selenium on Forester Creek. Our River Watch monitoring program tests water quality monthly at Forester Creek as well as up and down river from the creek. Results consistently demonstrate higher levels of impairment on Forester Creek and at the next monitoring location downstream of Forester Creek's confluence with the San Diego River. Consistently nitrate readings are higher than average and dissolved oxygen is typically low. Moreover, Forester Creek characteristically has high trash and algal levels associated with storm water debris and residue from urban run-off. Additional sources of impairment in Forester Creek are of concern for us and the San Diego River Watershed. The addition of Selenium to the 303(d) list can only aid efforts to improve the health of this tributary and the San Diego River as a whole.

Regional Board Response:
Comment noted.

Comment ID: 292 **TOPIC(S):** San Marcos Creek Toxicity

ORGANIZATION: City of San Marcos
NAME: Erica Ryan

Comment:

Lines of Evidence Should Not be Combined for Entire Reach of San Marcos Creek. These two LOEs are from two distinctly different reaches of San Marcos Creek which are geographically separate and hydrologically separate due to the impoundment of Lake San Marcos. The part of San Marcos Creek upstream of Lake San Marcos is different in character than the portion downstream of the lake due to the effect of the lake and that therefore the two segments (upstream and downstream of the lake) should be evaluated separately. LOE 3208 from SWAMP data location 904CBSAM3 is above Lake San Marcos. LOE 3209 from SWAMP data location 904CBSAM6 is below Lake San Marcos near La Costa, Carlsbad.

Regional Board Response:

The Regional Board staff recommend that San Marcos Creek will remain listed for impairment by toxicity on the 303(d) List for this cycle. The Regional Board did not evaluate new data associated with the decision cited in the comment, which is from the previous listing cycle in 2006. As a result, the Regional Board is unable to access those decisions at this time and will further consider your request if/when additional supporting data are received for evaluation. The City may wish to provide additional information/data during the next listing cycle, which is expected to begin early in 2010.

Comment ID: 293 **TOPIC(S):** San Marcos Creek Toxicity

ORGANIZATION: City of San Marcos
NAME: Erica Ryan

Comment:

Only Two Lines of Evidence for Sediment Toxicity . LOEs 3208 and 3209 are the only LOEs provided for the sediment toxicity listing. Lines of evidence (LOE) 3204 – 3207, 26446, and 27029 are all bioassessment studies that did not evaluate sediment toxicity. LOE 21385 is water toxicity data from the same SWAMP study, which is not relevant to sediment toxicity. Since the other LOEs do not include sediment toxicity data, they do not support a sediment toxicity 303(d) listing.

Regional Board Response:

The Regional Board staff recommend that San Marcos Creek will remain listed for impairment by toxicity on the 303(d) List for this cycle. The 303(d) LOEs and Decision for San Marcos Creek were approved by the State Board in 2006.

For LOE 3208, two of three *Hyallolela azteca* survival test samples were found to be toxic. This is a sufficient number to place San Marcos Creek on the 303(d) List. (Three additional *Hyallolela* survival test samples were determined to be estimated data, so they were removed from the assessment.) Two of three *Selenastrum capricornutum* survival test samples were toxic. This is a sufficient number to place San Marcos Creek on the 303(d) List.

For LOE 3209, one of two *Hyallolela azteca* survival test samples were found to be toxic. Two additional *Hyallolela* survival test samples were determined to be estimated data, so they were removed from the assessment. Four of four *Selenastrum capricornutum* survival test samples were found to be toxic. This is a sufficient number to place San Marcos Creek on the 303(d) List.

The Regional Board staff did not evaluate new data associated with the decision cited in the comment. As a result, the Regional Board is unable to access those decisions at this time and will further consider your request if/when additional supporting data are received for evaluation during the next listing cycle. The next listing cycle is expected to begin in early in 2010.

Comment ID: 294 **TOPIC(S):** San Marcos Creek Toxicity

ORGANIZATION: City of San Marcos
NAME: Erica Ryan

Comment:

San Marcos Creek Toxicity
LOEs 3208 and 3209 – Data is Non compliant with QAPP/Fact Sheet Incorrect

LOEs 3208 and 3209 are sediment toxicity data collected by the State's SWAMP program during 2002 at two sites: 904CBSAM3 and 904CBSAM6. The former site is located in San Marcos Creek upstream of Lake San Marcos, and the latter site is located at the downstream end of San Marcos Creek close to the La Costa development in the City of Carlsbad.

Four sediment samples were taken and analyzed for sediment toxicity at each of these sites. Sampling dates were 3/12/2002, 4/23/2002, 6/4/2002, and 9/18/2002. The data for the upper San Marcos Creek location and La Costa should NOT be combined for the single listing based on the effect of Lake San Marcos. The fact sheet for the proposed 303(d) listing states that only one of the four samples did not meet associated QAPP standard; this appears to be incorrect.

Two of the four tests at each of these sites are flagged as "non-compliant with associated QAPP"

(see attached data file, obtained from:
http://bdat.ca.gov/Php/Data_Retrieval/data_retrieval.php).

For LOE 3208: Data shows two out of the four samples were non-compliant with the QAPP and of those two QAPP compliant data, only one data sample showed toxicity.

Per the approved listing policy, one exceedance out of two samples is not sufficient evidence to list a site for toxicity.

For LOE 3209: Data shows two out of the four samples were non-compliant with the QAPP and of those two QAPP compliant data, only one data sample showed toxicity. Per the approved listing policy, one exceedance out of two samples is not sufficient evidence to list a site for toxicity.

Regional Board Response:

See response to comment ID: 293.

Comment ID: 296 **TOPIC(S):**

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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.

Regional Board Response:

The Regional Board staff uploaded all the data used in the assessment from the 303(d) database to our website. All data were not provided in spreadsheets. Some data were provided in reports, which was the same way that we reviewed the data. If data were not available this could have been due to broken links, which will be repaired.

The Regional Board staff appreciates the help that the other agencies have provided in taking hours to review the 303(d) assessment for us to help us correct mistakes.

Comment ID: 297 **TOPIC(S):** Policy Questions on 303d listing/delisting process

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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.

Regional Board Response:

The Regional Board staff uploaded all the data used in the assessment from the 303(d) database to our website. All data were not provided in spreadsheets. Some data were provided in reports, which was the same way that we reviewed the data. If data were not available this could have been due to broken links, which will be repaired.

The Regional Board staff appreciates the help that the other agencies have provided in taking hours to review the 303(d) assessment for us to help us correct mistakes.

Comment ID: 298

TOPIC(S): Policy Questions on 303d listing/delisting process

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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.

Regional Board Response:

The Regional Board staff are working to correct mistakes and inconsistencies in the 2008 303(d) List. Appendix A contains only "New" and "Revised" Decisions under the Revision Status Field. Decisions that are classified as "Original" Decisions are not included in Appendix A, but are included in Appendix B.

The San Dieguito River Decisions were corrected to "Revised" status and are therefore now in Appendix A.

Comment ID: 299

TOPIC(S): Policy Questions on 303d listing/delisting process

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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.

Regional Board Response:

Comment noted.

Comment ID: 300

TOPIC(S): Policy Questions on 303d listing/delisitng process

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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.

Regional Board Response:

The Regional Board staff reassessed the "estimated" data about which you have concerns. Many of those "estimated" data are being removed from the assessment. Depending upon the population of available samples and number of exceedences, sometimes this removal of "estimated data" will change a waterbody pollutant combination listings, sometimes it will not.

Comment ID: 301

TOPIC(S): Policy Questions on 303d listing/delisitng process

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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.

Regional Board Response:

The Regional Board staff are correcting the decisions and LOEs for doubled data sets that have been found.

Comment ID: 302

TOPIC(S): Policy Questions on 303d listing/delisting process

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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).

Regional Board Response:

Comment noted. The Regional Board staff are taking into consideration cases where sampling sites are within different Hydrological Areas (which are designated according to some of the factors described in your comment) on a case-by-case basis. After reviewing the public comments we have made changes to have separate segment listings for the Sweetwater River, San Luis Rey River, and Santa Ysabel Creek.

Comment ID: 303

TOPIC(S): Policy Questions on 303d listing/delisting process

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Key Issues & Recommendation:

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 Chlorpyrifos. 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.

Regional Board Response:

The Regional Board disagrees with this comment. Section 3.6 of the Listing Policy states "Water may also be placed on the section 303(d) list for toxicity alone. If the pollutant causing or contributing to the toxicity is identified, the pollutant shall be included on the section 303(d) list as soon as possible". The rationale for counting these data results together is that the State Board and San Diego Regional Board are interested in whether or not the waterbody is impaired for toxicity.

The information in most monitoring reports does not identify with any degree of certainty the cause of toxicity. In cases where sediment toxicity tests were also run along with the water toxicity tests, separate LOEs were written for the sediment and water toxicity tests but the number of samples and exceedances were summed under one decision.

For waterbodies with storm and urban run-off inputs there are many potential sources of toxicity and it is likely several pollutants are causing the toxicity.

Comment ID: 304 **TOPIC(S):** Policy Questions on 303d listing/delisting process

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

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.

Regional Board Response:

Comment noted. The Regional Board is providing specific responses to those comments included in the Table referenced in this comment.

Comment ID: 305 **TOPIC(S):** Santa Margarita River - Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

1) There are no valid sample results for toxicity in the water column. Moreover, the total number of sediment toxicity exceedances is zero. (See September 14, 2009, comment letter from the County of San Diego for details.) Santa Margarita River (lower) should not be listed for toxicity.

Regional Board Response:

See response to comment ID: 106

After reviewing the data and viewing the descriptor of the estimated data, the Regional Board is removing the lower Santa Margarita River from the 303d listing for toxicity.

The *Selenastrum capricornutum* toxicity test data was verified as having estimated data for one of the three exceeded samples.

For the *Ceriodaphnia* test, one of the two exceeded samples was estimated data.

Comment ID: 306

TOPIC(S): Sandia Creek - TDS

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

2.) 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.

Regional Board Response:

Sandia Creek will remain on the 303(d) List for TDS (Decision 5553). The Regional Board is very interested in reviewing the new data that has been collected in the Santa Margarita Watershed, and will use it during the 2010 303(d) Listing Cycle once it has been through the QA/QC process.

Comment ID: 307

TOPIC(S): De Luz Creek - Nitrogen

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

3.) 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.

Regional Board Response:

The Regional Board staff recommends that De Luz Creek will remain listed as impaired for total nitrogen on the 303(d) List for this cycle.

The Regional Board staff verified that one of the four SWAMP data points is estimated data. The number of exceedances of total nitrogen is now four of five exceedances.

The Regional Board is very interested in reviewing the new data that has been collected in the Santa Margarita Watershed, and will use it during the 2010 303(d) Listing Cycle once it has been through the QA/QC process.

Anyone wishing to review any data used in the 303(d) listing process, may make an appointment to come to the Regional Board office to review any data or reports that we have on file.

Comment ID: 308 **TOPIC(S):** Long Canyon Creek - Chlorpyrifos

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

4.) 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.

Regional Board Response:

The listings (decisions, LOEs) will be changed to HSA 902.83 near Murrieta Creek and given a new hydrologic unit code (HUC).

Comment ID: 309 **TOPIC(S):** Long Canyon Creek - Iron

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

5.) 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.

Regional Board Response:

The listings (decisions, LOEs) will be changed to HSA 902.83 near Murrieta Creek and given a new hydrologic unit code (HUC).

Comment ID: 310 **TOPIC(S):** Long Canyon Creek - Manganese

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

6.) 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.

Regional Board Response:

The listings (decisions, LOEs) will be changed to HSA 902.83 near Murrieta Creek and given a new hydrologic unit code (HUC).

Comment ID: 311 **TOPIC(S):** Long Canyon Creek - TDS

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

7.) 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.

Regional Board Response:

The listings (Decisions, LOEs) will be changed to HSA 902.83 near Murrieta Creek and given a new hydrologic unit code (HUC).

Comment ID: 312 **TOPIC(S):** Long Canyon Creek - Fecal Coliform

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

8.) 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.

Regional Board Response:

The listings (decisions, LOEs) will be changed to HSA 902.83 near Murrieta Creek and given a new hydrologic unit code (HUC).

Comment ID: 313 **TOPIC(S):** Long Canyon Creek - E. coli

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

9.) 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.

Regional Board Response:

The listings (decisions, LOEs) will be changed to HSA 902.83 near Murrieta Creek and given a new hydrologic unit code (HUC).

Comment ID: 314 **TOPIC(S):** San Luis Rey River - Sulfates

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

10.) 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.

Regional Board Response:

The San Luis Rey River has been separated into two segments for listing purposes. Neither the Upper nor Lower San Luis Rey River will be placed on the 2008 303(d) List for sulfates.

None of the four samples collected on the SLR 2 site exceeded the sulfate water quality objective for sulfate. Four of the four samples collected at the SLR 8 site exceeded the water quality objective for sulfate.

At least five samples are required (with at least two exceedances) before a listing can be made for a conventional pollutant (see Table 3.2 in the CA 303(d) Listing Policy).

Comment ID: 315 **TOPIC(S):** Moosa Canyon Creek- Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

11.) 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.

Regional Board Response:

See response to comment ID: 107.

The Regional Board staff recommends removing the proposed listing for toxicity in Moosa Canyon Creek from the 303d List. The Regional Board staff verified that one of the exceedances of the Selenastrum capricornutum test was estimated data, and was then determined to be unacceptable for use in the 303d Listing.

Comment ID: 316 **TOPIC(S):** Buena Creek - Sulfates
- Sulfates

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

12.) 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.

Regional Board Response:

The Regional Board staff recommends removing the listing for Buena Creek for impairments by sulfates from the 2008 303(d) List . LOE 6538 was duplicate data of LOE 3187. There are four of four exceedances for sulfate. At least five samples are

required (with at least two exceedances) before a listing can be made for a conventional pollutant (see Table 3.2 in the CA 303(d) Listing Policy).

Comment ID: 317 **TOPIC(S):** Buena Creek -Phosphorus

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

13.) 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.

Regional Board Response:

The Regional Board staff agrees with this comment. Decision 16363 for phosphorus in Buena Creek has been changed to "Delist from 303(d) List". A sample size of at least five, with at least five exceedances, is required to consider adding a waterbody with a conventional pollutant to the 303(d) List. Phosphorus is a conventional pollutant, not a toxicant, and therefore should follow Table 3.2 in "the Listing Policy".

Comment ID: 318 **TOPIC(S):** Buena Creek - Total Nitrogen

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

14.) 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.

Regional Board Response:

The Regional Board staff agrees with this comment. Decision 16364 for total nitrogen in Buena Creek has been changed to "Delist from 303(d) List". A sample size of at least five, with at least five exceedances, is required to consider adding a waterbody with a conventional pollutant to the 303(d) List. Total nitrogen is a conventional pollutant, not a toxicant, and therefore should follow Table 3.2 in "the Listing Policy".

Comment ID: 319 **TOPIC(S):** Agua Hedionda Creek - Manganese

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

15.) 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.

Regional Board Response:

The Regional Board staff agrees with this comment and recommends that the listing of Agua Hedionda Creek for impairment by manganese be removed from the 2008 303(d) List.

Regional Board staff verified that one of the two Agua Hedionda Creek manganese exceeded samples was estimated data (collected September 18, 2002). This data point was removed from the assessment. Therefore only one of three samples exceeded the manganese criteria in Agua Hedionda Creek.

Comment ID: 320

TOPIC(S): Agua Hedionda Creek - Selenium

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

16.) 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:

Site: Agua Hedionda Creek MLS

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

Site: Agua Hedionda Creek TWAS

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.

Regional Board Response:

The Regional Board staff did not evaluate new data associated with the decision cited in the comment, which is from the 2006 listing cycle. As a result, the Regional Board is unable to access those Decisions or LOEs at this time and will further consider your request if/when additional supporting data are received for evaluation during the next listing cycle beginning early in 2010.

Comment ID: 321 **TOPIC(S):** Agua Hedionda Creek - Sulfates

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

17.) 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.

Regional Board Response:

The Regional Board staff did not evaluate new data associated with the decision cited in the comment, which was evaluated in the 2006 listing cycle. As a result, the Regional Board is unable to access those decisions at this time and will further consider your request if/when additional supporting data are received for evaluation during the next listing cycle beginning early in 2010.

Comment ID: 322 **TOPIC(S):** Escondido Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

18.) 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:

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 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.

Regional Board Response:

The Regional Board staff disagrees with this comment and recommends that Escondido Creek not be removed from the 2008 303(d) List for impairment by Selenium. Specific types of data from the Co-permittee's stormwater monitoring data were formally submitted for evaluation in the 2008 Listing Cycle, but not all data. Considering the amount of data that the Regional Board reviewed, it was not possible to take on any additional data review in 2008.

The Copermittee's Stormwater Monitoring data could affect the listing status of Escondido Creek in the next listing cycle. The County may wish to provide additional data on Escondido Creek during next listing cycle, which is expected to begin in early 2010.

Comment ID: 323

TOPIC(S): Escondido Creek - Toxicity

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

19.) 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.

Regional Board Response:

See response to comment ID 108:

The Regional Board staff disagrees with this comment and recommends that Escondido Creek remain listed for impairment by toxicity on the 303(d) List for this listing cycle.

Three lines of evidence using toxicity testing were used to place Escondido Creek on the 303d List for toxicity, with two of 15 exceedences for the *Selenastrum capricornutum* toxicity test, and one of eight exceedences for the *Ceriodaphnia dubia* test. The SWAMP data were verified as being accepted data, without any estimated or rejected data. The SWAMP data had three of eight exceedences using the *Hyalalela azteca* toxicity test.

Although diazinon has been removed from the marketplace, it is still present in our waterways. In addition, we cannot verify that the sole reason for the toxicity reported in these past analyses was due to diazinon. To remove a waterbody from the 303(d) List for toxicity, submit at least 28 data toxicity points from the waterbody of concern with exceedences below those found in Table 3.1 of the "Water Quality Control Policy for the California CWA 303(d) List".

The biodiversity indices LOEs were used as supporting data, but were not used as a deciding factor to place Escondido Creek on the 303(d) List for toxicity.

Comment ID: 324 **TOPIC(S):** San Dieguito River - Selenium

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

20.) 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 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:

Site: San Dieguito River MLS (2001-08)

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)

Site - San Dieguito River TWAS-1 (2007-08)
Selenium wet weather exceedance frequency (0/2 samples)
Selenium ambient weather exceedance frequency (0/2 samples)
Site - San Dieguito River TWAS-2 (2007-08)
Selenium wet weather exceedance frequency (0/2 samples)
Selenium ambient weather exceedance frequency (0/2 samples) 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.

Readily available Copermittee data were not used in the analysis, but also support not listing San Dieguito River for selenium.

Regional Board Response:

The Regional Board staff recommends removing the listing for Selenium impairment for San Dieguito Creek from the 2008 303(d) List. We agree with the concerns about the estimated data for selenium at the San Dieguito River 9 site. All selenium data are designated as estimated.

Forrester Creek is not located in the San Dieguito Watershed, but in the San Diego River Watershed, so it does not affect Decision 17053.

Comment ID: 325 **TOPIC(S):** Santa Ysabel Creek- Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

21.) 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."

Same as Comment ID 112

Regional Board Response:

See response to comment ID 112:

The Regional Board staff recommends that both the upper and lower segments of Santa Ysabel Creek remain listed as impaired for toxicity on the 303d List for this listing cycle. Santa Ysabel Creek station # 4 and #7 data should not be combined for analysis. The stations are separated by Sutherland Reservoir and Dam, which will affect the stream water's physical, chemical, and biological composition. The stream segments above and below the reservoir are designated as different hydrologic sub-areas (HSA). When

analyzing the data from both stations #4 and #7 separately, the data still indicate toxic conditions.

