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## IRVINE RANCH WATER DISTRICT

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May 30, 2002

Thomas Howard  
Deputy Director  
State Water Resources Control Board  
101 I Street  
Sacramento, CA 95814

Dear Mr. Howard:

The Irvine Ranch Water District (IRWD) is submitting the following comments regarding the State's Clean Water Act 2002 proposed 303(d) listings and Total Maximum Daily Load (TMDL) priority development schedule.

As you know, the 2002 proposed 303(d) listings and TMDL priority schedule was developed because specific water bodies were not able to meet the water quality standards applied to the water bodies. The water quality standards were developed based on the beneficial use designations assigned to the water bodies by the regional boards. IRWD believes that a number of the water bodies should not have been listed as impaired but were, in fact, listed as a result of inappropriate beneficial use designations. As a result, TMDLs are now being proposed for these water bodies and significant resources will be expended in order to comply with these TMDLs without proportionate benefits. Following are examples.

### **MUN Designation**

**Municipal and Domestic Supply (MUN)** waters are used for community, military, municipal or individual water supply systems. These uses may include, but are not limited to, drinking water supplies, but are not used for agriculture, which is a separate beneficial use. Certain areas have been designated as MUN when these areas cannot be reasonably considered to be drinking water supplies. These areas include concrete-lined flood control channels, such as the Santa Ana Delhi Channel, dry washes, and watercourses overlying non-waterbearing areas, such as Muddy and Los Trancos Canyons. Many of the water bodies that have been designated as MUN waters are not suitable for domestic supply due to low or variable flows, water quality concerns and public perception. While it may be argued that these water bodies may become future water supplies, it would be more appropriate to apply the MUN designation if and when the water bodies are needed as sources of domestic supplies.

### **REC1 Designation**

**Water Contact Recreation (REC1)** waters are used for recreational activities involving body contact with water where ingestion is reasonably (emphasis added) possible such as swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing and use of

natural hot springs. The water-contact beneficial use (REC1) indicates swimmable water and is being applied to flood control channels, 5 feet wide drainage courses, dry washes and other watercourses where swimming and other uses would not be reasonable. A number of the water bodies, such as Santa Ana Delhi Channel, have been designated as REC1 waters although they are completely fenced and restricted from public use, have extremely low and often intermittent flows that would not support any of the water contact activities listed above.

### **REC2 Designation**

Non-Contact Water Recreation (REC2) waters are used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water would be reasonably possible, including picnicking, sunbathing, hiking, camping boating, sightseeing, and etc. The concern with the REC2 designation lies not in the designation itself, but in the water quality objectives linked to the beneficial use, which even natural areas cannot attain. As with the REC1 designations discussed above, many water bodies have been designated REC2 when it is not reasonable to assume that the water bodies will support the water recreational activities involving proximity to water described above.

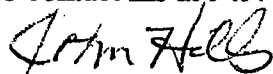
### **Conflicting Designations**

A severe problem is the development of water quality objectives for conflicting beneficial uses. Warm Freshwater Habitat (WARM) waters support warm water ecosystems that may include vegetation, fish and wildlife such as invertebrates. Wildlife habitat (WILD) waters support wildlife habitats that may include the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife. Rare, Threatened or Endangered Species (RARE) waters support habitats necessary for the survival and successful maintenance of plant or animal species designated under state by federal laws as rare, threatened or endangered. WARM, WILD and RARE beneficial uses generate bacterial and viral laden wastes that will prevent water bodies from meeting REC1 water quality objectives. Numeric criteria established for REC1 uses are based on human waste, which is indistinguishable from many animal wastes. An example of a water body with conflicting designations is Canyon Lake East Bay, which has been designated WARM, REC1 and REC2.

### **Summary**

IRWD believes that more comprehensive criteria needs to be developed for each of the beneficial use designations and requests that the State Water Resources Control Board make its overriding priority the review and revision of the criteria utilized in applying the various beneficial use designations and associated water quality objectives. This will ensure that beneficial uses and water quality objectives are relevant, appropriate and attainable under the agency's storm water and TMDL programs.

Thank you for the opportunity to comment on the State's 303 (d) listing process. Please feel free to contact me at 949.453.5850 if you have any questions regarding our concerns.



John J. Hills  
Director of Water Quality

Region 8 Proposed 303(d) Impaired Waters  
Newport Coast

	Creek/Drainage Course	Watershed Acreage	Dry Weather Flow (gpm)
DOES NOT WANT LISTED	Pelican Point Creek	50	0
	Pelican Point Middle Creek	75	0
	Pelican Hill Waterfall	250	20
DOES NOT WANT TO LIST	Buck Gully Creek	1300	<del>100</del>
	Los Tancos Creek	1100	(diverted)
	Muddy Creek	1100	(diverted)