



# California Regional Water Quality Control Board

## Santa Ana Region



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**TO:** Craig J. Wilson, Chief  
Monitoring and TMDL Listing Unit  
Division of Water Quality  
**STATE WATER RESOURCES CONTROL BOARD**

**FROM:**   
Joanne Schneider  
Environmental Program Manager  
**SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** May 1, 2002

**SUBJECT:** COMMENTS ON THE STATE WATER RESOURCES CONTROL BOARD'S  
REVISION OF THE CLEAN WATER ACT SECTION 303(d) LIST OF WATER  
QUALITY LIMITED SEGMENTS

Regional Board staff have reviewed State Board staff's draft 303(d) document. We offer the following comments and corrections:

Volume 1 – Staff Report, Revision of the Clean Water Act Section 303(D) List of Water Quality Limited Segments, Additions Page 16

Regional Board staff proposed to include Pelican Hill Waterfall, Pelican Point Middle Creek Pelican Point Creek, Buck Gully Creek, Los Trancos Creek and Muddy Creek on the 303(d) list for impairment of the REC1 and REC2 beneficial uses due to total and fecal coliform contamination. State Board staff, however is proposing that Los Trancos Creek and Buck Gully Creek not be included since these waterbodies are currently not in listed in the Basin Plan and no beneficial uses have been designated for them.

First, we'd like to point out inconsistencies in the State Board staff's recommendation. There are additional waterbodies Regional Board staff recommended to be placed on the region's 303(d) list that are also not included in the Basin Plan (Santa Ana Delhi Channel, Pelican Hill Waterfall, Pelican Point Middle Creek, Pelican Point Creek and Muddy Creek), yet State Board staff is not proposing to exclude these waterbodies from the 303(d) list.

Second, and most importantly, Regional Board staff believe that it is appropriate to include Buck Gully Creek and Los Trancos Creek on the 303(d) list as impaired. Based on discussions with State Board legal counsel, if a beneficial use is in fact an existing use,

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whether or not the waterbody is in the Basin Plan, that use must be protected. In that case, including the waterbody on the 303(d) list would be appropriate where there is documentation of impairment. For Los Trancos Creek and Buck Gully Creek, in addition to Regional Board staff observations of recreation, Orange County CoastKeeper has submitted documentation to the State Board showing that the recreation beneficial use exists. Enclosed you will find these photographs submitted by Orange County CoastKeeper as supporting documentation that these creeks are in fact used for REC 1 and REC 2 beneficial uses. Regional Board staff believes it may be appropriate to considering listing Buck Gully Creek and Los Trancos Creek as impaired only in the lower portions of these creeks downstream of Pacific Coast Highway where documented recreational activity occurs.

In addition, since The Irvine Company has committed to diverting dry weather flows in Los Trancos Creek and Muddy Creek, we believe it may be appropriate to further refine our recommended listing for Los Trancos Creek and Muddy Creek as impaired only during the wet season when no diversion will occur. An evaluation of the data indicates that during the assessment period, wet season exceedances would meet our listing criteria as discussed in our January 23, 2002 staff report to the Regional Board.

Volume II, Region 8 Summary of Recommendations. pages 8-1 through 8-5 and Accompanying Fact Sheets

- Santa Ana Delhi Channel, Pelican Point Creek, Pelican Point Middle Creek, Pelican Hill Waterfall – delete MUN from the Pollutant/Medium/Beneficial Use column. As you are aware, these waterbodies are not currently listed in the Basin Plan and therefore do not have designated beneficial uses specified. We are not aware of any documentation that the MUN beneficial use is an existing use in these waterbodies. It would be premature to assume that the MUN designation is appropriate, absent analysis pursuant to the State Board's Sources of Drinking Water Policy (Resolution No. 88-63).

The accompanying Fact Sheets also need to be revised to delete the MUN beneficial use identified therein for these waterbodies:

- ❖ Santa Ana Delhi Channel, Fact Sheet page 8-1,
  - ❖ Pelican Point Creek, Fact Sheet page 8-2
  - ❖ Pelican Point Middle Creek, Fact Sheet page 8-3
  - ❖ Pelican Hill Waterfall, Fact Sheet page 8-4
- Seal Beach (San Gabriel River Mouth to Main Street Pier), Huntington State Beach (from Newland Avenue to Santa Ana River), Newport Beach (1000 feet down coast of Santa Ana River) - delete MUN from the Pollutant/Medium/Beneficial Use column. These nearshore ocean waters are excepted from MUN.

The accompanying Fact Sheets also need to be revised to delete the MUN beneficial use identified therein for these waterbodies:

- ❖ Seal Beach, Fact Sheet page 8-8
  - ❖ Huntington State Beach, Fact Sheet page 8-9
  - ❖ Newport Beach, Fact Sheet page 8-10
- San Diego Creek, Reach 1 – delete MUN from the Pollutant/Medium/Beneficial Use column. This reach is excepted from the MUN beneficial use.

The accompanying Fact Sheet also needs to be revised to delete the MUN beneficial use identified therein for this waterbody:

- ❖ San Diego Creek, Reach 1, Fact Sheet page 8-18

We look forward to discussing these issues with you and your staff. If you have any questions, please feel free to contact me at (909)782-3287. You may also contact Hope Smythe at (909)782-4993 or Pavlova Vitale at (909)782-4920.

Attachment: Pictures of Buck Gully and Los Trancos Creeks

cc: Jorge Leon, SWRCB-OCC  
Michael Levy, SWRCB-OCC