Comment ID: 326 **TOPIC(S):** Los Penasquitos Creek - Total Nitrogen

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

22.) 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.

Same as Comment ID 109

Regional Board Response:

See response to comment ID 109:

The Regional Board staff recommends that the impairment by total nitrogen Los Penasquitos Creek remain listed for the 303d List. LOE ID 7336 also is included in the Los Penasquitos Creek Decision 16696 for total nitrogen. This LOE uses the San Diego County Municipal Copermittee data, which as 15 of 15 exceedences for total nitrogen. A total of 16 of 19 samples exceeded the water quality objective.

Comment ID: 327 **TOPIC(S):** Los Penasquitos Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

23.)
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.

Regional Board Response:

The Regional Board staff recommends that impairment from Selenium for Los Penasquitos Creek not be removed from the 2008 303(d) List. However, the Copermittee's Stormwater Monitoring data will be assessed during the 2010 303(d) Listing Cycle, which will begin in early 2010, which may affect the listing in 2010.

Specific types of data from the Co-permittee's stormwater monitoring data were formally submitted for evaluation in the 2008 Listing Cycle, but not all data. Considering the amount of data that the Regional Board staff reviewed, it was not possible to take on any additional data review in 2008.

The Regional Board staff encourages the County to provide additional data on Los Penasquitos Creek for consideration during the next listing cycle, which is expected to begin early in 2010.

Comment ID: 328

TOPIC(S): San Diego River (upper) - Manganese

- Manganese

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

24.) 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.

Regional Board Response:

The Regional Board agrees with this comment. The Regional Board has re-evaluated the mentioned data and revised the Lines of Evidence and Decisions. In addition the LOE and Decision has been moved to the Lower San Diego River waterbody. Under Section 3.2 of the Listing Policy, there is not enough samples for a evaluation and the recommendation is to not list due to insufficient information.

Comment ID: 329

TOPIC(S): Sweetwater River - Enterococcus

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

25.) 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).

Regional Board Response:

The Regional Board staff agree with this comment. In fact, same data were applied to the Lower Sweetwater River which resulted in Decision 30900. Decision 16919 is retired from the database.

Comment ID: 330

TOPIC(S): Sweetwater River- Fecal Coliform

- Fecal Coliform

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

26.) 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).

Regional Board Response:

The Regional Board staff agree with this comment. In fact, same data were applied to the Lower Sweetwater River which resulted in Decision 30901. Decision 16920 is retired from the database.

Comment ID: 331

TOPIC(S): Sweetwater River - Phosphorous

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

27.) 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).

Regional Board Response:

The Regional Board staff have divided the Sweetwater River into two separate water bodies for Upper and Lower Sweetwater River in the CalWQA database. The data for the Sweetwater River #3 site, with two of four exceedances, designates the upper Sweetwater River as "Do Not List" and a TMDL will not be required for phosphorus; whereas the data for the Sweetwater River #8 site, with 13 of 15 exceedances, supports the decision to add the lower Sweetwater River to the 303(d) List for this listing cycle.

At least five samples are required (with at least two exceedances) before a listing can be made for a conventional pollutant (see Table 3.2 in the CA 303(d) Listing Policy).

Comment ID: 332 **TOPIC(S):** Sweetwater River - Salinity/TDS/Chloride

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

28.) 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, and is representative of the Lower Sweetwater Hydrologic Area only.

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.

Regional Board Response:

The Regional Board staff recommends that the Lower Sweetwater River remain listed as impaired for TDS on the 303(d) List for this cycle.

Eleven of 15 samples exceeded the water quality objective for TDS.

LOE 7185 was the only LOE used to place the Lower Sweetwater River on the 303(d) List for TDS, the sulfate LOE was only a supporting LOE, it was not used in the analysis to make the decision for listing.

At least five samples are required (with at least two exceedances) before a listing can be made for a conventional pollutant (see Table 3.2 in the CA 303(d) Listing Policy).

Comment ID: 333 **TOPIC(S):** Sweetwater River - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

29.) 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 listing 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.

Regional Board Response:

The Sweetwater River had been split into two segments, a lower segment (below the reservoir) and an upper segment (above the reservoir) in CalWQA. The Lines of Evidence and Decisions have been moved to their respective segments and decisions revised. Copermittee data for selenium in the lower Sweetwater River has been added to the evaluation.

Comment ID: 334 **TOPIC(S):** Sweetwater River - Sulfates

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

30.)

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.

Regional Board Response:

Neither the Upper nor the Lower Sweetwater River will be placed on the 2008 303(d) List for sulfates.

LOE 6519 has been changed to LOE 30886 for the Lower Sweetwater River, and now states that 3 of 3 samples exceed the water quality objective for sulfate. One of the four samples collected was estimated data.

LOE 25667 has been changed to LOE 30887 for the Upper Sweetwater River, and now states that none of the four samples exceeded the water quality objective for sulfate.

The sulfate LOEs were the only LOEs used to place the Lower Sweetwater River on the 303(d) List for TDS. The TDS LOE (7185) was just a supporting LOE, it was not used in the analysis to make the decision for listing.

At least five samples are required (with at least two exceedances) before a listing can be made for a conventional pollutant (see Table 3.2 in the CA 303(d) Listing Policy).

Comment ID: 335

TOPIC(S): Sweetwater River - Total Nitrogen as N

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

31.) 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.

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.

Regional Board Response:

The Regional Board staff recommends that the upper Sweetwater River not be placed on the 303(d) List for total nitrogen; however the lower Sweetwater River will be placed on the 303(d) List with 13 of 15 samples exceeding the Basin Plan water Quality Objective for total nitrogen.

The following table provides sampling results for the Sweetwater River site #3 on the upper Sweetwater River, where two samples are very near the 1.0 mg/l objective value, but do not exceed the value. None of the four total nitrogen values exceed the water quality objective of 1.0 mg/l. (Nitrite + Nitrate + Total Kjeldahl = Total Nitrogen.)

Date	Nitrite	Nitrate	Total Kjeldahl Nitrogen
02/Jun/2005	ND	ND	0.44
08/Sep/2005	ND	0.62	0.33
01/Feb/2006	ND	0.546	0.45
12/Apr/2006	0.0044	0.0114	0.16

Comment ID: 336

TOPIC(S): Sweetwater River - Toxicity

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

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 Hyallella growth in sediment.

Same as Comment ID 109

Regional Board Response:

See response to comment ID 109:

The Regional Board staff recommends that total nitrogen impairments in Los Penasquitos Creek remain on the 303d List. LOE ID 7336 also is included in the Los Penasquitos Creek Decision 16696 for total nitrogen. This LOE uses the San Diego County Municipal Copermitee data, which as 15 of 15 exceedences for total nitrogen. A total of 16 of 19 samples exceeded the water quality objective.

Comment ID: 337 **TOPIC(S):** Jamul Creek- Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

33.) New Listing

It is recommended that Jamul Creek not be listed for sediment toxicity, as 0 of 2 samples were found to be toxic.

Regional Board Response:

See response to comment ID 111:

The Regional Board staff recommends that Jamul Creek will remain on the 303d List for toxicity. The Selenastrum capricornutum test for Jamul Creek had two of three exceedences for toxicity. Neither of the two samples were toxic in the Hyallella azteca sediment toxicity tests for Jamul Creek. There was a typo in LOE 26511. Jamul Creek was placed on the 303d List for toxicity with two of five exceedences for toxicity.

Comment ID: 338 **TOPIC(S):** Poggi Canyon Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

34.) 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.

Regional Board Response:

The Regional Board staff recommends that impairment by Selenium in Poggi Canyon Creek be removed from the 303(d) List for this listing cycle .

Comment ID: 339

TOPIC(S): Tijuana River - Sedimentation/siltation

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

35.) New Listing

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 review. To maintain a transparent process, this listing should be put on hold until the photos are made available for review.

Regional Board Response:

The Regional Board has photos of the Tijuana River valley and estuary Photos from February 13, 2008 Powerpoint presentation. The photos exhibit the sedimentation problem within the watershed. The photos are dramatic. Aerial and ground level photographs show the changes that have occurred due to large storm events and over time. The occurrence of conditions judged to cause impairment and therefore exceed the water quality objective. The presentation file is 50,000KB, and therefore was not uploaded onto the website with the other data. In addition, the State imposed limitations on the size of attachments make the file is too large to send by e-mail.

The Powerpoint presentation is available for viewing at the Regional Board. If you have an FTP site, it can be sent to that site. Please call our office to make an appointment.

Comment ID: 340

TOPIC(S): Tijuana River - Selenium

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

36.) 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:

Site: Tijuana River MLS (2001-07)

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 Copermitee data that were readily available can be considered in the 2010 listing process.

Regional Board Response:

The Regional Board staff recommends that the Selenium impairment of the Tijuana River not be removed from the 2008 303(d) List. However, the Copermitee's Stormwater Monitoring data will be assessed during the 2010 303(d) Lisitng Cycle, which will begin in early 2010, which may affect the listing in 2010.

Specific types of data from the Co-permittee's stormwater monitoring data were formally submitted for evaluation in the 2008 Listing Cycle, but not all data. Considering the amount of data that the Regional Board reviewed, it was not possible to take on any additional data review in 2008. Please submit any additional data on the Tijuana River of which you are aware during the 2010 data solicitation period.

Comment ID: 341 **TOPIC(S):** Cottonwood Creek (TJ) - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

37.) 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.

Regional Board Response:

The sampling station should represent the stream segment in which it is located. In this case, the station is located within the lower Cottonwood Creek segment (HSA 911.20). This segment is downstream of the confluence of Pine Valley Creek and Cottonwood Creek, and is near the base of this stream. It therefore actually represents two watersheds, not just Cottonwood Creek watershed.

Comment ID: 342 **TOPIC(S):** Pine Valley Creek (Upper) - Phosphorous

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

38.) 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.

Regional Board Response:

The Regional Board staff agree with this comment. Decision 5176 for phosphorus in Pine Valley Creek has been changed to "Delist from 303(d) List". A sample size of at least five, with at least five exceedances, is required to consider adding a waterbody with a conventional pollutant to the 303(d) List. Phosphorus is a conventional pollutant, not a toxicant, and therefore should follow Table 3.2 in "the Listing Policy".

Comment ID: 343 **TOPIC(S):** Santa Margarita River (Upper) Phosphorus

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Comments and Recommendations that Do Not Affect Proposed Listing Decisions 39.) 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

Regional Board Response:

The Regional Board staff has made the recommended change in LOE 7407.

Comment ID: 344 **TOPIC(S):** De Luz Creek - Sulfates

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

40.) 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.

Regional Board Response:

The Regional Board staff recommends that the sulfate impairment for De Luz Creek remain on the 2008 303(d) List .

The Regional Board staff verified that one of the five SWAMP samples was a duplicate sample (collected Sept. 9, 2003). Therefore, three of five SWAMP samples exceeded

the sulfate objective, for a total of five of thirteen exceedances of the sulfate water quality objective. The change in number does not change the listing status.

Comment ID: 345 **TOPIC(S):** San Luis Rey River - Phosphorus

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

41.) 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.

Regional Board Response:

The Regional Board staff made the recommended change in Decision 17070.

Comment ID: 346 **TOPIC(S):** San Luis Rey River -Total N

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

42.)

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 at San Luis Rey River 8 (station id: 903SLSLR8 lat/long: 33.21494/-117.36837) exceeded WQO (SWAMP 2007). 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.

Regional Board Response:

Comment is noted regarding nitrate and nitrite sample results falling below the MDL. The Listing Policy section 6.5.1.1 states that data with results falling below the "quantitation limit" will be used unless the criterion/ objective for the pollutant in question is below the "quantitation limit".

For LOE's 7375 and 23502, the water quality objective of 1.0 mg/l will be entered into the fact sheet for total nitrogen.

The most recent coordinates received from SWAMP for the SLSLR2 station is 33.26329 -116.80890. The Regional Board staff will notify SWAMP that the coordinates need to be updated. The general location of the San Luis Rey River #2 station is downstream of Lake Henshaw and Wigham Creek, and upstream of the Mesa Truck Trail (running parallel to Highway 76).

Comment ID: 347 **TOPIC(S):** San Luis Rey River - Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

43.)

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.

Regional Board Response:

The Regional Board staff have split the San Luis Rey River into two separate water bodies, Upper and Lower San Luis Rey River in the CalWQA database. The Regional Board separated the IBI data as appropriate for station locations and edited and moved the LOEs for San Luis Rey River into the Upper and Lower segments of San Luis Rey River.

The Regional Board recommends that the Lower San Luis Rey River be listed for impairment by toxicity on the 303d List for this listing cycle.

Comment ID: 348 **TOPIC(S):** Keys Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

44.) 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.

Regional Board Response:

The Regional Board staff recommends that the impairment by Selenium in Keys Creek remain on the 2008 303(d) List . The Regional Board staff verified that one of the samples in the SWAMP database indicates that selenium concentration was "estimated data", leaving two of three samples that exceeded the selenium objective. However, the change in number of samples does not affect the listing decision.

Comment ID: 349 **TOPIC(S):** Loma Alta Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

45.) 4 of 4 samples collected at Loma Alta Creek station 904CBLAC3 on March, April, June and September 2002 showed excessive selenium concentration (SWAMP, 2007). In the SWAMP Database, 1 of the 4 samples was "Estimated; non-compliant with associated QAPP". Therefore, 3 of 3 samples exceeded the WQO.

Regional Board Response:

The Regional Board staff recommends that Selenium impairment in Loma Alta Creek remain on the 2008 303(d) List. The Regional Board staff verified that one of the Loma Alta Creek selenium samples was estimated data, therefore only three of three samples exceeded the water quality objective for selenium. The change does not affect the listing decision for selenium.

Comment ID: 350 **TOPIC(S):** Buena Vista Creek -Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

46.) 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.

Regional Board Response:

The Regional Board staff recommends that Selenium impairment of Buena Vista Creek remain on the 2008 303(d) List. The Regional Board staff verified that one of the Buena Vista Creek selenium samples was estimated data, therefore only three of three samples exceeded the water quality objective for selenium. The change does not affect the listing decision for selenium.

Comment ID: 351 **TOPIC(S):** San Marcos Creek- Sediment Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Links Broken or Misdirected

Regional Board Response:

Comment noted, the Link will be repaired

Comment ID: 352 **TOPIC(S):** San Marcos Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

8.) 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 1 provided 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 samples 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

Regional Board Response:

The Regional Board staff recommend that San Marcos Creek remain listed for impairment by selenium on the 303(d) List for this cycle.

At San Marcos Site #3, two of three samples exceeded the water quality objective for selenium. One of four samples was estimated data; and therefore was removed from the assessment. At San Marcos Site #6, three of three samples exceeded the water quality objective for selenium. One of four samples was estimated data; and therefore was removed from the assessment.

According to Section 3.1 of the Listing Policy, at least two exceedences are needed before a listing can be made for a toxicant.

The Regional Board does not plan to separate San Marcos Creek into two segments for listing purposes at this time.

Comment ID: 353 **TOPIC(S):** San Marcos Creek - Toxicity

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Comment:

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 Assurance Project Plan....are acceptable for use in developing the section 303(d) list" and should be removed from the analysis.

Regional Board Response:

The Regional Board disagrees with part of this comment. LOE 21385 does not include H. azteca sample results that were noted as Estimated.

The sediment sample collected on April 23, 2002 is the data used for the total toxic samples in the LOE. LOE 21385 is not a repeat of LOE 3209 and LOE 3208. LOE 21385 is for water toxicity and LOE 3209 and LOE 3208 are for sediment toxicity. The Regional Board agrees that Decision 17606 is redundant and staff has retired decision 17606.

Comment ID: 354 **TOPIC(S):** San Dieguito River - Nitrogen

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired

Comment ID: 355 **TOPIC(S):** San Dieguito River - Toxicity

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

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, 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".

Data noted as "Estimated; non-compliant with associated QAPP" should be removed from the analysis 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.

Regional Board Response:

The Regional Board disagrees with this comment. The estimated Selenastrum data was not used for the listing decision and the fourth sample exceedance was a Ceriodaphnia dubia sample collected during September of 2003. The County may wish to provide the Regional Board with additional data for consideration during the next listing cycle beginning in early 2010.

Comment ID: 356 **TOPIC(S):** Poway Creek - Selenium

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

52.) 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.

Regional Board Response:

The Regional Board recommends keeping existing listing Decision 16971. The Regional Board staff reviewed the Poway Creek selenium data in the SWAMP database shows that 1 out of 4 samples was estimated, but was not disqualified. Section 6.1.5.1 of the Listing Policy states that estimated data may be used as ancillary evidence.

Comment ID: 357 **TOPIC(S):** San Diego River (lower) -Enterococcus

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 358 **TOPIC(S):** San Diego River (lower) - Nitrogen

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 359 **TOPIC(S):** Forester Creek - Selenium

ORGANIZATION: County of San Diego
NAME: Cid Tesoro

Comment:

55.) 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.

Regional Board Response:

The Regional Board staff recommends that Forester Creek remain listed as impaired for selenium on the 2008 303(d) List for this cycle.

The decision to list the waterbody for impairment by selenium follows Section 3.1 of the Listing Policy (see Table 3.1). The Regional Board staff verified that one of the four SWAMP samples was non-compliance with the QAPP. It was removed from the assessment. However, three of three samples exceeded the CTR value for selenium and support the listing decision.

Comment ID: 360 **TOPIC(S):** Los Coches Creek - Selenium

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

56.) 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.

Regional Board Response:

The Regional Board staff recommends that Los Coches Creek remain listed as impaired for selenium on the 2008 303(d) List for this cycle. Regional Board staff verified that one of the four SWAMP samples was non-compliance with the QAPP. It was removed from the assessment. However, two of three samples exceeded the CTR value for selenium, which supports the listing decision.

Comment ID: 361 **TOPIC(S):** San Luis Rey River

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 362 **TOPIC(S):** Agua Hedionda Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 363 **TOPIC(S):** Escondido Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 364 **TOPIC(S):** San Dieguito River

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 365 **TOPIC(S):** Green Valley Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 366 **TOPIC(S):** Kit Carson Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 367 **TOPIC(S):** Clover-dale Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 368 **TOPIC(S):** Santa Ysabel Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 369 **TOPIC(S):** Los Pen-asquitos Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 370 **TOPIC(S):** Soledad Canyon

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 371 **TOPIC(S):** Poway Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 372 **TOPIC(S):** San Diego River (lower)

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 373 **TOPIC(S):** Famosa Slough

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 374 **TOPIC(S):** Alvarado Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 375 **TOPIC(S):** Murray Reservoir (Lake Murray)

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 376 **TOPIC(S):** Forrester Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 377 **TOPIC(S):** San Diego River Upper

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 378 **TOPIC(S):** Los Coches Creek

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 379 **TOPIC(S):** San Vicente Reservoir

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 380 **TOPIC(S):** El Capitan Reservoir

ORGANIZATION: County of San Diego

NAME: Cid Tesoro

Comment:

Broken or Misdirected Links

Regional Board Response:

Comment noted, the Link will be repaired.

Comment ID: 381 **TOPIC(S):** San Diego River and Forester Creek

ORGANIZATION: City of Santee

NAME: Pedro Orso

Comment:

Item 1.) Observation: Appendix A (proposed and revised sections [Attachment 1]) states that the only change for Forester Creek is the listing of Selenium. There are no changes listed for the San Diego River. Appendix B (Summary of Assessed Waterbodies [Attachment 2]) lists Manganese as "List on 303(d)" for San Diego River (upper) on page 85. Appendix B also list Enterococcus, Nitrogen and Toxicity as "List on 303(d)" for San Diego River (lower) also on page 85.

