

2010 Integrated Report: Responses to Comments

Organization	Comment Number	Comment Summary	Comment Response
Multiple	0	Many of the comments submitted in opposition to the California Water Resources Control Board (State Water Board) approval of the 2010 Integrated Report were previously submitted to the Regional Water Quality Control Boards (Regional Water Boards) and submitted verbatim to the State Water Board, without further explanation.	<p>Many of the individual comments submitted to the State Water Board on this matter are identical to a comment submitted to the Regional Water Boards at the time that the Regional Water Board 2008 Integrated Report was under consideration. As part of its consideration process, the Regional Water Boards provided written responses to all of the significant comments it received.</p> <p>Where a commenter merely repeats a comment that was originally tendered to a Regional Water Board when it considered the Regional Water Board's 2008 Integrated Report, but fails to disclose what quarrel, if any, the commenter has with the response provided or the action taken by the Regional Water Boards in response to the comment, the State Water Board is unable to address the comment. Specifically, in those cases the commenter has failed to explain how the changes or responses were allegedly inadequate. In that situation, the State Water Board cannot divine what the commenter believes has been adequately satisfied and what has not, nor can it determine the reason for any remaining dissatisfaction.</p>
Bay Area Clean Water Agencies	1.1	BACWA believes that the sum of available evidence indicates that the selenium concentration in San Francisco Bay is not impairing beneficial uses and should be removed from the 303(d) List before adoption by the state.	Please see response to comment 0.
Best Best & Krieger for KRCD and SSJWWQC	2.1	Recent water column data and fish tissue data provided to the Central Valley Water Board by commenter from the Kings River (collected after solicitation period ended) show no evidence of toxaphene	State Water Board staff received two page data summary for toxaphene from Kings River Conservation District in August 2009, showing the results of toxaphene as 'non detected' but lacking quality assurance (QA) and other required information. Staff are not able to use this data as it is considered incomplete.

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		<p>exceedances. These data meet the delisting requirements of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) and the State Water Board should delist for toxaphene in the Kings River.</p>	<p>This data was not used in the 2010 Integrated Report because it was submitted after February 2007, which was the end of the solicitation period for the 2010 Integrated Report. State Water Board staff suggests resubmitting the data with the required information for the 2012 Integrated Reporting process. Please see the following website for the Public Data Solicitation Notice and data requirements: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml</p>
	2.2	<p>The Kings River should not be listed for chlorpyrifos because more current monitoring data is available showing that water quality standards are not being exceeded and no physical indicators of potential contamination such as fish kills, nuisance complaints, etc. have been reported. Data from May 2006-December 2009 shows chlorpyrifos has not been detected even once.</p>	<p>The listing recommendation was based on available data and information. The data being referred to for chlorpyrifos in this water body was received after the data solicitation period for the 2010 Integrated Report. This data should be submitted for the 2012 Integrated Report before the end of the data solicitation period. The data submittal requirements can be found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml</p>
	2.3	<p>The Kings River should not be listed for 'Unknown Toxicity'. The data used to list this water body was flawed because it was based on false positives as a result of incorrect laboratory procedures or control water.</p>	<p>The U.S. Environmental Protection Agency (USEPA) algal toxicity test used is an accepted method for fresh waters with a wide range of physical properties, including waters of low salinity such as the Kings River. The fact that several of the samples from this water body did not exhibit toxicity indicates that algal toxicity was not due to an inherent physical property of Kings River water. No evidence has been provided clearly showing that the laboratory results were invalid due to incorrect lab procedures and/or the properties of Kings River water.</p>
California Coastkeeper Alliance	3.1	<p>Commenter opposes the delisting of San Vicente Creek for sedimentation/siltation and refers to the Monterey Coastkeeper Alliance's letter for more detailed comments.</p>	<p>The Central Coast Water Board staff requested that State Water Board staff recommend delisting this water body and provided the data that supported its recommendation. State Water Board staff reviewed the data and information provided by the Central Coast Water Board and developed the lines of evidence (LOEs).</p>

