



City of Mission Viejo

Public Works Department

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January 31, 2006



Ms. Selica Potter
Acting Clerk to the Board
State Water Resources Control Board
Executive Office
1001 "I" Street, 24th Floor
Sacramento, California 95814

Subject: **2006 Proposed Revisions to the Clean Water Act (CWA) Section 303(d) List**

Dear Ms. Potter:

The City of Mission Viejo respectfully submits the following comments on the 2006 Proposed Revisions to the Clean Water Act (CWA) Section 303(d) List. Please note that the City of Mission Viejo supports the comments provided by the County of Orange and is providing additional comments on water bodies that may be impacted by activities within the City of Mission Viejo.

The City is requesting that English Canyon Creek, San Juan Creek, and Oso Creek not be listed for the below-listed pollutants of concern because of the following reason:

Limited Data Collection: The proposed San Juan Creek listing for DDE, the English Canyon Creek listings for benzo[b]fluoranthene, dieldrin, and sediment bioassays – chronic toxicity – freshwater, and the Oso Creek listing for total dissolved solids are based on a very limited number of samples taken from only one sampling location.

The Listing Policy states that "Samples should be representative of the water body segment. To the extent possible, samples should represent statistically or in a consistent targeted manner the segment of the water body." Samples taken from only one sampling location are not representative of the water body segment and should not be the sole basis for placement on the 303(d) list.



The City is also requesting that English Canyon Creek not be listed for the below-listed pollutants of concern because of the additional following reasons:

Apparent Incorrect Citing of the Appropriate Beneficial Use: For the English Canyon Creek benzo[b]fluoranthene listing on page 66, the Commercial and Sportfishing beneficial use listed in the fact sheet is not included in the Basin Plan for this water body. In previous listing cycles, water bodies that are not assigned beneficial uses in the Basin Plan were not placed on the 303(d) List. The listing of water bodies without assigned beneficial uses is contrary to previous actions by the State Board to such draft listings.

Questionable Laboratory Analysis & Inappropriate Use of the California Toxics Rule for the PAH listing on English Canyon Creek: The reported concentrations for the polycyclic aromatic hydrocarbons (PAHs) in English Canyon Creek range from below the laboratory reporting limit of 0.01 to 0.0125 µg/L, depending on the date of the analyses, to 0.11 µg/L.

The California Toxics Rule (CTR) has no freshwater criteria for PAHs for the protection of aquatic life. It does have criteria for the protection of human health that are based on bioconcentration factors (BCFs). These BCFs are used to estimate the concentration of these compounds in water that would bioaccumulate in aquatic organisms to a level that would be harmful to humans if those organisms were consumed. English Canyon Creek is not listed for Commercial and Sportfishing in the Basin Plan and therefore the BCF criteria should not be applied to this water body. This listing is also based upon samples taken from only one sampling location, which is not representative of the water body segment and should not be the sole basis for placement on the 303(d) list.

For the English Canyon Creek dieldrin listing on page 68, there are typographical errors in the "Weight of Evidence" section of the fact sheet. In this section, the evaluation guideline is presented in units of mg/L. The actual units are micrograms per liter (0.00014 µg/L). This listing is also based upon samples taken from only one sampling location, which is not representative of the water body segment and should not be the sole basis for placement on the 303(d) list.

The City makes the following comments on the fact sheet related to calculation and typographical errors:

1. For the Oso Creek Total Dissolved Solids listing on page 161, the "Water Quality Objective/Water Quality Criterion" section of the fact sheet indicates that the WQO for TDS in HAS 901.21 is 750 mg/L. The Basin Plan indicates

that the WQO for TDS for this HAS is actually 500 mg/L. Using the correct WQO for HAS 901.21 (Oso Creek), the number of exceedances presented in the fact sheet was different than that calculated using the data provided. Specifically, 13 out of 13 samples exceeded the 500 mg/L TDS evaluation guideline (100%), rather than 12 out of 13 (92.3%), as described in the fact sheet.

2. The "Evaluation Guideline" section of the fact sheet contains a typographical error. It refers to objectives within the Santa Margarita River Watershed. Oso Creek is in the San Juan Creek Watershed.
3. For the San Juan Creek DDE listing on page 213, there are typographical errors in the "Weight of Evidence" and "Water Quality Objective/Water Quality Criterion" sections of the fact sheet. In each section, the evaluation guideline is presented in units of mg/L. The actual units are micrograms per liter (0.00059 µg/L).

Thank you for the opportunity to provide comments on the 2006 proposed revisions to the California Clean Water Act Section 303(d) List. We look forward to working with the SWRCB in resolving these issues and producing an accurate and comprehensive list of impaired water bodies in the City of Mission Viejo.

Please contact Joe Ames at (949) 470-8419 if you have any questions regarding these comments.

Sincerely,



Richard Schlesinger, P.E.
City Engineer

cc: Loren Anderson, Director of Public Works
Joe Ames, Associate Civil Engineer
Larry McKenney, County of Orange (via e-mail)
Chris Crompton, County of Orange (via e-mail)
Amanda Carr, County of Orange (via e-mail)
City NPDES Representatives (via e-mail)