Comment: Appendix A and Appendix B should be consistent. Please clarify which impairments are proposed for the San Diego River and Forester Creek, so that they can be commented on. It is our understanding from a conversation with Mr. Monjii, that if any additions to Appendix A are required, then they would be made available for comment.

Regional Board Response:

The Regional Board staff are working to correct mistakes and inconsistencies in the 2008 303(d) List. Appendix A contains only “New” and “Revised” Decisions under the Revision Status Field. Decisions that are classified as “Original” Decisions are not included in Appendix A, but are included in Appendix B.

Comment ID: 382 **TOPIC(S):** Forester Creek

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 2.) Observation: Forester Creek was listed on the final 303(d) list for 2006, however the supporting factsheet concludes “Do Not List” Forester Creek for dissolved oxygen. The factsheet for 2008 states that “no new data were assessed for 2008. The decision has not changed.” Based on these observations it is concluded that Forester Creek was listed with an impairment for dissolved oxygen through typographical error.

Comment: This error should be corrected and Forester Creek no longer listed with an impairment for dissolved oxygen.

Regional Board Response:

The Regional Board staff recommends that the listed impairment for dissolved oxygen in Forester Creek be removed from the 2008 303(d) List for this listing cycle. According to Table 3.2 of the CWA 303(d) Listing Policy, least five exceedances are required for listing purposes, however Forester Creek has three of ten exceedances for dissolved oxygen, which does not support a decision to list this waterbody for dissolved oxygen impairment during this listing cycle.

Comment ID: 383 **TOPIC(S):** San Diego River (upper)

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 3.) Observation: Supporting information for manganese to be listed on the 303(d) list for the San Diego River (upper) (Line of Evidence ID 9015, for Decision ID 17050) states that SWAMP data collected on March, April, June, and September 2002 (from sample location 907SSDR15) were used to support the decision for the listing. A search of the SWAMP database and the referenced SWAMP Report for 2007 did not provide this data.

Comment: At present it is not possible to assess the justification for this listing. Any data used to support the listing of manganese in the upper San Diego River should be provided for review.

Regional Board Response:

The Regional Board staff recommends that the listed impairment for manganese in San Diego River be removed from the 2008 303(d) List for this listing cycle. Four samples and one duplicate were collected on the San Diego River for manganese. The sample and duplicate were collected in May 2004 were deemed estimated data. These two data points have been removed from the assessment, leaving three of three exceedances.

Manganese falls into Section 3.2 of the Listing Policy. At least five samples are required (with at least two exceedances) before a listing can be made for a conventional pollutant.

18/May/2004 Manganese,Dissolved 121µg/L
19/Apr/2005 Manganese,Dissolved 616µg/L
13/Sep/2004 Manganese,Dissolved 78.3µg/L
18/May/2004 Manganese,Dissolved 135µg/L
28/Feb/2005 Manganese,Dissolved 140µg/L

Comment ID: 384 **TOPIC(S):** San Diego River (lower)

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 4.) Observation: Line of Evidence ID 7490 for Decision ID 17046 (states for Nitrogen "List on 303(d)" for San Diego River (lower) that four samples were collected from 907SSDR15. The samples collected on 2/28/05 and 9/13/04 were listed as being "matrix spike/matrix spike duplicate." These were the only data that exceeded the threshold used in the Line of Evidence of 1.0 mg/L. It appears that this data was inappropriately used (see Attachment 4). In addition, the method used to analyze the nitrogen (QC10107062E) appears to be a proprietary analytical method. Insufficient information is available to assess if these is equivalent to EPA Method 351.1 or some other widely-used method and if its use is appropriate.

Comment: This line of evidence cannot be used to justify the nitrogen listing and should be removed.

Regional Board Response:

The Regional Board staff recommends that the impairment by total nitrogen for the lower San Diego River remain on the 303(d) List.

For May 18, 2004, a field duplicate was taken, but not spiked. No other indication was given in the dataset of spiked samples. However, one sample was diluted in order to take an accurate reading because the nitrate value was so high.

The monitoring plan and the data was approved through the State's SWAMP QA program. If the analytical method used was not an approved method by the State, it would have been rejected during the QAPP process.

Even if the diluted sample in question was removed from the assessment, the 303(d) listing decision for this waterbody would remain the same due to the 14 of 15 exceedances from the San Diego County Copermittee's urban runoff sampling program.

Comment ID: 385 **TOPIC(S):**

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 5.) Observation: Line of Evidence ID 7489 for Decision ID 17046 uses samples collected during wet weather. Samples collected during wet weather are not indicative of normal ambient conditions, but reflect the more extreme conditions of a rain event. All exposed areas have rainwater running over them mobilizing natural and man-made sources of nitrogen. This is an event that occurs periodically, and would naturally introduce heavier loads than those observed during dry weather conditions. Many beneficial uses (such as Rec-1 and Rec-2) would not be enjoyed during a rain event, therefore it is incorrect to apply data from conditions where the beneficial use would not be enjoyed.

Comment: Remove data collected from wet weather sampling.

Regional Board Response:

Data for all weather conditions are considered for the 303(d) listing process and REC-1 and REC-2 Beneficial Uses apply during all weather conditions.

Comment ID: 386 **TOPIC(S):** Lower San Diego River - Enterococcus

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 6.) Line of Evidence ID 7487 for Decision ID 17047 uses samples collected during wet weather. Samples collected during wet weather are not indicative of normal ambient conditions, but reflect the more extreme conditions of a rain event. All exposed areas have rainwater running over them mobilizing natural and man-made sources of enterococcus. The lower San Diego River is already listed for fecal coliforms, therefore sources of human fecal matter will already be addressed. This listing does not add any benefit in working towards improved water quality.

Comment:
Do not list Enterococcus for the lower San Diego River.

Regional Board Response:

The Basin Plan does not exclude beneficial uses such as REC1 and REC2 during rain event. The Listing Policy calls for 4% exceedance for dry weather samples. For samples collected other than dry weather season, Table 3.2 is used which sets the exceedance

frequency at 10%. LOE 7487 states that all fifteen samples exceeded the REC1 water quality objectives which is a 100% exceedance. Based on the guideline of the Listing Policy, the water body is impaired thus should be listed. The City may want to consider collecting year-around samples to demonstrate that the water body is not impaired and should be delisted during the next listing cycle in 2010.

Comment ID: 387 **TOPIC(S):**

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 7.) Observation: Toxicity is identified as a potential listing.

Comment: It is inappropriate to include it in the draft report if a decision has still to be made on whether it should be listed or not. Remove this from Appendix B.

Regional Board Response:

It is not clear to the Regional Board staff which decision or LOE this comment is intended to address. There is not enough information for the Regional Board to respond to this comment.

Comment ID: 388 **TOPIC(S):** Forester Creek - Selenium

ORGANIZATION: City of Santee
NAME: Pedro Orso

Comment:

Item 8.) Observation: Selenium has been added to the 303(d) list for Forester Creek based on four samples collected at 907SDRFC2. Based on information observed in other regions (Attachment 4), selenium occurs naturally in rocks and is mobilized by nitrates in groundwater. No potential source for the selenium has been identified in the factsheet. It is likely that the reported concentrations of selenium are a result of natural conditions in the watershed. The Santiago Formation is reported to be high in selenium and groundwater data presented by the Cities of Santee and El Cajon have shown that there are concentrations of nitrates in groundwater above 10 milligrams per Liter (10 mg/L) within the watershed. It is unreasonable to list Forester Creek for an impairment that requires a TMDL if the condition is naturally-occurring. At a minimum the listing should be under a category where a TMDL is not required (Category 4c for example).

Comment: Do not list selenium in Forester Creek as Category 5. If a listing is required, then list it under a category where a TMDL is not required.

Regional Board Response:

The Regional Board staff recommends that the listed impairment for selenium in Forester Creek remain on the 2008 303(d) List for this listing cycle. Three of three

samples exceeded the CTR value for selenium. One of four SWAMP samples was removed from the assessment due to non-compliance with the QAPP.

Selenium, in many cases, is naturally-occurring. The argument regarding the Santiago Formation will be investigated in the future; however, be aware that the “unnatural” excessive mobilization of naturally-occurring metals, salts or other constituents can warrant a TMDL. For example, nitrates could infiltrate the groundwater from urban or agriculture runoff and could then lead to excessive soil erosion which would further lead to increased selenium concentrations in water and sediment of a given waterbody. Because of these complex interactions, and the complex speciation of selenium, further investigation of appropriate selenium concentrations for the San Diego Region will be warranted regarding the selenium 303(d) Listings in the San Diego Region. This investigation could be represented by one study or a group of studies.

Comment ID: 389 **TOPIC(S):** Escondido Creek - Manganese

ORGANIZATION: City of Escondido
NAME: Cheryl Filar

Comment:

Escondido Creek - Manganese

1.) Reason for Proposed Changes/Comments:

- This LOE references that four of the eight samples taken exceed the secondary drinking water standard for manganese according to results in California’s Surface Water Ambient Monitoring Report 2007. The secondary drinking water standard for manganese is 0.05 mg/L.
- Escondido Creek’s beneficial use classification as a municipal domestic water supply is not consistent with the historical use and ephemeral nature of this water body.

Comments/Proposed Changes:

Generally, the creek has low flows, with months of high flows due to rainfall typically occurring in January and February. It is recommended that the creek’s beneficial use designation be re-considered.

Regional Board Response:

The Regional Board staff recommends that the listed impairment for manganese in Escondido Creek remain on the 303(d) List for this listing cycle.

A waterbody does not need to have a current or historic beneficial use to have such a designation. Considering the projected water supply needs of San Diego County, it is not possible to confidently rule out any possible future uses for water supply or water conveyance . Beneficial use classifications for waterbodies are addressed during the basin planning process and Triennial Review. Any comments of this nature should be provided to the Regional Board during the Triennial Review of the Basin Plan.

Comment ID: 390 **TOPIC(S):** Escondido Creek - Manganese

ORGANIZATION: City of Escondido
NAME: Cheryl Filar

Comment:

Escondido Creek - Manganese

2.) Reason for Proposed Changes/Comments:

The LOE references two out of eight samples exceeded the water quality objective. These samples were collected by the City of Escondido's Llivestream Discharge quarterly baseline monitoring program for the period 2003 through 2005. However, a persistent and prevalent factor that causes this exceedance is the concentration of manganese in Escondido's groundwater table. The estimated surface groundwater contribution to Escondido Creek is an average of 5,230 acre feet per year (Attachment 1).

Comments/Proposed Changes:

Since groundwater contributions of manganese are readily introduced into the Creek's surface waters, especially during wet weather events, it is recommended that these recurring dynamics be considered (Attachment 1).

Regional Board Response:

The Regional Board staff recommends that the listed impairment for manganese in Escondido Creek remain on the 2008 303(d) List for this listing cycle. The Regional Board encourages the City to provide additional information on manganese concentrations in Escondido Creek and possible groundwater influence during the next listing cycle. The next listing cycle is expected to begin in early 2010.

Comment ID: 391

TOPIC(S): Escondido Creek - Total Dissolved Solids

ORGANIZATION: City of Escondido
NAME: Cheryl Filar

Comment:

Escondido Creek - Total Dissolved Solids

3.) Reason for Proposed Changes/Comments:

One sample collected by the RWQCB9 in 1998. Sample was in exceedance. A persistent and prevalent factor that causes this exceedance is the concentration of TDS in Escondido's groundwater. The estimated surface groundwater contribution to Escondido Creek is an average of 5,230 acre feet per year (Attachment 1).

Comments/Proposed Changes:

Since groundwater contributions of TDS are readily introduced into the Creek's surface waters, especially during wet weather events, it is recommended that these recurring dynamics be considered (Attachment 1).

Regional Board Response:

Comment noted. Considering your comments, if total dissolved solids (TDS) concentrations in Escondido Creek are investigated at some point in the future, the groundwater influence would certainly need to be included as a possible major source of TDS to the stream, considering the flow contribution. The Regional Board encourages

the City to provide additional information on TDS concentrations in Escondido Creek and possible groundwater influence during the next listing cycle. The next listing cycle is expected to begin in early 2010.

Comment ID: 392 **TOPIC(S):** Escondido Creek - DDT

ORGANIZATION: City of Escondido
NAME: Cheryl Filar

Comment:

Escondido Creek - DDT

4.) Reason for Proposed Changes/Comments:

Escondido Creek's beneficial use classification as a municipal domestic water supply is not consistent with the historical use and ephemeral nature of this water body. Data reviewed was from the City of Escondido's Live Stream Discharge monitoring of Escondido Creek. Quarterly sampling occurred between 2004 and 2005. Six samples were collected and analyzed for pesticides; however, the detection limits were less than 5.0 ug//liter, well above the CTR criteria. From the CTR, the DDT criterion for protection of human health is 0.00059ug/L.

The detection limit cited, 0.00059, is not realistic based on the current confidence levels of analytical methodologies. APCL report (Attachment 2) data indicate that DDT concentrations are between 0.19 to 0.01 ug/L. Composite data for pesticides versus focus data for DDT were used. Focus DDT data indicates non-detect levels of less than 0.0021ug/L

Comments/Proposed Changes:

Regional Board Response:

The Regional Board recommends that Escondido Creek remain listed as impaired for DDT on the 303(d) List for this listing cycle. Data from LOE 6231 were not used because of the detection limit that exceeded the CTR criteria (which addresses the argument in this comment). Only data from LOE 3247 were used to add Escondido Creek to the 2008 303(d) List.

Comment ID: 393 **TOPIC(S):** Escondido Creek - Enterococcus

ORGANIZATION: City of Escondido
NAME: Cheryl Filar

Comment:

Escondido Creek - Enterococcus

5.) Reason for Proposed Changes/Comments:

Samples were collected at the mass loading station located near the lower boundary of the watershed under the Camino Del Norte Bridge east of Rancho Santa Fe Road along a natural channel in Encinitas from 2001 through 2006. Samples were collected during wet weather. Analysis should consider counts that are generally elevated because of wet

weather flows, particularly those associated with primary wet weather season storm events.

Comments/Proposed Changes:
LOE does not support listing

Regional Board Response:

The Listing Policy calls for 4% exceedance for dry weather samples. For samples collected other than dry weather season, Table 3.2 is used which sets the exceedance frequency at 10%. LOE 7364 states that all fifteen samples exceeded the REC1 water quality objectives which is a 100% exceedance. Based on the guideline of the Listing Policy, the water body is impaired thus should be listed. If the City may want to consider collecting year-around samples to demonstrate that the water body is not impaired and should be delisted during the next listing cycle in 2010.

Comment ID: 394 **TOPIC(S):** Escondido Creek - Sulfates

ORGANIZATION: City of Escondido
NAME: Cheryl Filar

Comment:

Escondido Creek - Sulfates

6.) Reason for Proposed Changes/Comments:

Data were collected by DWR from 1998 to 2000. Four of 5 samples were in exceedance. According to the Basin Plan, for inland surface waters and all beneficial uses, the WQO for sulfate is 250 mg/L., which is not to be exceeded more than 10% of the time during any one-year period. A persistent and prevalent factor that causes sulfate exceedances is the concentration of it in Escondido's groundwater. Surface groundwater contributions to Escondido Creek are an average of 5,230 acre feet per year (Attachment 1).

Comments/Proposed Changes:

Since groundwater contributions of sulfates are readily introduced into the Creek's surface waters, especially during wet weather events, it is recommended that these recurring dynamics be considered (Attachment 1).

Regional Board Response:

The Regional Board recommends that Escondido Creek remain listed as impaired for sulfate on the 303(d) List for this listing cycle.

Considering your comment, when sulfate concentrations in Escondido Creek are investigated at some point in the future, the groundwater influence would certainly need to be included as a possible major source of sulfate to the stream, considering the flow contribution. The Regional Board encourages the City to provide additional information on sulfate concentrations in Escondido Creek and possible groundwater influence during the next listing cycle. The next listing cycle is expected to begin in early 2010.

Comment ID: 396 **TOPIC(S):** Policy question of 303d listing/delisting

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

General Comments

1.) The Regional Board should consider existing planning programs such as the SAMP, HCP, MSAA and technical plans such as the WQMP in determining whether to make changes to the 303(d) list

Regional Board Response:

Comment noted.

Comment ID: 397

TOPIC(S): Policy question of 303d listing/delisting

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

General Comments:

2). The data sets offered by the Regional in support of the proposed additions to the 303(d) list are not robust (ie: too few samples) and in some cases may not represent the current conditions due to the age of the data. The Regional Board should develop more current and extensive data sets before making changes to the 303(d) list.

Regional Board Response:

The Regional Board collects limited ambient water samples in San Diego Region every year, but there is only a limited amount of available State and Federal funds. The Regional Board welcomes any opportunity to have additional data collected on waterbodies in the San Diego Region. Data collection and analysis should follow the SWAMP QAPP on the State Board website.

Comment ID: 398

TOPIC(S): San Juan Creek - Diazinon

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

San Juan Creek - Diazinon

1.) The Regional Board propose to ass a 23-mile section of the Arroyo Trabuco and a 1-mile section of San Juan Creek to the 303(d) list for diazinon. As the Regional Board is undoubtedly aware, EPA banned the use of this substance in 2004. The samples taken in the Arroyo Trabuco or the best scientific data available. Similar to the Arroyo Trabuco, the early (1999/2000) San Juan Creek data show exceedances, but samples taken in the 2003/2004 do not. It is reasonable to postulate that the 2004 ban of diazinon has had some effect on the concentrations of this substance during the last five years. The Regional Board should take new samples to determine current conditions in both the Arroyo Trabuco and San Juan Creek before acting on any proposal to ass these two

creek section to the 303(d) list for diazinon. Furthermore, the Regional Board should consider the value in expending the time, money and effort to develop a TMDL for a substance that has already been banned.

Regional Board Response:

See responses to comments ID: 97 and 144.

The Regional Board staff recommends that San Juan Creek remain listed for impairment by diazinon on the 303(d) List for this listing cycle.

The Regional Board staff verified that the Dept. of Pesticide Regulation Program reported 2 exceedance in 11 diazinon samples (04/08/1999 through 01/17/2001) for a station at Stonehill Drive, which is located approximately 0.75 miles to the San Juan Creek mouth (Lat 33.4753 Long -117.6790). Regional Board staff found only 11 samples at DPR for San Juan Creek, rather than 26.

The Regional Board staff concur with the four SWAMP samples, and the five OCPW samples. The total count for diazinon samples in San Juan Creek in Orange County, where pesticide loading would be an issue, is 20. Two exceedances in 20 samples meets the exceedance criteria in the Listing Policy to support a decision to list San Juan Creek as impaired for diazinon on the 303(d) List for this cycle.

Comment ID: 399 **TOPIC(S):** Arroyo Trabuco - Phosphorus

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

Arroyo Trabuco - Phosphorus

2.) In the Arroyo Trabuco, according to the data presented by the Regional Board, 9 of 9 wet weather samples taken Dec 2002 to March 2006 exceeded phosphorus WQO of 0.1 mg/L/ Depending on the intensity of storms sampled these samples may not be representative of all wet weather events. Please comment on the likelihood of these samples being representative of all wet weather events. In both cases only 9 samples were taken over the course of 4 years, averaging 2 samples a year. We question whether the Regional Board has collected sufficient data to accurately characterize the concentrations of phosphorus in the Arroyo Trabuco. We recommend additional samples be taken to improve the quality of available data before the Regional Boards acts on any proposal to add the Arroyo Trabuco to the 303(d) list for phosphorus.

