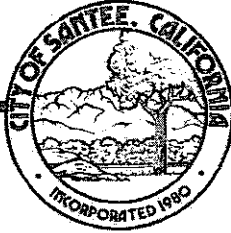


CITY OF SANTEE



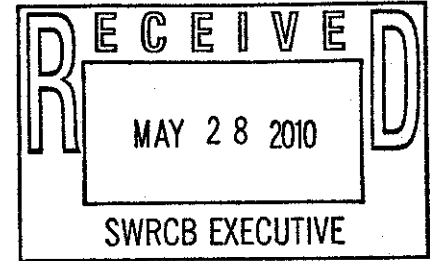
MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minno
Hal Ryan

May 28, 2010

CITY MANAGER
Keith Till

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: Comment Letter – 2010 Integrated Report / Section 303(d) List

Dear Ms. Townsend,

Thank you for the opportunity to comment on the Draft 2010 Section 305(b) and 303(d) Integrated Report for the State of California. The following comments relate specifically to the San Diego River watershed where the City of Santee is located. Our comments are presented below:

Item 1: Proposed listing of Forester Creek for selenium

As stated in our October 21, 2010 comment letter provided to the Regional Board, it is inappropriate to list selenium as an impairment requiring a TMDL because there is no evidence of any anthropogenic influence. The Regional Board's response states that "unnatural excessive mobilization of naturally-occurring metals, salts or other constituents can warrant a TMDL." However, 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.

The Regional Board's response provides an example of nitrates infiltrating the groundwater from urban or agriculture runoff that could then lead to excessive soil erosion which would further lead to increased selenium concentrations. However, it should be noted that Forester Creek is not listed as impaired for nitrates.

The City of Santee has conducted extensive research on nitrates in groundwater within our portion of the San Diego River watershed and all evidence indicates that this is a naturally occurring condition. Datasources including, Lakeside Water District, Padre Dam Municipal Water District, County of San Diego Department of Environmental Health, United States Geological Survey (USGS) field office in Kearny Mesa, USGS website, and California Department of Water Resources (CDWR) were reviewed.

This research has revealed that groundwater to the east of Santee (in Lakeside), at various locations in the Santee area, and at a location in the southern portion of Santee (OW3) has been reported to have nitrate-nitrogen concentrations above the action level. A reference provided by the USGS also anecdotally reported that nitrate-nitrogen concentrations are elevated in groundwater in the Santee area. In addition, our colleagues in the City of El Cajon have conducted an investigation incorporating well drilling and sampling to verify the presence of higher concentrations of nitrate-nitrogen in groundwater (*Mr. Jaime Campos, pers. com.*).

The Regional Board's response suggests that further studies could help establish whether these concentrations of selenium are naturally-occurring; however, we feel that it is inappropriate to assume anthropogenic causes given the data to the contrary. Considering the unlikely connection between selenium and urban activities it is not appropriate that local jurisdictions be made responsible for conducting these studies.

In addition, discussions with representatives of other organizations who are already handling selenium impairments have cast doubt on the data that was used to generate this listing. Typically samples analyzed for selenium are initially digested using a mixture of nitric and hydrochloric acid. The chloride ions in the acid digest are known to skew the resulting analytical data (not in any predictable direction). It is now standard practice for the City of San Bernardino to request that samples to be analyzed for selenium be prepared using a nitric acid-only digest to ensure that the data properly represents the sample (*Ms. Valerie K. Housel, pers. com.*). A review of the analytical data used to justify the listing in Forester Creek did not reflect any adjustment in the methods (such as a nitric acid-only digest) to ensure that the data was representative of selenium concentrations in the sample. The City requests that additional testing and study should be performed before determining if listing Forester Creek for selenium is appropriate.

Item 2: Proposed Listing of San Diego River for Manganese

Decision ID 17921 recommends that manganese be listed; however, there are several inconsistencies in the data and the decision. For example, the conclusion states "Three of the three samples exceed the water quality objective for selenium" and item 3 of the conclusion states "Three of three samples exceeded the water quality objective for selenium." Also, Line of Evidence for Decision ID 17921 refers to data collected during March, April, June and September 2002. However, data for this year was not provided in "Monitoring data for Region 9".

A review of the available monitoring data at the reported sample location (907SSDR15) for manganese shows that five samples were collected between May 2004 and May 2005. However the digest extract date for these samples was reported to be 1/1/1950 (see attachment 1). This is impossible and indicates that this

is faulty data. Based on this faulty data the proposed listing for manganese should be eliminated.

Item 3: Proposed Listing of San Diego River for Toxicity

The original listing published by the Regional Board, identified toxicity as a "potential" listing for the Lower San Diego River (Decision ID 17603). Page 2 of the SWRCB Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Policy) states that "an assessment in favor of or against a list action for a water body pollutant combination shall be presented in factsheets." The Regional Board's failure to state the proposed action is inconsistent with the policy. During the initial comment period, the City commented that the recommendation was unclear and received no response from the Regional Board.

Also, the extent of the listing should be defined in accordance with page 2 of the Policy which states that "significant differences in land use, tributary inflow, or discharge input should be used to aggregate the data by appropriate reach or area". The toxicity data collected in Mission Valley (in HSA 907.11), a densely developed area that is used intensively for commercial, residential and transportation uses, has been used to assign impairments extending 16 miles inland into Santee (in HSA 907.12). Just a few miles upstream of the sampling point is the Alvarado Channel discharge point and upstream of that is the Mission Trails Park. Mission Trails Park is an area of approximately 5,800 acres of preserved land surrounding the river which should be treated as a significantly different land use. The impairment should be restricted to 907.11 where the samples were collected and not arbitrarily extended across a range of land uses and watershed units (907.11 and 907.12).

In addition, we question whether the evaluation of the toxicity tests was reasonable. Each sample has been subject to five different tests. Based on the findings of one test, a sample is considered to be "toxic," even though evidence of toxicity was not observed in the other four samples. We question if this is consistent with the Policy. If the total number of tests was considered for LOE ID 25293, the result would be 3 exceedances in 80 tests, which would not warrant a listing for toxicity.

Thank you for the opportunity to comment on these proposed listings. Please contact Helen Perry at (619) 258-4100 x177 if you have any questions about this letter.

Yours sincerely,



Pedro Orso Delgado, P.E.

Deputy City Manager/Director of Development Services

ATTACHMENT 1

