



Santa Barbara County Public Works Department
Flood Control & Water Agency

October 20, 2006

Song Her, Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814

RE: Comment Letter – 2006 Federal CWA Section 303(d) List

Dear Ms Her;

Staff of the Santa Barbara County Water Agency and Project Clean Water appreciate the opportunity to comment again on the proposed changes to the state's list of impaired water bodies pursuant to section 303(d) of the Clean Water Act (303(d) list). But we are disappointed in the response to our comment letter dated January 30, 2006. In particular, it is unclear the basis for the inadequate and summary responses given to our prior comments to the proposed 2006 303(d) list.

No discussion has been provided regarding the extensive data provided in writing on January 30, 2006. In fact this agency went to some length to provide the data and its analysis in the format requested by WRCB in your guidance documents. Furthermore, some of the data is from the same sources, and merely updates the very sources used to list the waterbodies in the first place. These more recent data in fact show the success of recent pollution control programs. Given these circumstances it is very difficult for us to accept as adequate the basis now given for the recommended listings.

Therefore, we reiterate our prior comments:

1. Delist the following "beaches" for bacteria since these areas are meet basin Plan Water Quality Objectives (WQOs) (Pacific Ocean at Carpinteria State Beach, Pacific Ocean at Hammonds, Pacific Ocean at Hope Ranch, Pacific Ocean at Jalama, Pacific Ocean at Ocean Beach (Surf), Pacific Ocean at Refugio
2. Delist the segment of the Santa Ynez River between Salsipudes Creek and Bradbury Dam because ongoing monitoring shows it to be below the Basin Plan WQOs.
3. Defer the proposed listing for Boron in the following water bodies: Arroyo Paradox, Gaviota Creek and Rincon Creek because the Boron is from natural sources, no evidence exists that beneficial uses are affected, and the Basin Plan objectives are inappropriate given the existing geologic work by the USGS.

In addition we add:

1. Defer proposed listing for Boron for the following water bodies: Canada de la Gaviota, Cuyama River, San Antonio Creek (at Hwy 135). The basis is provided later in this letter.

Bacteria

In the Water Board's Response to Comments (September 2006), it is stated that "data do not support change in recommendation". We do not understand this conclusion.

For fecal coliform bacteria at the above listed beaches, the Basin Plan criteria for REC-1 waters state: *no more than ten percent of total samples during any 30-day period shall exceed 400/100.*

The data show that the following ocean monitoring sites, sampled weekly, have less than 10% exceedences year-round for fecal coliform and other indicator bacteria the past four years (including two above average rainfall years) for all three bacterial indicators:

Location	Total Coliform	Fecal Coliform	Enterococcus
Pacific Ocean at Carpinteria State Beach	4.85%	3.68%	5.80%
Pacific Ocean at Hammonds	2.75%	2.24%	6.83%
Pacific Ocean at Hope Ranch	2.53%	3.18%	6.42%
Pacific Ocean at Jalama	3.15%	2.19%	7.52%
Pacific Ocean at Ocean Beach (Surf)	2.27%	1.14%	3.11%
Pacific Ocean at Refugio	3.25%	1.33%	10.08%

Santa Ynez River

In Water Board's Response to Comments (September 2006), staff indicate that our recommended delisting of constituents along a segment of the Santa Ynez river is unwarranted because, "these comments address new data and information that was not readily available to State Water Board staff before the draft recommendations were released or focus on previous listings where data and information are not yet summarized."

That, "the completion of fact sheets for these data and information are being delayed until the next listing cycle to avoid further delay in the completion of the 2006 section 303(d) list and to avoid using data and information that may be only a subset of all data (i.e., to avoid bias)"

And “the data and information provided was reviewed; however, priorities for using the data to prepare new fact sheets were established on the data sets that were already summarized in fact sheets. These priorities were established because limited staff resources preclude the development of summaries for all waters, all pollutants, and all water bodies.”

A significant part of the information regarding the Santa Ynez River was submitted during the prior 303(d) process in 2002. After consultation with CCRWQCB, WRCB informed the County at that time that that data were insufficient to support our then recommendation. The current data set expands and augments and supports that prior submittal.

We point out that WRCB has found staff resources to be enough to develop new listings, for 17 water bodies and 31 additional constituents, including 8 additional waterbodies that were previously not listed. WRCB needs to review the data set submitted and include its consideration in the current process.

Boron

EPA has drafted a document titled, “Principles to Consider When Reviewing and Using Natural Conditions Provisions” (April 2005) that addresses the development and application of natural condition water quality standard provisions in Clean Water Act programs.

The decisions that allow a water body to be removed or not included on the list should be based on existing and readily available data and information, supported by a site-specific, scientifically defensible rationale that does one of the following:

- Explains why human activities in a watershed are not directly or indirectly the cause of the exceedance of WQS for the pollutant of concern;
- Shows there has been virtually no human activity in the watershed that would affect the water quality parameter in question;
- Explains how natural processes alone are adequate to account for the observed exceedance of the water quality standard for the pollutant of concern; or
- Shows that the water quality in the watershed is similar to that measured in an undisturbed reference location.

We believe that the listing of Arroyo Paradon, Gaviota Creek and Rincon Creek, and the proposed additional water bodies of Canada d la Gaviota, Cuyama River, San Antonio Creek (at Hwy 135) reflect natural geologic conditions and therefore should not be listed as impaired. The listing criteria require that the “regulatory program should be reasonably expected to result in the attainment of the water quality standard within a reasonable, specified time frame”. Boron occurs naturally in the levels reported, impairs no established beneficial uses, is not a recognized pollutant within these watersheds, and therefore cannot be expected to be remedied through a regulatory program.

We assert that it is necessary for WRCB staff to adequately respond to our submittal prior to taking any action on the 303(d) listed waterbodies discussed above, and to explicitly address the Santa Ynez River delisting proposal as part of this process.

We hereby incorporate our prior comment letter by reference in support of our recommendations. If any of the WRCB staff have questions regarding this material, please contact me at this office.

Sincerely



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