Regional Board Response:

The Regional Board staff agree that biannual samples collected over four years are sufficient to characterize phosphorus trends in Arroyo Trabuco Creek as a screening for the 303(d) List. Multiple seasons and years have been represented in this dataset.

The Regional Board strongly encourages Rancho Mission Viejo to collect water quality data and improve data coverage across the Region. Your agency can provide additional data to the Regional Board for consideration during the next 303(d) Listing cycle beginning in early 2010.

Comment ID: 400 **TOPIC(S):** Arroyo Trabuco - Total Nitrogen as N

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

Arroyo Trabuco - Total Nitrogen as N

3.) The data presented by the Regional Board for Total Nitrogen as N notes that eight of nine flow-weighted even mean concentration in the Arroyo Trabuco exceeded the water quality objective of 1.0 mg/L according to results in the Orange County Stormwater Program annual progress reports. Samples were collected nine times from December 2002 to March 2006. Does the regional Board have additional data such as evidence of problems with nutrients, like algal blooms?

Regional Board Response:

The Regional Board has provided the available data for review.

Comment ID: 401 **TOPIC(S):** Arroyo Trabuco - Toxicity

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

Arroyo Trabuco - Toxicity

4.) The Regional Board data notes that 6 of 14 samples taken between 1998 and 2005 exceeded toxicity standards in the Arroyo Trabuco. Had the Regional Board considered the possibility that there is a relationship between the toxicity exceedances and diazinon, ie, that the presence of diazinon in the water column affected the toxicity results? Please comment on this possibility.

Regional Board Response:

Comment noted. The Regional Board staff must make listing decisions that are consistent with the designated beneficial uses in the Basin Plan and the statewide Listing Policy. Using Table 4.1 in the Listing Policy, the number of exceedences supports a decision to list the Arroyo Trabuco for impairment for toxicity on the 303d List for this cycle. However, the District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle, expected to begin in early 2010.

Comment ID: 402 **TOPIC(S):** San Juan Creek - Selenium

ORGANIZATION: Rancho Mission Viejo
NAME: Laura Eisenberg

Comment:

San Juan Creek - Selenium

5.) The Regional Board data for San Juan Creek shows that 2 of 4 samples taken in 2002 and 2003 showed 'excessive' Selenium concentrations. This is a very small sample size taken in a single location (San Juan Creek Station (901SJSJC9)). As the Regional Board is aware, selenium naturally occurs in certain geologic formations, thus it is possible that the cause of the excessive sampling results in San Juan Creek is from naturally occurring selenium. It is also possible that a specific hydrologic event in San Juan Creek, such as a significantly sized storm caused the "excessive" results and represents a hot spot as opposed to being representative of the section of San Juan Creek the Regional Board is proposing to add to the 303(d).

Regional Board Response:

The Regional Board staff does not agree with this comment. The California 303(d) Listing Policy, Section 3.1 provides the guidance for determining the number of exceedences necessary to make a decision to list a waterbody on the 303(d) List for a toxicant such as selenium. The California Toxics Rule (CTR), established by the U.S. EPA, provides the guidance for determining the chronic criterion for selenium. The samples were collected from October, 2002 to May, 2003 covering a range of conditions. The samples were not limited to a single short-term natural event and are appropriate for use in the assessment.

Comment ID: 404 **TOPIC(S):** Forrester Creek Channel - pH

ORGANIZATION: City of El Cajon

NAME: Dennis Davies

Comment:

Forrester Creek Channel - pH

1.) Observation: LOE 3336 for Decision ID 4942 uses data from a spill that occurred in the Forrester Creek Channel on July 5, 2000, to assess water quality. The referenced spill caused a temporary condition of extreme pH that resulted from a transient event. The information from the spill is not a reliable source of data to assess water quality since it does not reflect ambient water quality conditions and should not be used as a lone of evidence.

Regional Board Response:

The Regional Board staff recommends that Forrester Creek Channel remain listed as impaired for pH on the 303(d) List for this listing cycle.

The data from the July 2000 spill event in LOE 3336 was not used for the 2008 303(d) Listing. The listing decision is supported by twelve to fourteen data points for each of four locations on Forrester Creek (for a total of 48 data points) collected over approximately seven years. The lines of evidence used to support the listing decision include LOEs 3338, 3339, 3340, and 3341.

Comment ID: 405 **TOPIC(S):** Forrester Creek Channel - pH

ORGANIZATION: City of El Cajon
NAME: Dennis Davies

Comment:

Forrester Creek Channel - pH
2.) Observation: LO 3337 for Decision 4942 uses data from a spill that occurred on May 1, 2001, to assess water quality.
The referenced spill was a transient event and should not be used as a LOE. The information from the spill is not a reliable source of data to assess water quality since it does not reflect ambient water quality conditions and should not be used as a lone of evidence.

Regional Board Response:

See response to comment ID: 404.

The Regional Board staff recommends that Forrester Creek Channel remain listed as impaired for pH on the 303(d) List for this listing cycle.

Comment ID: 410 **TOPIC(S):** Escondido Creek - DDT

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Escondido Creek - DDT
Two Lines of Evidence (LOEs) are listed for the DDT listing. However, LOE #6231 should not be included because it states the number of samples exceedances may not be determined because a detection limit was used that was above the criteria (CTR) being used to determine such exceedances.

Regional Board Response:

The Regional Board staff recommends that Escondido Creek remain listed as impaired for DDT on the 303(d) List for this listing cycle.

Data from LOE 6231 were not used to support the listing decision because of the detection limit that exceeded the CTR criteria (which addresses the argument in this comment). The listing decision is supported by data cited in LOE 3247. .

Comment ID: 411 **TOPIC(S):** Escondido Creek - selenium

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Escondido Creek - selenium
The listing for selenium references three LOEs. The first LOE (#3231) references 8 exceedances for selenium out of 15 samples taken in 2002, from March through

September, only a 7 month time period. The second LOEs (#3230) indicates there was no exceedance associated with one sample taken in 1998. Of significance is that LOE #6246 indicates there was no exceedances for selenium out of 18 samples taken over a two year period between 2003 and 2005. These later data collected over a two year period, indicate selenium is no longer a contaminant in this water body, therefore it should not be listed.

Regional Board Response:

The Regional Board staff recommends that Escondido Creek remain listed as impaired for selenium on the 303(d) List for this listing cycle.

In order to delist selenium at Escondido Creek, the appropriate number of non-exceedance data points must be submitted during the solicitation for data for a 303(d) Listing cycle (see Section 4.1 in the 303(d) Listing Policy). The City may wish to provide the Regional Board with additional data for consideration during the next listing cycle, which is expected to begin in early 2010.

Comment ID: 412 **TOPIC(S):** Escondido Creek- sulfates

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Escondido Creek- sulfates

The second line of "Weight of Evidence" section of the Supporting Information for sulfates states there are three LOEs available in the administrative record to assess this pollutant. However, only two LOEs (3243 and 3244) are presented. In addition, the water quality objectives used for finding exceedances and therefore listing sulfates at this location are secondary drinking water standards. To our knowledge, Escondido Creek is not used as a municipal domestic drinking water source therefore secondary drinking water standards are an incorrect standard to apply for finding exceedances, as it should not be listed.

Regional Board Response:

The Regional Board staff recommends that Escondido Creek be listed as impaired for sulfates on the 303(d) List for this listing cycle.

The Regional Board staff corrected the decision to indicate that two LOEs (3243 and 3244) exist for Decision 5781 (Escondido Creek - sulfates), rather than three LOEs.

The Regional Board staff are obligated to make listing decisions that are consistent with the beneficial uses listed in the Basin Plan and the statewide Listing Policy. Any changes in designated beneficial use classifications for waterbodies are addressed during the basin planning process and Triennial Review. The City may wish to consider providing supporting information and propose a change in the existing designation of beneficial uses of Escondido Creek through the Triennial Review of the Basin Plan.

Comment ID: 413 **TOPIC(S):** Escondido Creek - ecnterococcus, fecal coliform

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Escondido Creek - enterococcus, fecal coliform

The listings for enterococcus and fecal coliform are based on exceedances of water quality objectives from the Water Contact Recreation (REC-1) beneficial use. To our knowledge, Escondido Creek is not used for contact recreation, therefore the REC-1 standard is not an applicable standard to use, and it should not be listed.

Regional Board Response:

The Regional Board staff is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan and Escondido Creek is designated for REC-1 beneficial use in the Basin Plan. The City may wish to consider providing supporting information and propose a change in the existing designation of beneficial uses of Escondido Creek through the Triennial Review of the Basin Plan.

Comment ID: 414 **TOPIC(S):** Agua Hedionda Creek- enterococcus, fecal coliform

ORGANIZATION: City of Carlsbad
NAME: Elaine Lukey

Comment:

Agua Hedionda Creek - enterococcus, fecal coliform

The listing for enterococcus and fecal coliform are based on exceedances of water quality objectives from the Water Contact Recreation (REC-1) beneficial use. To our knowledge, Agua Hedionda Creek is not used for contact recreation, therefore the REC-1 standard is not an applicable standard to uses, and it should not be listed.

Regional Board Response:

The Regional Board staff is obligated to ensure that listing or delisting decisions are consistent with the “designated” beneficial uses identified in the Basin Plan and Agua Hedionda Creek is designated for REC-1 beneficial use in the Basin Plan. The City may wish to consider providing supporting information and propose a change in the existing designation of beneficial uses of Agua Hedionda Creek through the Triennial Review of the Basin Plan.

Comment ID: 416 **TOPIC(S):** Temecula Creek - Toxicity

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Toxicity

Decision ID 16956 contains one valid Lines of Evidence (LOEs) to support the listing of Toxicity. Decision ID 16956 relies upon Section 3.6 of the Listing Policy, which requires one valid LOE to support the listing; however, no valid LOEs have been presented for toxicity in Temecula Creek, as discussed below. Therefore, Temecula Creek should not be listed for toxicity under Section 303(d). In addition, Decision ID 16956 relies upon the exceedance threshold in Table 3.2 of the Listing Policy. This is incorrect, as toxicity is addressed in Section 3.1, which references Table 3.1.

Regional Board Response:

The Regional Board staff disagrees with this comment and recommends that Temecula Creek be listed for impairment by toxicity on the 303d List for this listing cycle. Decision 16596 (rather than 16956) is based upon data for Temecula Creek indicating toxicity: Hyalella Azteca- three out of seven samples were found to have acute toxicity by the Hyalella Azteca growth/survival test. The results exceeds the maximum number of exceedances in Table 3.1 in the Listing Policy. Toxicity results were from the Riverside County Flood Control and Water Conservation District annual progress report from 2005 and 2006. Samples were collected from October 2004 through March 2006.

Comment ID: 417 **TOPIC(S):** Temecula Creek - Toxicity

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Toxicity
Decision ID 16956 contains one valid Lines of Evidence (LOEs) to support the listing of Toxicity. LOE 26472 does not meet the spatial representation requirements of Section 6.1.5.2 of the Listing Policy, which states that samples should be representative of the water body. The Draft Integrated Report relies on samples collected at only one station: 902TC115x Temecula Creek. Samples collected at one location on a water body segment are not representative of the water body segment as a whole.

Regional Board Response:

The Regional Board staff disagrees with this comment and the line of evidence meets the section 6.1.5.2 requirement of the Listing Policy. The Regional Board staff is obligated to make listing decisions that are consistent with the beneficial uses listed in the Basin Plan and the statewide Listing Policy.

Comment ID: 418 **TOPIC(S):** Temecula Creek - Toxicity

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Toxicity

Decision ID 16956 contains one valid Lines of Evidence (LOEs) to support the listing of Toxicity. LOE 7511 relies on an improper Guideline Reference. The reference applies to San Diego County. The Evaluation Guideline used for the LOE should be contained in a document regulating Riverside County. Furthermore, it is inappropriate to apply "Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s..." to a Receiving Water body.

Regional Board Response:

The Regional Board disagrees with this comment. Samples were found to exhibit toxicity when the No Observed Effect Concentration (NOEC) or median lethal concentration (LC50) for any given species was estimated to be less than 100% of the test sample concentration. The Regional Board uses the WDR toxicity language as a basis for our guidelines for all regulated waterbodies.

Comment ID: 419 **TOPIC(S):** Temecula Creek - Toxicity

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Toxicity
Decision ID 16956 contains one valid Lines of Evidence (LOEs) to support the listing of Toxicity. LOE 7511 does not meet the spatial representation requirements of Section 6.1.5.2 of the Listing Policy, which states that samples should be representative of the water body. The Draft Integrated Report relies on samples collected at only one site at Temecula Creek. Samples collected at one location on a water body segment are not representative of the water body segment as a whole.

Regional Board Response:

The Regional Board staff disagrees with this comment and the Decision is supported by the line of evidence meeting requirements of section 6.1.5.2 requirement of the Listing Policy. The Regional Board staff is obligated to make listing decisions that are consistent with the beneficial uses listed in the Basin Plan and the statewide Listing Policy.

Comment ID: 420 **TOPIC(S):** Temecula Creek - Toxicity

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Toxicity
Decision ID 16956 contains one valid Lines of Evidence (LOEs) to support the listing of Toxicity. Request to Remove LOE 26472 and LOE 7511 from Decision ID 16596. Change the Final Listing Decision for Decision ID 16596 to "Do Not List on 303(d) List."

Regional Board Response:

The Regional Board staff disagrees with this comment and the line of evidence meets the section 6.1.5.2 requirement of the Listing Policy. The Regional Board staff is obligated to make listing decisions that are consistent with the beneficial uses listed in the Basin Plan and the statewide Listing Policy.

Comment ID: 421 **TOPIC(S):** Temecula Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Chlorpyrifos
Decision ID 16594 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Decision ID 16594 states there are two LOEs to support the listing of chlorpyrifos; however, only LOE 6462 is provided in the Draft Integrated Repoli. This LOE is invalid, as discussed below.

Regional Board Response:

See response to comment ID: 422.
The Regional Board has corrected Decision 16594 to indicate that there is one LOE available.

Comment ID: 422 **TOPIC(S):** Temecula Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Chlorpyrifos
Decision ID 16594 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. OE 6462 is invalid because the exceedances stated are based on a numerical standard that is not listed in the Basin Plan, and no supporting evidence of adverse effects to beneficial uses is provided to indicate that the narrative water quality objective (WQO) is not being met.

Such concurring evidence regarding the narrative BPO is lacking, both in the Decision and in fact. Results from Toxicity Investigation Evaluations (TIEs) conducted from 2007 through 2008 did not find evidence that chlorpyrifos is the cause of toxicity in freshwater organisms in Murrieta and Temecula Creeks. Toxicity to *Ceriodaphnia dubia*, a water flea that is sensitive to chlorpyrifos, was not detected at Temecula Creek between Fall 2004 and Spring 2009. Thus, chlorpyrifos does not appear to be adversely affecting beneficial uses or harming aquatic organisms and as such has not exceeded the narrative BPO for Temecula Creek. In addition, no toxicity to *Ceriodaphnia dubia* implies that LOE 6462 does not meet the requirements of Table 3. I of the Listing Policy and therefore is invalid.

Regional Board Response:

The Regional Board staff recommends that Temecula Creek be listed for impairment by Chlorpyrifos on the 303(d) List. One LOE (6462) indicates that seven out of nine samples, collected between October 2004 and May 2006, exceed the water quality objective exceed the water quality objective of 0.025 ug/L according to results in the Riverside County Flood Control and Water Conservation District (Annual Progress Reports from 2005 and 2006). The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 423 **TOPIC(S):** Temecula Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Chlorpyrifos
Decision ID 16594 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources.

Regional Board Response:

See response to comment ID: 422.

Comment ID: 424 **TOPIC(S):** Temecula Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Chlorpyrifos
Decision ID 16594 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Request to remove LOE 6462 from Decision ID 16594. Change the Final Listing Decision for Decision ID 16594 to "Do Not List on 303(d) List."

Regional Board Response:

See response to comment ID: 422.

Comment ID: 425 **TOPIC(S):** Temecula Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Copper

Decision ID 16595 has no valid LOEs to support the listing of copper. Decision ID 16595 states there are two LOEs to support the listing of copper; however, only LOE 6515 is provided in the Draft Integrated Report. This LOE is invalid, as discussed below.

Regional Board Response:

The Regional Board has corrected Decision 16595 to indicate that there is one LOE available. Also, see response to comment ID: 426

Comment ID: 426 **TOPIC(S):** Temecula Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Copper

Decision ID 16595 has no valid LOEs to support the listing of copper. LOE 6515 fails to take into account wildfires that may have affected dissolved copper levels at Temecula Creek, in violation of Section 6.1.5.1 of the Listing Policy, which states, "environmental conditions in a water body or at a site must be taken into consideration (e.g., the occurrence of wildfires)."

Regional Board Response:

The Regional Board staff recommends that Temecula Creek be listed for impairment by Copper on the 303(d) List. One LOE (6515) indicates that four of eight samples, collected between October 2004 and May 2006, exceeded the warm freshwater habitat water quality objective for Copper from results in the Riverside County Flood Control and Water Conservation annual progress reports from 2005 and 2006. The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. There was no information provided for the Regional Board to assess the possible proximity of the waterbody to the footprint of the 2003 Wildfires. Impacts from a fire event are likely to be only transitory, if any, affect upon sample results. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 427 **TOPIC(S):** Temecula Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Copper

Decision ID 16595 has no valid LOEs to support the listing of copper. The presence of copper in Temecula Creek between 2004 and 2006 may have been due to the severe fire season in 2003-2004, as described in the Annual Reports that were used as the data source for the LOE. Large fires have been linked to elevated copper and other pollutant levels in surface waters. There is no evidence that the impacts of these fires were

considered for this LOE. Furthermore, total copper concentrations have not exceeded BPOs in samples collected from Temecula Creek between Fall 2006 and Spring 2009.

Regional Board Response:

See response to comment ID: 426.

Comment ID: 428 **TOPIC(S):** Temecula Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Copper

Decision ID 16595 has no valid LOEs to support the listing of copper. LOE 6515 fails to account for land uses changes. Listing Policy Section 6.1.5.1 requires land uses to be taken into consideration prior to listing a water body. Significant land use changes have occurred in the area tributary to this station over the past decade that may affect this proposed listing and have not been considered in any of the LOEs provided.

Regional Board Response:

See response to comment ID: 426. The Regional Board staff would appreciate any information provided by the Riverside County Flood Control District concerning significant land use changes, that have occurred, in the area tributary to the station, over the past decade. The Riverside County Flood Control District may wish to consider providing such information for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 429 **TOPIC(S):** Temecula Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Copper

Decision ID 16595 has no valid LOEs to support the listing of copper. Request to remove LOE 6515 from Decision ID 16595. Change the Final Listing Decision for Decision ID 16595 to "Do Not List on 303(d) List."

Regional Board Response:

See responses to comments ID: 426 and 428.

Comment ID: 430 **TOPIC(S):** Temecula Creek - Phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Phosphorus
Decision ID 5728 has no valid LOEs to support the listing of phosphorus. LOE 3158 does not contain valid data references or quality assurance (QA) information. The data cannot be assessed and therefore the LOE does not meet the requirements of Listing Policy Sections 6.1.4 and 6.1.5 and is invalid.

Regional Board Response:

See responses to comments ID: 431, 432, 433.

The Regional Board staff recommends that Temecula Creek be listed as impaired for phosphorus on the 303(d) List. LOE 3158 was reviewed and approved by the State Water Board during the 2006 listing cycle. The LOE cites data collected by the Rancho California Water District between 1999 and 2002. There were 139 of 160 samples that were in exceedance (RCWD, 2002). These data pre-date the most recent wildfire events in 2003 and 2007. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 431 **TOPIC(S):** Temecula Creek - Phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Phosphorus
Decision ID 5728 has no valid LOEs to support the listing of phosphorus. LOE 3158 fails to take into account wildfires that may have affected phosphorous levels at Temecula Creek, in violation of Section 6.1.5.1 of the Listing Policy, which states, "environmental conditions in a water body or at a site must be taken into consideration (e.g., the occurrence of wildfires)."

Regional Board Response:

The Regional Board staff recommends that Temecula Creek be listed as impaired for phosphorus on the 303(d) List. LOE 3158 was reviewed and approved by the State Water Board during the 2006 listing cycle. The LOE cites data collected by the Rancho California Water District between 1999 and 2002. There were 139 of 160 samples that were in exceedance (RCWD, 2002). These data pre-date the most recent wildfire events in 2003 and 2007. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 432 **TOPIC(S):** Temecula Creek - Phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Phosphorus

Decision ID 5728 has no valid LOEs to support the listing of phosphorus. LOE 26472 is invalid because it fails to demonstrate that phosphorous is causing an exceedance of the WQO. In addition, LOE 26472 does not meet the spatial representation requirements of Section 6.1.5.2 of the Listing Policy, which states that samples should be representative of the water body.

Regional Board Response:

The Regional Board staff recommends that Temecula Creek be listed as impaired for phosphorus on the 303(d) List. Phosphorus is not a toxicant, but a conventional pollutant. In 2006, Temecula Creek was listed for impairment by Phosphorus using criteria in Table 3.1 in the State of California's Listing Policy. In 2008 we changed the assessment to list nutrients under Table 3.2 for conventional or other pollutants. One sampling station on a stream segment is considered to be representative of a waterbody. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 433

TOPIC(S): Temecula Creek - Phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Temecula Creek - Phosphorus

Decision ID 5728 has no valid LOEs to support the listing of phosphorus. Request to remove LOE 3158 and LOE 26472 from Decision ID 5728. Change the Final Listing Decision for Decision ID 5728 to "Do Not List on 303(d) List."

Regional Board Response:

The Regional Board disagrees with this comment and recommends that Temecula Creek will remain listed as impaired for phosphorus on the 303d List for this cycle. The "QA info Missing" statement under Quality Assurance Information in Calwqa is a placeholder for information that has not yet been uploaded to the database. It does not mean quality information was not collected. Furthermore, this decision is from the 2006 303(d) list. To be listed, the 2006 List went through Regional Board, State Board, and EPA review before being formally adopted. The administrative record for 2006 is available online on the State Board's website if the commenter wishes to look further into this issue.

The LOE cites data collected by the Rancho California Water District between 1999 and 2002. There were 139 of 160 samples that were in exceedance. These data pre-date the most recent wildfire events in 2003 and 2007. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

One sampling station on a stream segment is considered to be representative of a waterbody. The Listing Policy does give the Regional Board's some discretion on how the data is evaluated. See Section 6.1.5 of the Policy. The data covered a period from 1999 through 2002 with 160 samples which is more than adequate for an evaluation.

Comment ID: 434 **TOPIC(S):** Temecula Creek - Total Dissolved Solids

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Total Dissolved Solids
Total Dissolved Solids: Decision ID 5767 has no valid LOEs to support the listing of total dissolved solids. Decision 5767 presents two LOEs to support listing for total dissolved solids, but neither of these LOEs are valid, as discussed below.

Regional Board Response:

See response to comment ID 435.

Comment ID: 435 **TOPIC(S):** Temecula Creek - Total Dissolved Solids

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Total Dissolved Solids
Total Dissolved Solids: Decision ID 5767 has no valid LOEs to support the listing of total dissolved solids. LOE 3154 does not contain valid data references or QA information. The data cannot be assessed and therefore the LOE does not meet the requirements of Listing Policy Sections 6.1.4 and 6.1.5 and is invalid.

Regional Board Response:

The Regional Board staff recommends that Temecula Creek be listed as impaired for Total Dissolved Solids on the 303(d) List. Decision 5767 references LOE 3155 which cites data collected by Rancho California Water District from 1999 to 2002. There were 156 of 160 samples that exceeded the applicable water quality criteria/objectives (RCWD, 2002). The LOEs are associated with a previous 2006 listing decision (1675). After review of the available data and information, SWRCB staff concludes that the water body-pollutant combination should be placed on the section 303(d) list because applicable water quality standards are exceeded and a pollutant contributes to or causes the problem. The Riverside County Flood Control District may want to consider providing additional data for the Regional Board to consider in evaluating listing decisions during the next listing cycle beginning in early 2010.

Comment ID: 436 **TOPIC(S):** Temecula Creek - Total Dissolved Solids

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Total Dissolved Solids
Decision ID 5767 has no valid LOEs to support the listing of total dissolved solids.

Regional Board Response:

See response to comment ID 435.

The Regional Board staff recommends that Temecula Creek be listed as impaired for Total Dissolved Solids on the 303(d) List. Decision 5767 references LOE 3155 which cites data collected by Rancho California Water District from 1999 to 2002. There were 156 of 160 samples that exceeded the applicable water quality criteria/objectives (RCWD, 2002). The LOEs are associated with a previous 2006 listing decision (1675). After review of the available data and information, SWRCB staff concludes that the water body-pollutant combination should be placed on the section 303(d) list because applicable water quality standards are exceeded and a pollutant contributes to or causes the problem. The Riverside County Flood Control District may want to consider providing additional data for the Regional Board to consider in evaluating listing decisions during the next listing cycle beginning in early 2010.

Comment ID: 437 **TOPIC(S):** Temecula Creek - Total Dissolved Solids

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Total Dissolved Solids
Decision ID 5767 has no valid LOEs to support the listing of total dissolved solids. LOE 3155 also does not contain valid data references or QA information. The data cannot be assessed and therefore the LOE does not meet the requirements of Listing Policy Sections 6.1.4 and 6.1.5.

Regional Board Response:

See response to comment ID 435.

Comment ID: 438 **TOPIC(S):** Temecula Creek - Total Dissolved Solids

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Temecula Creek - Total Dissolved Solids
Decision ID 5767 has no valid LOEs to support the listing of total dissolved solids.
Request to remove LOE 3154 and LOE 3155 from Decision ID 5767. Change the Final Listing Decision for Decision ID 5767 to "Do Not List on 303(d) List."

Regional Board Response:

See response to comment ID 435.

The Regional Board staff recommends that Temecula Creek be listed as impaired for Total Dissolved Solids on the 303(d) List. Decision 5767 references LOE 3155 which cites data collected by Rancho California Water District from 1999 to 2002. There were 156 of 160 samples that exceeded the applicable water quality criteria/objectives (RCWD, 2002). The LOEs are associated with a previous 2006 listing decision (1675). After review of the available data and information, SWRCB staff concludes that the water body-pollutant combination should be placed on the section 303(d) list because applicable water quality standards are exceeded and a pollutant contributes to or causes the problem. The Riverside County Flood Control District may want to consider providing additional data for the Regional Board to consider in evaluating listing decisions during the next listing cycle beginning in early 2010.

Comment ID: 439 **TOPIC(S):** Murrieta Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Chlorpyrifos

Decision ID 16371 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Decision ID 16956 relies upon Section 3.6 of the Listing Policy, which requires one valid LOE to support the listing. LOE 6460 is invalid, as discussed below.

Regional Board Response:

See response to comment ID: 440.

Comment ID: 440 **TOPIC(S):** Murrieta Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Chlorpyrifos

Decision ID 16371 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. LOE 6460 is invalid because the exceedances stated are based on a numerical standard that is not listed in the Basin Plan, and no supporting evidence of adverse effects to beneficial uses is provided to indicate that the narrative WQO is not being met.

Regional Board Response:

The Regional Board staff recommends that Murrieta Creek be listed for impairment by Chlorpyrifos on the 303(d) List. One LOE (6460) indicates that five of seven samples,

collected between July 2004 and May 2006, exceed the water quality objective of 0.025 ug/L according to results in the Riverside County Flood Control and Water Conservation (Annual Progress Reports from 2005 and 2006). The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 441 **TOPIC(S):** Murrieta Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Chlorpyrifos
Decision ID 16371 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Listing chlorpyrifos on the 303(d) List for Murrieta Creek places undue bureaucratic and financial burdens on the Permittees and the Regional Board.

Regional Board Response:

See response to comment ID: 440. The Regional Board staff is obligated to recommend listing decisions that are consistent with the applicable Basin Plan water quality objectives (numeric and narrative), water quality standards/criteria, and the Listing Policy.

Comment ID: 442 **TOPIC(S):** Murrieta Creek - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Chlorpyrifos
Decision ID 16371 contains no valid LOEs to support the listing of chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Request to remove LOE 6460 from Decision ID 16371. Change the Final Listing Decision for Decision ID 16371 to "Do Not List on 303(d) List."

Regional Board Response:

See responses to comments ID: 440 and 441.

Comment ID: 443 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. Decision ID 4873 relies upon Section 3.1 of the Listing Policy which requires one valid LOE to support the listing. Six LOEs are provided in the Draft Integrated Report; however, all LOEs presented are invalid, as discussed below. Furthermore, total copper concentrations have not exceeded BPOs in samples collected by the Permittees from Murrieta Creek according to the 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2008-2009 Santa Margarita Monitoring Annual Reports.

Regional Board Response:

See response to comment ID: 444.

Comment ID: 444 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3124 fails to meet the requirements of Table 3.1 of the Listing Policy, which requires two exceedances. Only one exceedance was noted in the LOE.

Regional Board Response:

The Regional Board staff recommends that Murrieta Creek be listed for impairment by Copper on the 303(d) List. Decision 4873 is supported by five lines of evidence (LOEs), four LOEs (see 3124, 3125, 3126, and 3127) were reviewed and approved by the State Water Board in 2006, and an additional LOE (6461) in this listing cycle (2008). The number of exceedances is above the criteria indicated in Table 3.1 of the Listing Policy. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 445 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3124 fails to meet the requirements of Section 6.1.5.3 of the Listing Policy because only one sample was collected. Section 6.1.5.3 states that "if the majority of samples were collected on a single day or during a single short-term natural event. .. the data shall not be used as the primary data set supporting the listing decision." Also, "samples should be available from two or more seasons or from two or more events when effects on WQO exceedances would be expected to be clearly manifested".

Regional Board Response:

See response to comment ID: 444. The available data were collected between the years 1998 and 2005 and therefore meet the criteria of Listing Policy Section 6.1.5.3.

Comment ID: 446 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3124 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. One sample on one date without data references can neither provide documentation that the results are reproducible nor prove the results are scientifically defensible.

Regional Board Response:

See responses to comments ID: 444 and 445. The Regional Board staff recommends that Murrieta Creek be listed for impairment by Copper on the 303(d) List. There are multiple lines of evidence (five LOEs) available for support Decision 4873. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 447 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3125 fails to meet the requirements of Table 3.1 of the Listing Policy, which requires two exceedances. Only one exceedance is noted in the LOE.

Regional Board Response:

See responses to comments ID: 444, 445 and 446.

Comment ID: 448 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3125 fails to meet the requirements of Section 6.1.5.3 of the Listing Policy because only one sample was collected. Section 6.1.5.3 states that "if the majority of samples were collected on a single day or during a single short-term natural event. .. the data shall not be used as the primary data set supporting the listing decision." Also, "samples should be available from two or more seasons or from two or more events when effects on WQO exceedances would be expected to be clearly manifested".

Regional Board Response:

See responses to comments ID: 444, 445 and 446.

Comment ID: 449 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3125 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. One sample on one date without data references can neither provide documentation that the results are reproducible nor prove that the results are scientifically defensible.

Regional Board Response:

See responses to comments ID: 444, 445 and 446.

Comment ID: 450 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3126 fails to meet the two-exceedance requirement of Table 3.1 of the Listing Policy. There were no exceedances of the copper BPO out of eleven samples collected at Murrieta Creek between 1997 and 2000.

Regional Board Response:

See responses to comments ID: 444, 445 and 446.

Comment ID: 451 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper
Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3126 fails to meet the requirements of Section 6. 1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. Data references were not provided.

Regional Board Response:

See response to comment ID: 444.

Comment ID: 452 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper
Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 3127 fails to meet the requirements of Table 3. I of the Listing Policy, which requires four exceedances out of 43 samples. No exceedances were observed according to the LOE. Furthermore, LOE 3127 meets delisting requirements stated in Table 4. I of the Listing Policy, which allows up to 3 exceedances out of 43 samples for delisting.

Regional Board Response:

See response to comment ID: 444. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 453 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper
Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 26545 is invalid because it fails to demonstrate that copper is causing an exceedance of the WQO. The WQO states that "All waters shall be free of toxic substances in concentrations that are toxic to ... aquatic life." TIEs conducted during 2007 and 2008 did not find evidence that copper caused the toxicity observed in the samples. LOE 3126 and 3127 (discussed separately above) provide evidence that copper levels are not high enough to be the cause of low IEI scores, since no BPO exceedances were present.

Regional Board Response:

See response to comment ID: 444 and 445. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 454 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 6461 fails to take into account wildfires that may have affected dissolved copper levels at Murrieta Creek, in violation of Section 6.1.5.1 of the Listing Policy, which states, "environmental conditions in a water body or at a site must be taken into consideration (e.g., the occurrence of wildfires)." Large fires have been linked to elevated copper and other pollutant levels in surface waters. There is no evidence that the impacts of these fires were considered for this LOE.

Regional Board Response:

See responses to comments ID: 444 and 445.

The Regional Board staff recommends that Murrieta Creek be listed for impairment by Copper on the 303(d) List. There are five supporting lines of evidence (four from 2006 listing cycle and one from 2008) available for Decision 4873. The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. Information was not provided for the Regional Board to assess the possible proximity of the waterbody to the footprint of the 2003 Wildfires. Impacts from a fire event are likely to be only transitory, if any, affect upon sample results. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 455 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. LOE 6461 fails to account for land uses changes. Listing Policy Section 6.1.5.1 requires land uses to be taken into consideration prior to listing a water body. Significant land use changes have occurred in the area tributary to this station over the past decade which may affect this proposed listing and have not been considered.

Regional Board Response:

See responses to comments ID: 444 and 445.

The Regional Board would appreciate any information provided by the Riverside County Flood Control District concerning significant land use changes that have occurred, in the area tributary to the station, over the past decade. The Riverside County Flood Control District may wish to consider providing such information for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 456 **TOPIC(S):** Murrieta Creek - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Copper

Decision ID 4873 contains no valid LOEs to support the listing for copper. Request to remove LOE 3124, LOE 3125, LOE 3126, LOE 26545, LOE 6461, and LOE 3127 from Decision 1D 16371. Change the Final Listing Decision for Decision 1D 4873 to "Do Not List on 303(d) List."

Regional Board Response:

See responses to comments ID: 444 and 445. The Riverside County Flood Control District may wish to consider providing such information for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 457 **TOPIC(S):** Murrieta Creek - phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Phosphorus

Decision ID 4762 contains no valid LOEs to support the decision not to delist phosphorus. Decision ID 4672 relies upon Section 3.1 of the Listing Policy, which requires one valid LOE to support the listing. Three LOEs are provided in the Draft Integrated Report; however, all LOEs presented are invalid, as discussed below. Furthermore, data used in this LOE were from samples collected between 1997 and 2002. During this period of time, secondary effluent was being released into Murrieta Creek by Rancho California Water District; effluent discharges ceased in 2003.

Regional Board Response:

See responses to comment ID: 458 and 459.

The Regional Board staff recommends that Murrieta Creek be listed as impaired for phosphorus on the 303(d) List. Phosphorus is not a toxicant, but a conventional pollutant.

Comment ID: 458 **TOPIC(S):** Murrieta Creek - phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Phosphorus
Decision ID 4762 contains no valid LOEs to support the decision not to delist phosphorus. LOE 26545 is invalid because it fails to demonstrate that phosphorus is causing an exceedance of the WQO. The WQO states that "All waters shall be free of toxic substances in concentrations that are toxic to ... aquatic life." Phosphorus is not a toxic substance; it is a necessary nutrient for aquatic life. TIEs conducted during 2007 and 2008 did not find evidence that phosphorus caused the toxicity observed in the samples.

Regional Board Response:

The Regional Board staff recommends that Murrieta Creek be listed as impaired for phosphorus on the 303(d) List. Phosphorus is not a toxicant, but a conventional pollutant. In 2006, Temecula Creek was listed for impairment by Phosphorus using criteria in Table 3.1 in the State of California's Listing Policy. Phosphorus is a biostimulatory substance which increases algae and plant growth, which can lead to decreased dissolved oxygen, decrease in desirable habitat, and a decrease in edible food sources, among other effects. In 2008 we changed the assessment to list nutrients under Table 3.2 for conventional or other pollutants. One sampling station on a stream segment is considered to be representative of a waterbody. No additional data have been provided to the Regional Board for review during this listing cycle. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 459 **TOPIC(S):** Murrieta Creek - phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Phosphorus
Decision ID 4762 contains no valid LOEs to support the decision not to delist phosphorus. LOE 3103 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. Data references were not provided.

Regional Board Response:

See response to comment ID: 458.

The Regional Board staff recommends that Murrieta Creek be listed as impaired for phosphorus on the 303(d) List. Phosphorus is not a toxicant, but a conventional pollutant. Data were collected by LAW Crandall from 1997 to 1999 when 5 of 7 samples were in exceedance. The references will be added to the LOEs.

Comment ID: 460 **TOPIC(S):** Murrieta Creek - phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Phosphorus
Decision ID 4762 contains no valid LOEs to support the decision not to delist phosphorus. LOE 3102 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. Data references were not provided.

Regional Board Response:

See responses to comments ID: 458 and 459.
The Regional Board staff recommends that Murrieta Creek be listed as impaired for phosphorus on the 303(d) List. Phosphorus is not a toxicant, but a conventional pollutant.

Comment ID: 461 **TOPIC(S):** Murrieta Creek - phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Phosphorus
Decision ID 4762 contains no valid LOEs to support the decision not to delist phosphorus. There is no information provided demonstrating that phosphorus should have initially been added to the 303(d) List. No new information was used to determine the delisting status. This leads to the conclusion that the decision not to delist is based on the same evidence that was initially used for the 2006 listing. The LOEs provided are not valid, and phosphorus should be delisted based on a lack of sufficient evidence supporting the initial listing.

Regional Board Response:

See responses to comments ID: 458 and 459.
The Regional Board staff recommends that Murrieta Creek be listed as impaired for phosphorus on the 303(d) List. Phosphorus is not a toxicant, but a conventional pollutant. Murrieta Creek was placed on the 303(d) List for phosphorus due to 105 of 167 exceedances of the phosphorus water quality objective of 0.1 mg/l. The data were collected by the Rancho California Water District from 1999 through 2002 (100 of 160 samples exceeded the objective), and by LAW and Crandall from December 1997 through May 1999 (five of seven samples exceeded the objective). No additional data have been provided to the Regional Board for review during this listing cycle. The Riverside County Flood Control District may wish to consider providing additional (more

recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 462 **TOPIC(S):** Murrieta Creek - phosphorus

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Phosphorus
Decision ID 4762 contains no valid LOEs to support the decision not to delist phosphorus. Request to remove LOE 26545, LOE 3103, and LOE 3102 from Decision 1D 4672. Provide rationale as stated above to remove 2006 listing for phosphorous; delist Murrieta Creek for phosphorous.

Regional Board Response:

See responses to comments ID: 458 and 459.
The Regional Board staff recommends that Murrieta Creek be listed as impaired for phosphorus on the 303(d) List.

Comment ID: 463 **TOPIC(S):** Murrieta Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Iron
Decision ID 4735 contains no valid LOEs to support the previous 303(d) listing of iron. Decision 4735 presents one LOE to support listing for iron, but this LOE is not valid, as discussed below.

Regional Board Response:

The Regional Board staff recommends that Murrieta Creek be listed for impairment by Iron on the 303(d) List. The Regional Board staff is obligated to make listing decisions that are consistent with the applicable Basin Plan water quality objectives and the listing policy. Decision 4735 is supported by one line of evidence (LOE 3148) that was reviewed and approved by the State Water Board in 2006. The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 464 **TOPIC(S):** Murrieta Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Iron

Decision ID 4735 contains no valid LOEs to support the previous 303(d) listing of iron. LOE 3148 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. Data references were not provided.

Regional Board Response:

See response to comment ID: 463.

Comment ID: 465

TOPIC(S): Murrieta Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Iron

Decision ID 4735 contains no valid LOEs to support the previous 303(d) listing of iron. LOE 3148 does not meet the requirements of Listing Policy Section 6.1.5.1, which requires land uses to be considered prior to listing a constituent.

Regional Board Response:

See response to comment ID: 463. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 466

TOPIC(S): Murrieta Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Iron

Decision ID 4735 contains no valid LOEs to support the previous 303(d) listing of iron. Request to remove LOE 3148 from Decision ID 4735. Remove 2008 listing for iron based on invalid 2006 decision.

Regional Board Response:

See response to comment ID: 463. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate delisting this waterbody-pollutant combination during the next listing cycle in early 2010.

Comment ID: 467

TOPIC(S): Murrieta Creek - Manganese

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Manganese

Decision ID 4734 contains no valid LOEs to support the previous 303(d) listing of manganese. Decision 4734 presents one LOE to support listing for manganese, but this LOE is not valid, as discussed below.

Regional Board Response:

The Regional Board staff recommends that Murrieta Creek be listed for impairment by manganese on the 303(d) List. The Regional Board staff is obligated to make listing decisions that are consistent with the applicable Basin Plan water quality objectives and the listing policy. Decision 4734 is supported by one line of evidence (LOE 3148) that was reviewed and approved by the State Water Board in 2006. No new data were assessed for 2008. The Regional Board will update this decision when new data and information become available and are assessed. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 468

TOPIC(S): Murrieta Creek - Manganese

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Manganese

Decision ID 4734 contains no valid LOEs to support the previous 303(d) listing of manganese. LOE 3147 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. Data references were not provided.

Regional Board Response:

See response to comment ID: 467.

Comment ID: 469

TOPIC(S): Murrieta Creek - Manganese

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Murrieta Creek - Manganese

Decision ID 4734 contains no valid LOEs to support the previous 303(d) listing of manganese. LOE 3147 does not meet the requirements of Listing Policy Section 6.1.5.1, which requires land uses to be considered prior to listing a constituent. Substantial changes in the land uses and local programs to control discharges have occurred in the area tributary to this station over the past decade which may affect this proposed listing.

Regional Board Response:

See response to comment ID: 467. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 470 **TOPIC(S):** Murrieta Creek - Manganese

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Manganese
Decision ID 4734 contains no valid LOEs to support the previous 303(d) listing of manganese. Request: Remove LOE 3147 from Decision ID 4734. Remove 2008 listing for manganese based on invalid 2006 listing.

Regional Board Response:

See response to comment ID: 467 and 469.
The Regional Board staff is obligated to make listing decisions that are consistent with the applicable Basin Plan water quality objectives and the listing policy. No new data were assessed for 2008, and the Regional Board will update this decision when new data and information become available for assessment. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 473 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen
Decision ID 4763 contains no valid LOEs to support the decision not to delist. Decision 4763 presents three LOEs to support continuing the existing listing for nitrogen, but none of these LOEs are valid, as discussed below, and nitrogen should be delisted.

Regional Board Response:

The Regional Board staff recommends that Murrieta Creek be listed as impaired for total nitrogen on the 303(d) List. During the 2006 listing cycle, Murrieta Creek was placed on the 303(d) List for Total Nitrogen due to 39 of 160 exceedances of the TN objective of 1.0 mg/l. The data were collected by the Rancho California Water District from 1999 through 2002. No new data were assessed for 2008. The Regional Board will update this decision when new data and information become available and are assessed. No additional data have been provided to the Regional Board for review during this listing cycle. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 474 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen

Decision ID 4763 contains no valid LOEs to support the decision not to delist. LOE 3146 fails to meet the requirements of Table 3.2 of the Listing Policy, which requires two exceedances. There were no exceedances of nitrogen out of the four samples collected at Murrieta Creek between 1997 and 1999.

Regional Board Response:

See response to comment ID: 473

The Regional Board staff recommends that Murrieta Creek be listed as impaired for total nitrogen on the 303(d) List. LOE 3146, with zero of four exceedances, is not the only LOE to consider for this 303(d) Listing. LOE 3104 has 39 of 160 exceedances, and is the reason for the 303(d) Listing on Murrieta Creek for Total Nitrogen.

Comment ID: 475 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen

Decision ID 4763 contains no valid LOEs to support the decision not to delist. LOE 3146 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under section 6.1.4. Data references were not provided. Furthermore, data used in this LOE were from samples collected between 1999 and 2002. During this period of time, secondary effluent was being released into Murrieta Creek by Rancho California Water District; effluent discharges ceased in 2003.

Regional Board Response:

See responses to comments ID: 473 and 474.

Comment ID: 476 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen

Decision ID 4763 contains no valid LOEs to support the decision not to delist. LOE 26545 is invalid because it fails to demonstrate that nitrogen is causing an exceedance of the WQO. The WQO states that "All waters shall be free of toxic substances in concentrations that are toxic to ... aquatic life." Nitrogen is not a toxic substance; it is a necessary nutrient for aquatic life. TIEs conducted during 2007 and 2008 did not find evidence that nitrogen caused the toxicity observed in the samples.

Regional Board Response:

See responses to comments ID: 473 and 474.

Comment ID: 477 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen

Decision ID 4763 contains no valid LOEs to support the decision not to delist. LOE 3104 fails to meet the requirements of Table 3.2 of the Listing Policy, which requires two exceedances. There were no exceedances of nitrogen out of the four samples collected at Murrieta Creek between 1997 and 1999.

Regional Board Response:

See responses to comments ID: 473 and 474.

Comment ID: 478 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen

Decision ID 4763 contains no valid LOEs to support the decision not to delist. LOE 3104 fails to meet the requirements of Section 6.1.4 of the Listing Policy. Data must be "scientifically defensible" and there must be "documentation to support the conclusion that results are reproducible" under Section 6.1.4. Data references were not provided.

Regional Board Response:

See responses to comments ID: 473 and 474. The data were collected by the Rancho California Water District from 1999 through 2002. The reference will be added to the LOE.

Comment ID: 479 **TOPIC(S):** Murrieta Creek - Nitrogen

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Murrieta Creek - Nitrogen

Decision ID 4763 contains no valid LOEs to support the decision not to delist. Request to remove LOE 3146, LOE 26545, and LOE 3104 from Decision ID 4763. Provide rationale as stated above to remove 2006 listing for nitrogen; delist Murrieta Creek for nitrogen.

Regional Board Response:

See responses to comments ID: 473 and 474.

Comment ID: 480

TOPIC(S): Long Canyon Creek

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Long Canyon Creek

Data references to the Permittees' Watershed Annual Reports for Long Canyon Creek are incorrect. Using the Water Body ID provided, EnviroMapper for Water on the USEPA website shows a creek that is not sampled by the Permittees' monitoring program. Thus, it is inappropriate to use the Permittee's data for pollutant listings of a waterbody that is not monitored by the Permittees. Request: Remove constituent listings (phosphorus, total nitrogen as N, chlorpyrifos, E. coli, fecal coliform, iron, and manganese) and references in the draft fact sheets that list monitoring data provided by the Permittees (Watershed Annual Reports 2004-2005 and 2005-2006).

Regional Board Response:

The discrepancies within CalWQA for Long Canyon Creek have been resolved. The original listing for Long Canyon Creek near Temecula Creek was incorrectly mapped in 2006. The mapping corrections have been made and Long Canyon Creek is now Long Canyon Creek tributary to Murrieta Creek in the 902 watershed. The existing Lines of Evidence and Decisions have been moved to Long Canyon Creek tributary to Murrieta Creek.

See the Miscellaneous Changes Report in the Appendices for further information.

Comment ID: 481

TOPIC(S): Santa Gertrudis Channel - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Chlorpyrifos

Decision ID 17032 contains no valid LOEs to support the listing for chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Decision ID 17032 relies upon Section 3.6 of the Listing Policy, which requires one valid LOE to support the listing. LOE 7029 was provided, however, this LOE is invalid as described below.

Regional Board Response:

See response to comment ID: 482.

Comment ID: 482 **TOPIC(S):** Santa Gertrudis Channel - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Chlorpyrifos

Decision ID 17032 contains no valid LOEs to support the listing for chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. LOE 7029 is invalid because the exceedances stated are based on a numerical standard that is not listed in the Basin Plan, and no supporting evidence of adverse effects to beneficial uses is provided to indicate that the narrative WQO is not being met. Without numerical objectives in the Basin Plan, the analytical results cannot be considered exceedances without concurring evidence that the narrative requirements of the Basin Plan are not being met.

Toxicity to *Ceriodaphnia dubia*, a water flea sensitive to chlorpyrifos, was not detected at Murrieta Creek between Fall 2004 and Spring 2009.

Thus, chlorpyrifos does not appear to be adversely affecting beneficial uses or harming aquatic organisms and has not exceeded the narrative BPO for Santa Gertrudis Channel. In addition, no toxicity to *Ceriodaphnia dubia* implies that LOE 7029 does not meet the requirements of Table 3.1 of the Listing Policy and therefore is invalid.

Regional Board Response:

The Regional Board staff recommends that Santa Gertrudis Creek (Channel) be listed for impairment by Chlorpyrifos on the 303(d) List. One LOE (7029) indicates that seven out of nine samples, collected between October 2004 and May 2006, exceed the water quality objective of 0.025 ug/L according to results in the Riverside County Flood Control and Water Conservation District (Annual Progress Reports from 2005 and 2006). The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 483 **TOPIC(S):** Santa Gertrudis Channel - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Chlorpyrifos

Decision ID 17032 contains no valid LOEs to support the listing for chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Chlorpyrifos was

effectively phased out when the USEPA, pursuant to section 6(f) of the FIFRA, issued an "End Use Products Cancellation Order of Chlorpyrifos" on January 25, 2005. Chlorpyrifos concentrations have been decreasing steadily in samples since 2004, and this trend is likely to continue as a result of the ban and reduced use.

The USEPA restrictions have effectively addressed any prior water quality concerns posed by chlorpyrifos, rendering the 303(d) listing and subsequent TMDL unnecessary, as the sources of this pollutant have already been virtually eliminated. Listing chlorpyrifos on the 303(d) List for Murrieta Creek [sic] places undue bureaucratic and financial burdens on the Permittees and the Regional Board.

Regional Board Response:

See response to comment ID: 482. The Regional Board staff is obligated to recommend listing decisions that are consistent with the applicable Basin Plan water quality objectives (numeric and narrative), water quality standards/criteria, and the Listing Policy. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 484 **TOPIC(S):** Santa Gertrudis Channel - Chlorpyrifos

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Chlorpyrifos
Decision ID 17032 contains no valid LOEs to support the listing for chlorpyrifos, and USEPA restrictions have effectively eliminated the pollutant sources. Request to remove LOE 7029 from Decision ID 17032. Change the Final Listing Decision for Decision ID 17032 to "Do Not List on 303(d) List."

Regional Board Response:

See responses to comments ID: 482 and 483.

Comment ID: 485 **TOPIC(S):** Santa Gertrudis Channel - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Copper
Decision ID 17033 contains no valid LOEs to support the listing for copper. Decision 17033 presents one LOE to support listing for copper, but this LOE is not valid, as discussed below.

Regional Board Response:

See responses to comments ID: 486 and 487.

Comment ID: 486 **TOPIC(S):** Santa Gertrudis Channel - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Copper

Decision ID 17033 contains no valid LOEs to support the listing for copper. LOE 7030 is invalid because it fails to take into account wildfires that may have affected dissolved copper levels at Santa Gertrudis Channel, in violation of Section 6.1.5.1 of the Listing Policy, which states, "environmental conditions in a water body or at a site must be taken into consideration (e.g., the occurrence of wildfires)."

Regional Board Response:

The Regional Board staff recommends that Santa Gertrudis Creek (Channel) be listed for impairment by Copper on the 303(d) List. One LOE (7030) indicates that two of four samples, collected between October 2004 and February 2006, exceeded the warm freshwater habitat water quality objective for Copper from results in the Riverside County Flood Control and Water Conservation annual progress reports from 2005 and 2006. The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. There was no information provided for the Regional Board to assess the possible proximity of the waterbody to the footprint of the 2003 Wildfires. Impacts from a fire event are likely to be only transitory, if any, affect upon sample results. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 487 **TOPIC(S):** Santa Gertrudis Channel - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation

NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Copper

Decision ID 17033 contains no valid LOEs to support the listing for copper. LOE 7030 fails to meet the requirements of Section 6.1.5.3 of the Listing Policy because samples were collected from only one location. Section 6.1.5.3 states that "if the majority of samples were collected on a single day or during a single short-term natural event. .. the data shall not be used as the primary data set supporting the listing decision." Also, "samples should be available from two or more seasons or from two or more events when effects on WQO exceedances would be expected to be clearly manifested".

Regional Board Response:

The Regional Board staff recommends that Santa Gertrudis Creek (Channel) be listed as impaired for copper on the 303(d) List. LOE 7030 indicates that two of four samples collected exceeds the water quality objective for the 4-day average concentration of

copper according to results, collected between October 2004 through May 2006, in the Riverside County Flood Control and Water Conservation District annual progress report from 2005 and 2006. One sample represents the first storm event of each monitoring year that produces sufficient flow to collect a composite sample. In addition, another sample is collected during the monitoring year to represent a wet weather event. Two dry sampling events are also required each monitoring year; however, only one dry event was monitored in the 2004-2005 monitoring year and no dry events in the 2005-2006 monitoring year due to low flow. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 488 **TOPIC(S):** Santa Gertrudis Channel - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Copper
Decision ID 17033 contains no valid LOEs to support the listing for copper. LOE 7030 fails to account for land use changes. Listing Policy Section 6.1.5.1 requires land uses to be taken into consideration prior to listing a water body. Significant land use changes have occurred in the area tributary to this station over the past decade which may affect this proposed listing and have not been considered.

Regional Board Response:

See responses to comments ID: 486 and 487.
The Regional Board would appreciate any information provided by the Riverside County Flood Control District concerning significant land use changes that have occurred, in the area tributary to the station, over the past decade. The Riverside County Flood Control District may wish to consider providing such information for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 489 **TOPIC(S):** Santa Gertrudis Channel - Copper

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Copper
Decision ID 17033 contains no valid LOEs to support the listing for copper. Request to remove LOE 7030 from Decision 1D 17033. Change the Final Listing Decision for Decision 1D 17033 to "Do Not List on 303(d) list."

Regional Board Response:

See responses to comments ID: 486 and 487.

Comment ID: 490 **TOPIC(S):** Santa Gertrudis Channel - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Iron

Decision ID 17042 contains no valid LOEs to support the listing for iron. Decision 17042 presents one LOE to support listing for iron, but this LOE is not valid, as discussed below. LOE 7031 fails to take into account wildfires that may have affected metals concentrations in Santa Gertrudis Channel, in violation of Section 6.1.5.1 of the Listing Policy, which states, "environmental conditions in a water body or at a site must be taken into consideration (e.g., the occurrence of wildfire)."

The presence of iron in Santa Gertrudis Channel between 2004 and 2006 may have been due to the severe fire season in 2003-2004. It is reasonable to assume that wildfires may have been at least in part responsible for elevated levels of iron as well, as metals tend to respond similarly to changes in environmental conditions. There is no evidence that the impacts of these fires were considered for this LOE.

Regional Board Response:

The Regional Board staff recommends that Santa Gertrudis Creek (Channel) be listed for impairment by Iron on the 303(d) List. One LOE (7031) indicates that All five of the samples, collected between October 2004 and February 2006, exceeded the domestic or municipal supply water quality objective according to the results in Riverside County Flood Control and Water Conservation District annual monitoring program from 2005 and 2006. The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. There was no information provided for the Regional Board to assess the possible proximity of the waterbody to the footprint of the 2003 Wildfires. Impacts from a fire event are likely to be only transitory, if any, affect upon sample results. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 491 **TOPIC(S):** Santa Gertrudis Channel - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Iron

Decision ID 17042 contains no valid LOEs to support the listing for iron. LOE 7031 does not meet the spatial representation requirements of Section 6,1.5.2 of the Listing Policy, which states that samples should be representative of the water body, The Draft Integrated Report relies on samples collected at only one station in Santa Gertrudis Creek. Samples collected at one location on a water body segment are not representative of the water body segment as a whole.

Regional Board Response:

The five samples referenced in LOE 7031 were collected between October 2004 and February 2006. One sample represents the first storm event of each monitoring year that produces sufficient flow to collect a composite sample. In addition, another sample is collected during the monitoring year to represent a wet weather event. Two dry sampling events are also required each monitoring year; however, only one dry event was monitored in the 2004-2005 monitoring year and no dry events in the 2005-2006 monitoring year due to low flow. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 492 **TOPIC(S):** Santa Gertrudis Channel - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Iron
Decision ID 17042 contains no valid LOEs to support the listing for iron. LOE 7031 fails to account for land use changes. Listing Policy Section 6.1.5, I requires land uses to be taken into consideration prior to listing a water body. Significant land use changes have occurred in the area tributary to this station over the past decade which may affect this proposed listing and have not been considered.

Regional Board Response:

See response to comment ID: 490.
The Regional Board would appreciate any information provided by the Riverside County Flood Control District concerning significant land use changes that have occurred, in the area tributary to the station, over the past decade. The Riverside County Flood Control District may wish to consider providing such information for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 493 **TOPIC(S):** Santa Gertrudis Channel - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Santa Gertrudis Channel - Iron
Decision ID 17042 contains no valid LOEs to support the listing for iron. Request to remove LOE 7031 from Decision ID 17042, Change the Final Listing Decision for Decision ID 17042 to "Do Not List on 303(d) List."

Regional Board Response:

See responses to comments ID: 490, 491 and 492.

Comment ID: 494 **TOPIC(S):** Warm Springs Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Warm Springs Creek - Iron

Decision ID 16529 contains no valid LOEs to support the listing for iron. Decision 16529 presents one LOE to support listing for iron, but this LOE is not valid, as discussed below. LOE 7038 fails to take into account wildfires that may have affected metals concentrations in Warm

Springs Creek, in violation of Section 6.1.5.1 of the Listing Policy, which states, "environmental conditions in a water body or at a site must be taken into consideration (e.g., the occurrence of wildfires)." LOE. Large fires have been linked to elevated concentrations of metals in surface waters. It is reasonable to assume that wildfires may have been at least in part responsible for elevated levels of iron as well, as metals tend to respond similarly to changes in environmental conditions. There is no evidence that the impacts of these fires were considered for this LOE.

Regional Board Response:

The Regional Board staff recommends that Warm Springs Creek be listed for impairment by Iron on the 303(d) List. One LOE (7038) indicates that all five samples, collected between October 2004 and May 2006, exceeded the secondary maximum contaminant level 0.3 mg/L from results in the Riverside County Flood Control and Water Conservation (Annual Progress Reports from 2005 and 2006). The number of exceedences is above the criteria indicated in Table 3.1 of the Listing Policy. There was no information provided for the Regional Board to assess the possible proximity of the waterbody to the footprint of the 2003 Wildfires. Impacts from a fire event are likely to be only transitory, if any, affect upon sample results. The Riverside County Flood Control District may wish to consider providing additional (more recent) data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 495

TOPIC(S): Warm Springs Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Warm Springs Creek - Iron

Decision ID 16529 contains no valid LOEs to support the listing for iron. LOE 7038 does not meet the spatial representation requirements of Section 6.1.5.2 of the Listing Policy, which states that samples should be representative of the water body. The Draft Integrated Report relies on samples collected at only one station in Santa Gertrudis Creek [sic]. . Samples collected at one location on a water body segment are not representative of the water body segment as a whole.

Regional Board Response:

Samples were collected from October 2004 through February 2006 with two to three samples collected per monitoring year. One sample represents the first storm event of each monitoring year that produces sufficient flow to collect a composite sample. In

addition, another sample is collected during the monitoring year to represent a wet weather event. Two dry sampling events are also required each monitoring year; however, only one dry event was monitored in the 2004-2005 monitoring year and no dry events in the 2005-2006 monitoring year due to low flow. The Riverside County Flood Control District may wish to consider providing additional data for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 496 **TOPIC(S):** Warm Springs Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Warm Springs Creek - Iron

Decision ID 16529 contains no valid LOEs to support the listing for iron. LOE 7038 fails to account for land uses changes. Listing Policy Section 6.1.5.1 requires land uses to be taken into consideration prior to listing a water body. Significant land use changes have occurred in the area tributary to this station over the past decade which may affect this proposed listing and have not been considered in this LOE.

Regional Board Response:

See response to comment ID: 494.

The Regional Board would appreciate any information provided by the Riverside County Flood Control District concerning significant land use changes that have occurred, in the area tributary to the station, over the past decade. The Riverside County Flood Control District may wish to consider providing such information for the Regional Board to evaluate during the next listing cycle in early 2010.

Comment ID: 497 **TOPIC(S):** Warm Springs Creek - Iron

ORGANIZATION: Riverside County Flood Control/ Water Conservation
NAME: Mark Wills

Comment:

Warm Springs Creek - Iron

Decision ID 16529 contains no valid LOEs to support the listing for iron. Request to remove LOE 7038 from Decision ID 16529. Change the Final Listing Decision for Decision ID 16529 to "Do Not List on 303(d) List."

Regional Board Response:

See responses to comments ID: 494, 495, and 496.

The Regional Board staff recommends that Warm Springs Creek be listed as impaired for Iron on the 303(d) List.

Comment ID: 498
Street

TOPIC(S): SD Bay Shoreline-B St./Broadway Piers & G

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

SD Bay Shoreline-B St./Broadway Piers & G Street

Port Recommendation: The Port recommends that the clarification be made to remove these segments from the 303(d) List, consistent with the SDRWQCB findings presented in the 2008 San Diego Bay Bacteria TMDL Technical Report. San Diego Bay Shoreline segments located at B Street/Broadway Piers and G Street were originally listed for bacteria indicators on the 303(d) List in 1998. However, an extensive data search was unable to find the original data record that prompted the listing.

If the SDRWQCB intended these sites to remain on the 303(d) List, they would have included them in the existing 2008 San Diego Bay Bacteria TMDL rather than remove them and restart the lengthy TMDL process at a later date (with no new information). It is believed that the Proposed 2008 303(d) and 305(b) Reports were not updated to reflect the most recent SDRWQCB recommendation to remove these segments from the TMDL. It is thereby recommended that the clarification be made to delist these segments, consistent with the SDRWQCB findings presented in the 2008 San Diego Bay Bacteria TMDL Technical Report.

Regional Board Response:

The Regional Board staff reevaluated the data. As a result, the current status for Decisions 17928 (Enterococcus), 17929 (Fecal Coliform), and 7462 (Indicator Bacteria) are "Delist"; for Decision 17927 (Total Coliform) is "Do Not Delist".

The San Diego Bay Bacteria TMDL is not final since it has not been adopted by the board. New listings will be incorporated, and discrepancies be resolved during the next listing cycle. The next listing cycle begins early in 2010.

Comment ID: 499

TOPIC(S): San Diego Bay Shoreline, Tidelands Park

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

At the San Diego Bay Shoreline, Tidelands Park, the Port recommends removing the Enterococcus listing recommendation from the Proposed 2008 303(d) List to be consistent with the SDRWQCB findings (2008 San Diego Bay Bacteria TMDL). The Port also recommends that the methodology to determine the geomean be clearly defined and a recalculation of the geomean occur. It is also recommended that all data used to determine findings in the Proposed 2008 303(d) List be made accessible to the public to facilitate public input.

Regional Board Response:

The method of determining geomean is based on monthly sampling numbers and results. For example, for Enterococcus, the available data from 1999 through 2007 produced a total of 62 monthly geomeans, out of the 62 geomeans, 12 exceeded geomean criteria, which exceeded the minimum number needed to place the water segment on the 303(d) list.

The San Diego Bay Bacteria TMDL is not final since it has not been adopted by the board. New listings will be incorporated, and discrepancies be resolved during the next listing cycles. The next listing cycle begins early in 2010.

Comment ID: 500 **TOPIC(S):** San Diego Bay - PCB

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

San Diego Bay - PCB

The Port recommends that the PCB listing for the entire San Diego Bay be removed and replaced with segmented listings specific to bay segments where PCB contamination from collected samples (fish or sediment) are known to exist.

Regional Board Response:

The San Diego Bay PCB listing is a priority of the U.S. EPA, who ascertained that the Bay should be listed in it's entirety due to the prevalence of PCBs throughout the Bay, and the mobility of fish and wildlife who use the Bay's resources which are impacted by PCBs.

PCBs in San Diego Bay sediments also are on the 303(d) List in specific locations, or "hot spots". The Regional Board has been addressing these "hot spots" for several years, and continues to address them as Cleanup and Abatement Orders and as TMDLs.

Comment ID: 501 **TOPIC(S):** Sweetwater River

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

The Port recommends that the data set for each Sweetwater River sampling site be reviewed separately and resulting listings be specific to the site/segment they represent.

Regional Board Response:

The Sweetwater River has been separated into two segments for listing purposes according to the Basin Plan designation.

Sweetwater River site #3 represents only the upper Sweetwater River; and Sweetwater River site #8 represents only the lower Sweetwater River. The rationale for the two

segments is not only the distance and difference in terrain & elevation, but also because a reservoir separates the two segments.

Comment ID: 502 **TOPIC(S):** G St.-Total Coliform, Fecal Coliform, Enterococcus

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

The port recommends removing G St. Total Coliform, Fecal Coliform, Enterococcus from the 303(d) list due to the supporting data from the Port of San Diego/SDRWQCB Bacteria Indicator Sampling Program, (2006 – 2007).

Regional Board Response:

The Regional Board staff reevaluated the data. As a result, the current status for Decisions 17928 (Enterococcus), 17929 (Fecal Coliform), and 7462 (Indicator Bacteria) are “Delist”; for Decision 17927 (Total Coliform) is “Do Not Delist”.

Comment ID: 503 **TOPIC(S):** B St/Broadway Piers-Total/Fecal Coliform, Enteroco

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

The port recommends removing B St/Broadway Piers-Total/Fecal Coliform, Enterococcus from the 303(d) list due to the supporting data from the Port of San Diego/SDRWQCB Bacteria Indicator Sampling Program, (2006 – 2007).

Regional Board Response:

The Regional Board staff reevaluated the data. As a result, the current status for Decisions 17928 (Enterococcus), 17929 (Fecal Coliform), and 7462 (Indicator Bacteria) are “Delist”; for Decision 17927 (Total Coliform) is “Do Not Delist”.

Comment ID: 504 **TOPIC(S):** Tidelands Park - Enterococcus

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

The port recommends removing Tidelands Park - Enterococcus from the 303(d) list due to the supporting data from the Port of San Diego/SDRWQCB Bacteria Indicator Sampling Program, (2006 – 2007).

Regional Board Response:

The method of determining geomean is based on monthly sampling numbers and results. For example, for Enterococcus, the available data from 1999 through 2007 produced a total of 62 monthly geomeans, out of the 62 geomeans, 12 exceeded geomean criteria, which exceeded the minimum number needed to place the water segment on the 303(d) list.

Comment ID: 505 **TOPIC(S):** San Diego Bay - PCB

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

The Port recommends that the San Diego Bay Shoreline be segmented according to sampling sites and potential sources of contamination. Section 6.1.5.4 of the Listing Policy indicates that "...data shall be aggregated by water body segments as defined in the Basin Plans." The Listing Policy also states that "The RWQCBs should identify stream reaches or lake/estuary areas that may have different pollutant levels based on significant differences in land use, tributary inflow, or discharge input."

Regional Board Response:

Comment noted. While it is too late to make the suggested changes for the 2008 Integrated Report, this comment can be submitted for consideration for the next listing cycle which is scheduled to start in early 2010.

The Regional Board has several TMDLs or listings on the 303(d) List identified by areas of shoreline or creek mouths of San Diego Bay for TMDLs rather than the entire Bay. The Regional Board does agree that in many cases, selecting segments or hot spot areas within the Bay is often a good approach to addressing pollution loading to a waterbody.

Comment ID: 506 **TOPIC(S):** Sweetwater River

ORGANIZATION: Port of San Diego
NAME: Karen Holman

Comment:

Sweetwater River - Enterococcus, Fecal Coliform, Phosphorus, Salinity/TDS/Chloride
Enterococcus, Fecal Coliform, Phosphorous, Salinity/TSD/Chloride ,Selenium,
Sulfates, Total Nitrogen, Toxicity
Recommendations: Segment Sweetwater River into distinct reaches and re-evaluate data

Section 6.1.5.4 of the Listing Policy indicates that "...data shall be aggregated by water body segments as defined in the Basin Plans." The Listing Policy also states that "The RWQCBs should identify stream reaches or lake/estuary areas that may have different pollutant levels based on significant differences in land use, tributary inflow, or discharge input."

Regional Board Response:

See response to comment ID: 501.

The Sweetwater River has been separated into two segments for listing purposes according to the Basin Plan designation. Sweetwater River site #3 represents only the upper Sweetwater River; and Sweetwater River site #8 represents only the lower Sweetwater River. The rationale for the two segments is not only the distance and difference in terrain & elevation, but also because a reservoir separates the two segments.

Comment ID: 507 **TOPIC(S):** Laguna Beach at Cleo Street

ORGANIZATION: Orange County Public Works

NAME: Chris Crompton

Comment:

1.) No new decision was rendered for Laguna Beach at Cleo Street although ample data are available for this site. As a result, this site remains listed for indicator bacteria. The available data from January 2004–December 2007 (OCPW NPDES Coastal Storm Drain Outfall Program CLEO warrant delisting the location for all indicators.

Regional Board Response:

The Regional Board recommends that the listing of Laguna Beach at Cleo Street for impairment by indicator bacteria remain on the 303d List for this listing cycle. Based on evaluated data for the 2008 listing cycle, all three indicator bacteria data resulted in DELIST decisions.

The LIST decision from Indicator Bacteria was a carry over decision from 2006 listing cycle. The reported storm drain data were not evaluated during this listing cycle, and will be included for the next listing cycle. Delisting of old Indicator Bacteria decision is an issue that needs to be addressed during the next listing cycle beginning in early 2010.

Comment ID: 508 **TOPIC(S):** Aliso Beach at West Street

ORGANIZATION: Orange County Public Works

NAME: Chris Crompton

Comment:

2.) No new decision was rendered for Aliso Beach at West Street (Pacific Ocean Shoreline, Dana Point HSA) although ample data are available for this site. As a result, this site remains listed for indicator bacteria. The available data from January 2004–December 2007(OCPW NPDES Coastal Storm Drain Outfall Program WEST site) warrant delisting the location for all indicators.

Regional Board Response:

The Regional Board recommends that the listing of Aliso Beach for impairment by indicator bacteria remain on the 303d List for this listing cycle. Based on evaluated data for the 2008 listing cycle, all three indicator bacteria data resulted in DELIST decisions. The LIST decision from Indicator Bacteria was a carry over decision from 2006 listing cycle. The reported storm drain data were not evaluated during this listing cycle, and will be included for the next listing cycle. Delisting of old Indicator Bacteria decision is an issue that needs to be addressed during the next listing cycle beginning in early 2010.

Comment ID: 509 **TOPIC(S):** Dana Point Harbor - Indicator Bacteria

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

3.) No new decision was rendered for Dana Point Harbor regarding indicator bacteria although ample data are available for this site. As a result, this site remains listed for indicator bacteria. The available data from January 2004–December 2007 (County of Orange Health Care Agency Bacteriological Monitoring Program Sites BDP08, BDP12, BDP13, BDP14, BDP15, and BDP17) warrant delisting of Dana Point Harbor for fecal coliforms and Enterococcus.

Regional Board Response:

The Regional Board recommends that the listing of Dana Point Harbor for impairment by indicator bacteria remain on the 303d List for this listing cycle. Based on evaluated data for the 2008 listing cycle, all three indicator bacteria data resulted in DELIST decisions. The LIST decision from Indicator Bacteria was a carry over decision from 2006 listing cycle. The reported storm drain data were not evaluated during this listing cycle, and will be included for the next listing cycle. Delisting of old Indicator Bacteria decision is an issue that needs to be addressed during the next listing cycle beginning in early 2010.

Comment ID: 510 **TOPIC(S):** Doheny State Beach - Indicator Bacteria

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

4.) A decision was rendered to continue listing Doheny State Beach at North Doheny State Park Campground (Pacific Ocean Shoreline, Lower San Juan HSA, site DSB4) for all three indicator bacteria. The fact sheet for this listing indicated 547 samples were collected from May 2004 – December 2006. A review of the available data from this time period found 124 samples were collected, enabling the calculation of 8 monthly geomeans. Under the REC-1 fecal coliform standards, no geomean exceedances were observed, and only 4 samples exceeded the single sample maximum. These results warrant delisting this location for fecal coliforms.

Regional Board Response:

The Regional Board recommends that the listing of Doheny State Beach for impairment by indicator bacteria remain on the 303d List for this listing cycle. The Regional Board staff recounted and re-calculated the data, as a result, there are 123 instead of 547 samples, but the 32 geomeans are correct. For decision 16871, this changed Enterococcus single max use rating from fully supporting to not supporting. The original decision of LIST based on Enterococcus geomean remains unchanged.

For Decision 16872, there is no change. The original decision to LIST this waterbody was based on Indicator Bacteria (beach closing dates) from 2000-2007 remains unchanged.

For decision 16873, this changed total coliform single max use rating from fully supporting to not supporting. The original decision of LIST based on total coliform geomean and Indicator Bacteria remains unchanged.

Comment ID: 511

TOPIC(S): Doheny State Beach - Indicator bacteria

ORGANIZATION: Orange County Public Works

NAME: Chris Crompton

Comment:

5.) A decision was rendered to list Doheny State Beach at South Doheny State Park Campground (Pacific Ocean Shoreline, Lower San Juan HSA, site DSB1) for all three indicator bacteria. The fact sheet for this listing indicated 548 samples were collected from May 2004 – December 2006. A review of the available data from this time period found 211 samples were collected, enabling the calculation of 23 monthly geomeans. Under the REC-1 standards, no total coliform or fecal coliform geomean exceedances were observed, and only 3 fecal coliform samples exceeded the single sample maximum while no single sample exceedances were observed for total coliforms. Under the SHELL standards, 27 single sample maximum and 8 geomean exceedances were observed. These results warrant delisting the location for fecal coliforms.

Regional Board Response:

The Regional Board recommends that the listing of Doheny State Beach for impairment by indicator bacteria remain on the 303d List for this listing cycle. The Regional Board staff recounted and re-calculated the data, as a result, there are 124 instead of 548 samples, but the 32 geomeans are correct. For decision 16878, this changed Enterococcus single max use rating from fully supporting to not supporting. The original decision to LIST this waterbody based on Enterococcus geomean and indicator bacteria remains unchanged.

For Decision 16879, there is no change. The original decision of LIST based on Indicator Bacteria (beach closing dates) from 2000-2007 remains unchanged. For decision 16880, there is no change. The original decision to LIST the waterbody as based on total coliform geomean and Indicator Bacteria remains unchanged.

ITEM 15
Supporting Document 13

Appendix L:
Responses to Public Comments

Comment ID: 512
Bacteria

TOPIC(S): South Capistrano County Beach - Indicator

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

6.) A decision was rendered to continue to list South Capistrano County Beach (Pacific Ocean Shoreline, Lower San Juan HSA, site CSBMP1) for all three indicator bacteria. The fact sheet for this listing indicated 548 samples were collected from May 2004 – December 2006. A review of the available data from this time period found 249 samples were collected, enabling the calculation of 29 monthly geomeans. Under the REC-1 geomean standards, only 1 fecal coliform exceedance was observed while none were observed for total coliforms. REC-1 single sample maximum exceedances included 1 for total coliforms and 4 for fecal coliforms. Under the SHELL standards, 35 single sample maximum and 8 geomean exceedances were observed. These results warrant delisting the location for fecal coliforms.

Regional Board Response:

The Regional Board recommends that the listing of South Capistrano Beach at Beach Road for impairment by indicator bacteria remain on the 303d List for this listing cycle. The Regional Board staff recounted and re-calculated the data, as a result, there are 127 instead of 548 samples, but the 32 geomeans are correct.

For decision 16865, there is no change. The original decision of DO NOT DELIST based on Enterococcus geomean and indicator bacteria remains unchanged.

For Decision 16866, there is no change. The original decision of DO NOT DELIST based on Indicator Bacteria (beach closing dates) from 2000-2007 remains unchanged.

For decision 16867, this changed TC SHELL geomean use rating from not supporting to fully supporting. The original decision of DO NOT DELIST based on Indicator Bacteria remains unchanged.

Comment ID: 513
Bacte

TOPIC(S): South Capistrano Beach at Beach Rd-Indicator

ORGANIZATION: Orange County Public Works
NAME: Chris Crompton

Comment:

7.) A decision was rendered to continue to list South Capistrano Beach at Beach Road (Pacific Ocean Shoreline, Lower San Juan HSA, site CSBBR1) for all three indicator bacteria. The fact sheet for this listing indicated 548 samples were collected from May 2004 – December 2006. A review of the available data from this time period found 254 samples were collected, enabling the calculation of 30 monthly geomeans. Under the REC-1 geomean standards, 7 Enterococcus exceedances and one fecal coliform exceedance were observed. REC-1 single sample maximum exceedances included 3 for fecal coliforms and 30 for Enterococcus, while none were observed for total coliforms.

Under the SHELL standards, 22 single sample maximum and 7 geomean exceedances were observed. These results warrant delisting the location for fecal coliforms.

Regional Board Response:

The Regional Board recommends that the listing of South Capistrano Beach at Beach Road for impairment by indicator bacteria remain on the 303d List for this listing cycle. The Regional Board staff recounted and re-calculated the data, as a result, there are 127 instead of 548 samples, but the 32 geomeans are correct.

For decision 16929, this changed Enterococcus single max from fully supporting to not supporting. The original decision of DO NOT DELIST based on Enterococcus geomean and indicator bacteria remains unchanged.

For Decision 16928, there is no change. The original decision of DO NOT DELIST based on Indicator Bacteria (beach closing dates) from 2000-2007 remains unchanged.

For decision 16927, this changed TC SHELL single max use rating from fully supporting to not supporting. The original decision of DO NOT DELIST based on Indicator Bacteria remains unchanged.

Comment ID: 514 **TOPIC(S):** Aliso Creek - selenium

ORGANIZATION: Orange County Public Works

NAME: Chris Crompton

Comment:

8.) A decision was rendered to list Aliso Creek for selenium. The data evaluated for this proposed listing is from the mouth of Aliso Creek only. Therefore, the listing decision should be revised to Aliso Creek (mouth) and not the entire reach of Aliso Creek.

Regional Board Response:

The Aliso Creek waterbody segment will remain in its current waterbody segment in CalWQA database. The Aliso Creek (mouth) segment is for the Creek mouth and estuary. For the next listing cycle, the Regional Board will consider deleting the Aliso Creek (mouth) segment in the database since the LOEs have been moved to a Pacific Shoreline segment in CalWQA.

Comment ID: 515 **TOPIC(S):** Bacteria Delisting

ORGANIZATION: US EPA

NAME: Peter Kozekja

Comment:

There are three separate questions.

1.) Specific listing decisions for each indicator; e.g., enterococcus, fecal and total coliform should not be part of the 303(d) process.

2.) It is not clear to USEPA that if staff performed and included geomean analysis of available beach data.

3.) EPA disagrees with the application of the binomial approach (within the State's Listing Policy) to assessment methods for the geomean criterion for pathogens.

Regional Board Response:

There are three separate questions.

1). Specific listing decisions for each indicator; e.g., enterococcus, fecal and total coliform should not be part of the 303(d) process.

- Comment noted. This issue needs to be further discussed between USEPA, State Board and Regional Board.

2). It is not clear to USEPA that if staff performed and included geomean analysis of available beach data.

- Regional Board staff did perform Geomean data analysis for all indicator bacteria.

3). EPA disagrees with the application of the binomial approach (within the State's Listing Policy) to assessment methods for the geomean criterion for pathogens.

- Comment noted. This issue needs to be further discussed between USEPA and State Board. Staff has performed geomean data analysis following the Listing Policy procedure. If USEPA disagrees with the draft 303(d) list, it has the opportunity to make independent evaluation according to federal listing guidance.

Comment ID: 516
Arsenic

TOPIC(S): San Diego Bay Shoreline-near sub base -

ORGANIZATION: US EPA

NAME: Peter Kozekja

Comment:

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. Second, for this waterbody, please clarify the delisting proposed for benthic community effects with respect to the continued sediment toxicity.

Regional Board Response:

Comment noted. Based on the recommendations from EPA, the arsenic in fish tissue has been removed from consideration for this location.

Comment ID: 517

TOPIC(S): Reservoir

ORGANIZATION: City of San Diego Public Utilities Department

NAME: Marisa Steirere

Comment:

We do not believe the existing and proposed listing of the reservoirs will benefit regional water quality nor help protect these sources of drinking water, for the following reasons:

1.) The reservoirs are highly managed man-made impoundments subject to impacts from their watersheds, unavoidable natural processes like seasonal stratification, or storage of imported water. Such reservoirs are distinctly different from natural water bodies.

Regional Board Response:

The Regional Board staff does not agree with this comment. The Regional Board staff must make listing decisions that are consistent with the beneficial uses listed in the Basin Plan and the criteria of the statewide Listing Policy. The City may wish to provide additional data for the Regional Board to evaluate during the next listing cycle, which is expected to begin early in 2010.

Comment ID: 518

TOPIC(S):

ORGANIZATION: City of San Diego Public Utilities Department

NAME: Marisa Steirere

Comment:

We do not believe the existing and proposed listing of the reservoirs will benefit regional water quality nor help protect these sources of drinking water, for the following reasons:

2.) Water from the reservoirs is treated to drinking water standards before distributing to consumers. The presence of many "pollutants" in the existing and proposed 303(d) listings in no way impair these reservoirs as sources of drinking water.

Regional Board Response:

Please see response to comment ID: 517.

Comment ID: 519

TOPIC(S):

ORGANIZATION: City of San Diego Public Utilities Department

NAME: Marisa Steirere

Comment:

We do not believe the existing and proposed listing of the reservoirs will benefit regional water quality nor help protect these sources of drinking water, for the following reasons:

3.) Many of the "pollutants" in the existing and proposed 303(d) listing are constituents that occur naturally in the watersheds or are the result of natural process within the reservoirs. As such, there are no viable solutions for remedying the occurrence of these constituents.

Regional Board Response:

Please see response to comment ID: 517.

Comment ID: 520 **TOPIC(S):** Alvarado Creek - Selenium

ORGANIZATION: City of La Mesa
NAME: Joe Kuhn

Comment:

The latitude/longitude coordinates of 32.7831, -117.0748 which are recorded for all the water chemistry samples taken in Alvarado Creek regarding Decision ID 17605/Selenium are not located within, or adjacent to, the Alvarado Creek Channel. This location is consistent with both the SWAMP January 2008 Report, as well as the SWAMP data results available from the <http://www.bdat.ca.gov>.

Regional Board Response:

See response to comment ID: 521

Comment ID: 521 **TOPIC(S):** Alvarado Creek - Selenium

ORGANIZATION: City of La Mesa
NAME: Joe Kuhn

Comment:

The water quality sample which was taken on 5/18/2004 at 18:50 is non-compliant with the associated Quality Assurance Project Plan (QAPP), according to the SWAMP data results available from the <http://www.bdat.ca.gov>. This comprises 1 of 4 samples, which were sampled/recorded in an incorrect location, as mentioned above.

Regional Board Response:

The Regional Board staff recommends that Alvarado Creek be listed as impaired for Selenium on the 303(d) List. The comment seems to reference a web site for the Bay-Delta Tributary Project, which is an incorrect data source for water quality results reported for Alvarado Creek in LOE 8925. The correct location of the Alvarado Creek SWAMP data are reported by the Southern California Coastal Waters Research Project at (http://www.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/527_SanDiegoH U_Report.pdf) The sample location 907SDALV3 is located in Alvarado Creek in San Diego County classified as Site 1 (Alvarado Creek SWAMP Site: 907SDALV3, Source: Regional Board (Site Name: 907ALV204) LAT: 32.7819 LONG: -117.0751).

Comment ID: 522 **TOPIC(S):** Alvarado Creek - Selenium

ORGANIZATION: City of La Mesa
NAME: Joe Kuhn

Comment:

Due to the fact that the sole sampling location for all Selenium samples on Alvarado Creek shows an incorrect location which is not within proximity to the waterbody, and has QA/QC issues which invalidates some results: there is serious questions as to the validity of the proposed listing. The City of La Mesa recommends not listing Alvarado Creek as beneficial use impaired for Selenium at this time.

Regional Board Response:

See response to comment ID: 521. The commenter referenced an incorrect data source for water quality results for LOE 8925 for Alvarado Creek in San Diego County.

Comment ID: 523 **TOPIC(S):** San Diego Bay - near SUBASE

ORGANIZATION: Department of the Navy
NAME: Brian Gordon

Comment:

This letter presents a justification for removing Polychlorinated biphenyls (PCBs) from the new proposed 2008 303(d) Toxic Maximum Daily Load (TMDL) list for San Diego Bay near Naval Submarine Base (SUBASE), San Diego. The listing should be removed from the list because:

1.) The 2008 PCB TMDL proposed for San Diego Bay near SUBASE is redundant with a previous PCB listing for the San Diego Bay proposed in 2006 and adopted in 2008. The additional listing for a site specific SUBASE PCB TMDL derives no additional regulatory benefit or drivers for handling the PCB impairment in San Diego Bay. The current PCB TMDL for San Diego Bay (2006) has the same regulatory drivers as the SUBASE site specific listing.

Regional Board Response:

The current listing for PCBs in San Diego Bay was made in the 2006 listing cycle and simply moved forward to be reflected in the 2008 List. No new PCB listings are proposed for this listing cycle for San Diego Bay.

Comment ID: 524 **TOPIC(S):** San Diego Bay - near SUBASE

ORGANIZATION: Department of the Navy
NAME: Brian Gordon

Comment:

This letter presents a justification for removing Polychlorinated biphenyls (PCBs) from the new proposed 2008 303(d) Toxic Maximum Daily Load (TMDL) list for San Diego Bay near Naval Submarine Base (SUBASE), San Diego. The listing should be removed from the list because:

2.) The redundant listing will cause confusion on which TMDL deadline is applicable to the site, the bay-wide TMDL (Deadline of 2019) or the SUBASE TMDL (Deadline of 2021)

Regional Board Response:

Please see response to comment ID 523.

Comment ID: 525 **TOPIC(S):** San Diego Bay - near SUBASE

ORGANIZATION: Department of the Navy

NAME: Brian Gordon

Comment:

This letter presents a justification for removing Polychlorinated biphenyls (PCBs) from the new proposed 2008 303(d) Toxic Maximum Daily Load (TMDL) list for San Diego Bay near Naval Submarine Base (SUBASE), San Diego. The listing should be removed from the list because:

3.) Redundant listing may cause duplicate studies and double the number of reports from the same PCB condition.

Regional Board Response:

Please see response to comment ID 523.

Comment ID: 526 **TOPIC(S):** San Diego Bay - near SUBASE

ORGANIZATION: Department of the Navy

NAME: Brian Gordon

Comment:

This letter presents a justification for removing Polychlorinated biphenyls (PCBs) from the new proposed 2008 303(d) Toxic Maximum Daily Load (TMDL) list for San Diego Bay near Naval Submarine Base (SUBASE), San Diego. The listing should be removed from the list because:

4.) In the quoted lines of evidence, it was stated that the PCB concentration was over the OEHHA screening level of 20 nanograms per gram at the site. The average concentrations of PCBs found at the site were below that found in reference station samples collected throughout San Diego Bay. This indicates a San Diego Bay-wide issue and not a site specific issue.

Regional Board Response:

The Regional Board staff agrees with this comment and has removed the Submarine Base listing for impairment by PCBs from the 303d List for this listing cycle.

Comment ID: 527 **TOPIC(S):** Paleta Creek - Copper and Chromium

ORGANIZATION: Department of the Navy

NAME: Brian Gordon

Comment:

Paleta Creek - Copper and Chromium

It should be noted that the new listings of Copper and Chromium for Paleta Creek were based upon a Southern California Coastal Water Research Project (SCWRP) sampling point that is upstream from Naval Base San Diego (NBSD). NBSD should not be listed as a stakeholder in this new TMDL since NBSD is downgradient of the sample point used to establish the line of evidence.

Regional Board Response:

Comment noted. The Regional Board staff only evaluates provided data and makes listing decisions for the 303d List. The determination of stakeholders and responsible parties will take place during TMDL development and implementation.

Comment ID: 528

TOPIC(S): Los Peñasquitos Selenium

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

Los Peñasquitos Selenium

This water body should be listed as Category 3, current ambient monitoring data from the Copermittee Regional Monitoring program are not included in the assessment, and these data show no exceedances of chronic total selenium criteria. Additionally, wet weather data collected between November 2001 to February 2006 do not show any exceedances of chronic total selenium criteria. Finally, Selenium should be compared to the correct criteria; the criterion is for chronic total selenium.

Regional Board Response:

See response to comment ID: 201.

Comment ID: 529

TOPIC(S): Los Peñasquitos Selenium

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

2.) Reasons for Proposed Changes/Comments:

None of the fifteen dissolved selenium samples collected exceed the water quality objective according to results in the San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007. Samples were collected in November 2001 to February 2006.

Comments/proposed Changes:

The CTR states that the selenium criteria apply to total selenium, and dissolved selenium should not be assessed using standard benchmarks due to the bioaccumulative nature of the substance.

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. Same as Comment ID: 202 - from City of San Diego's comment # 10

Regional Board Response:

See response to comment ID: 202.

Comment ID: 530 **TOPIC(S):** Los Peñasquitos Total Nitrogen

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

Same as Comment ID: 204 - from City of San Diego's comment # 12

Regional Board Response:

See response to comment ID: 204.

The Regional Board staff verified that, through the assessment period ending in December 2006, fifteen of 15 samples exceeded the total nitrogen criteria of 1 mg/l. The data reference for each entry to the 303(d) database can be found in the LOEs. The method of analysis can be found in the data reference, San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007.

Comment ID: 531 **TOPIC(S):** Los Peñasquitos Toxicity

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

4.) Fifteen storm water samples were collected and used to test for toxicity to Selenastrum, Ceriodaphnia dubia, and Hyalella azteca. None of the samples for any species or test were found to be toxic. This LOE does not support listing.

Same as Comment ID: 205 - from City of San Diego's comment # 13

Regional Board Response:

See responses to comments ID: 205 and 206.

The Regional Board staff disagrees with this comment and recommends that Los Penasquitos Creek be listed as impaired for toxicity on the 303d List for this cycle. In LOE 26872 (comment typo 26875), none of the 15 samples were found to exhibit toxicity for Selenastrum, none of the 15 samples were found to exhibit toxicity for Hyalella azteca, and none of the fifteen samples were found to be toxic as determined by the Ceriodaphnia dubia survival/reproductive test according to results in the San Diego County Municipal Copermittees Annual Progress Report, 2007. The listing decision rates LOE 29872 as fully supporting the beneficial use while LOE 21387 with three out of four exceedances does not support the beneficial use and according to the Listing Policy

accounts for listing Los Penasquitos for Toxicity. LOE 21387 showed samples with significant toxicity levels (SL) in the following tests: Selenastrum algae growth test with three of the four samples showing significant levels of toxicity and Ceriodaphnia dubia survival and reproductive test with one of the four samples showing significant levels of toxicity.

Comment ID: 532

TOPIC(S): Miramar Reservoir Ammonia as N

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

5.) Reasons for Proposed Changes/Comments:

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.

Comments/Proposed Changes:

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. *(U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999)

This LOE ID (6161) is repeated, the same LOE ID is used in conjunction with decision number 116712.

Same as Comment ID: 212 - from City of San Diego's comment # 20

Regional Board Response:

See response to comment ID: 212.

The Regional Board staff agrees with this comment and Miramar Reservoir will be removed for impairment by un-ionized ammonia on the 2008 303(d) List.

LOE 6161 for Miramar Reservoir (Decision 16694) state that there are 10 of 10 samples exceeding the ammonia criteria of 0.025 mg/l.

San Diego Water Board staff agrees that samples analyzed as ammonia (NH₄) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

The reservoir Ammonia (NH₄) samples will be assessed in the 2010 303(d) Listing Cycle using the appropriate method for assessment *(U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999). In addition,

the San Diego Water Board would like to have more drinking water reservoir data to review and analyze for the 2010 303(d) assessment.

The Regional Board staff also agrees that non-detect samples should not be removed from the assessment.

Comment ID: 533 **TOPIC(S):** Lake Hodges Ammonia as N

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:

6.) Reasons for Proposed Changes/Comments:

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.

Comments/Proposed Changes:

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)

Same as Comment ID: 217 - from City of San Diego's comment # 25

Regional Board Response:

See response to comment ID: 217.

The Regional Board staff agrees with this comment and Lake Hodges will be removed for impairment by un-ionized ammonia on the 2008 303(d) List. The Regional Board staff agree that samples analyzed as ammonia (NH₄) as N should not be compared to a standard for un-ionized ammonia (NH₃), they are different chemical compounds with different effects.

The reservoir Ammonia (NH₄) samples will be assessed in the 2010 303(d) Listing Cycle using the appropriate method for assessment (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-014, December 1999). In addition, the Regional Board requests that the City provide additional drinking water reservoir data to review and analyze for the 303(d) assessment beginning in early 2010.

Comment ID: 534 **TOPIC(S):** San Dieguito River Toxicity

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:

Comments/Proposed Changes:

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.

Same as Comment ID: 221 - from City of San Diego's comment # 29

Regional Board Response:

See response to comment ID: 221

The correct reference 1621 for Surface Water Ambient Monitoring Program Annual Progress Report, 2007 has been assigned to the field named "data used to assess water quality". The LOE 24991 and decision 17058 in the CalWQA database have been revised to show the total number of samples for Selenastrum as three because one sample is estimated. San Dieguito River remains listed for toxicity.

Comment ID: 535 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

8.) 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

Same as Comment ID: 243 - from City of San Diego's comment # 51

Regional Board Response:

See response to comment ID: 243.

The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body. Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 536 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of Poway

NAME: Frank Caste

Comment:

ITEM 15
Supporting Document 13

Appendix L:
Responses to Public Comments

9.) Reason for Proposed Changes/Comments:
Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting.
States that there were no exceedances of water quality objectives.

Comments/Proposed Changes:
This LOE does not support listing

Same as Comment ID: 245 - from City of San Diego's comment # 53

Regional Board Response:
See response to comment ID: 245.

The Regional Board staff are obligated to make listing decisions that are consistent with the Basin Plan and the Listing Policy. The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body. Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 537 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:
10.) Reason for Proposed Changes/Comments:
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.

Comments/Proposed Changes:
This LOE does not support listing

Same as Comment ID: 246 - from City of San Diego's comment # 54

Regional Board Response:
See response to comment ID: 246.

The Regional Board staff are obligated to make listing decisions that are consistent with the Basin Plan and the Listing Policy. The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body. Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 538 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:

11.) Reason for Proposed Changes/Comments:
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%.

Comments/Proposed Changes:
This LOE does not support listing

Same as Comment ID: 247 - from City of San Diego's comment # 55

Regional Board Response:

See response to comment ID: 247.

The Regional Board staff are obligated to make listing decisions that are consistent with the Basin Plan and the Listing Policy. The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body. Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 539 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:

12.) Reason for Proposed Changes/Comments:
States that no samples from Anderson Canyon exceeded the water quality objectives for Shellfish Harvesting.

Comments/Proposed Changes:
This LOE does not support listing

Same as Comment ID: 249 - from City of San Diego's comment # 57

Regional Board Response:

See response to comment ID: 249.

The Regional Board staff are obligated to make listing decisions that are consistent with the Basin Plan and the Listing Policy. The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body. Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 540 **TOPIC(S):** Pacific Ocean at Los Peñasquitos mouth

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:

13.) Reason for Proposed Changes/Comments:
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.

Comments/Proposed Changes:
This LOE does not support listing

Same as Comment ID: 251 - from City of San Diego's comment # 59

Regional Board Response:

See response to comment ID: 251.

The Regional Board staff are obligated to make listing decisions that are consistent with the Basin Plan and the Listing Policy. The Basin Plan designated both REC1 and SHELL beneficial uses to the Pacific Ocean, therefore, this decision was based on evaluation of REC1 and SHELL beneficial uses for the water body. Decision 16336 was based on LOE 26425 where 120 out of 497 samples for Total Coliform exceeded water quality objective for SHELL.

Comment ID: 541 **TOPIC(S):** Poway Creek

ORGANIZATION: City of Poway
NAME: Frank Caste

Comment:

Poway Creek - Selenium
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.

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.

Regional Board Response:

The Regional Board disagrees with this comment about misapplication of the chronic selenium criteria. The Regional Board has re-evaluated the mentioned data and revised the Lines of Evidence and Decisions. The California Toxics Rule does not provide a Criterion Maximum Concentration for freshwater, or a site specific objective, therefore the Regional Board used the Criterion Continuous Concentration. Region's 9 use of the Criterion Continuous Concentration is consistent with other Regional Board selenium assessments for this Integrated Report.

The solicitation of the next Integrated Report process will start in early 2010. The City of Poway is welcome to submit additional data for the next Integrated Report when the request for data is circulated. All submitted data will be considered for future listing and delisting evaluations.