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California Farm Bureau Federation	4.1	<p>Recommend delisting Pescadero Creek for sedimentation/siltation, rather than the current recommendation of 'Do Not Delist'. The original listing was based on a 2-page Department of Fish and Game original letter, which was the basis for listing, provided no evidence documenting sedimentation issues. Turbidity correlates closely with sediment concentrations in streams. Due to these correlations, and the fact that the same data was used to not list for turbidity, but to list for sedimentation/siltation, commenter recommends removing the sedimentation/siltation listing. California Department of Fish and Game has successfully reintroduced Coho salmon to the creek.</p>	<p>The Delist recommendation is based on the new LOE that includes daily turbidity data over a 47 month period which met the Listing Policy's Delisting requirements.</p> <p>Even though most of the samples indicate optimal or suboptimal fish habitat and the benthic bioassessments indicate most of the samples have good or excellent ratings, there are still potential impacts on Coho related to suitable spawning habitat. If California Department of Fish and Game and the National Marine Fisheries Service find that for this water body fish populations are not affected adversely, the State Water Board staff would support removing this water body and pollutant from the list.</p> <p>A letter dated 1998 was sent to San Francisco Bay Water Board staff from the California Department of Fish and Game requesting that several waters be added to the 303(d) List because of the threats to Coho salmon and steelhead. However, no data were provided to support the conclusion that siltation is a water quality problem.</p> <p>New data and information can be provided to the State Water Board for inclusion in the 2012 Integrated Report.</p>
California Stormwater Quality Association	5.1	<p>The List Should Focus on Specific Pollutants</p> <p>The usefulness of the list would be improved if it focused more specifically on pollutants. CASQA recommends that proposed listings should not be included in Category 5 of the 303(d) List for conditions where pollutants are not established. They should be included in a new Category 4C of impairments for which the pollutants causing or expected to cause violations of the applicable water quality standards have</p>	<p>All available data and information are considered and the listing recommendations are made based on water quality data and information following the Listing Policy requirements. Water bodies with 'pollution based' impairment like habitat alterations or hydromodification that can be caused by the effects of one or more pollutants will be placed on Category 4C if the water body is not already listed for pollutant impairment in Category 5. However, all changes to update the 303(d) List are based on the data and information that support the listing recommendations per Listing Policy's 'Listing Factors'.</p>

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		not been identified.	
	5.2	<p>Legacy Pollutants Should Be Addressed Separately - Not As Requiring a Total Maximum Daily Load (TMDL)</p> <p>CASQA is concerned that the proposed 303(d) List has many legacy pollutant listings in Category 5. Legacy pollutant impairments should not be included in the 303(d) List as requiring a TMDL because the framework for issuing a TMDL through waste load allocations and load allocations places undue burden and responsibility on agencies that have no regulatory authority on the use or sources of the legacy pollutants.</p>	<p>Clean Water Act (CWA) Section 303(d) requires the states to identify the waters that do not meet the applicable water quality standard. This applies to all pollutants.</p>
	5.3	<p>Geomean Standard</p> <p>Commenter is also concerned that fecal coliform geomeans in some instances are being calculated inappropriately: fecal indicator bacteria geomeans have been calculated for set monthly periods, regardless of the number of samples collected within that period.</p>	<p>Regional Water Boards used different approaches for the geomean calculation, using the calendar month or the rolling average, however based on State Water Board staff review, the Regional Water Board's geomean calculations were accurate.</p>
	5.4	<p>Listing of channels not included in a Basin Plan, and with no assigned beneficial uses</p> <p>Although CASQA is not commenting on particular listings, commenter is aware of a type of proposed listing that is troubling - the listing of man-made channels that are not included in a Basin Plan, have no</p>	<p>Unless a jurisdictional determination has been made by the Army Corp of Engineers, channelized surface waters are presumed to be waters of the United States, regardless of their status as natural or man-made. Many channelized waters are modified natural drainage or are tributary to natural drainages and are regulated as waters of the United States.</p>

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		assigned beneficial uses, and apparently are not waters of the United States. Listings of this type seem wholly inappropriate.	
	5.5	<p data-bbox="583 428 940 461">Lack of CEQA Documentation</p> <p data-bbox="583 493 1100 786">The State Water Board intends to approve the list in the absence of the impact analysis required by the California Environmental Quality Act (CEQA). The CEQA document for the 303(d) List should examine the alternative of listing the legacy pollutants, as described in the comments regarding legacy pollutants above, as 'Being Addressed by Action Other Than TMDL.'</p> <p data-bbox="583 802 1100 980">The listing process itself has immediate impacts that should be assessed directly by CEQA. Listing may trigger policies or regulations governing how listed contaminants are addressed in NPDES permitting.</p>	<p data-bbox="1129 428 1898 786">The State Water Board's approval of the 303(d) portion of the Integrated Report is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15061 subdivision (b)(3), because it will not result in any physical changes to the environment. To the extent that the State Water Board's approval of the List may eventually lead to the adoption of TMDL or other actions, any impacts to the environment resulting from those actions will be analyzed at the time of those actions. Further, the State Water Board's action approving the list has no regulatory effect; the list will be approved, disapproved, or amended and approved by the U.S. EPA, in its sole discretion.</p>
	5.6	<p data-bbox="583 1013 1052 1045">Inefficiencies Due to Sequential TMDLs</p> <p data-bbox="583 1078 1100 1338">An additional concern for permitted dischargers is the sequential or incremental nature of the listings, which are dependent on when sufficient monitoring data becomes available to support the listing. This can result in the piecemeal development of TMDLs, which hinders implementation of a watershed approach with coordinated implementation of controls.</p>	<p data-bbox="1129 1013 1898 1240">Clean Water Act Section 303(d) requires the states to identify the waters that do not meet the applicable water quality standard regardless if a TMDL is developed or is in progress for other pollutants in the watershed. Dischargers can work with the Regional Water Boards to coordinate monitoring, development of data, and development of coordinated TMDLs using a watershed approach with coordinated implementation controls if data and resources are available.</p>
	5.7	The Need for a Statewide Strategy	Comment is acknowledged.

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		<p>The approximately 1,200 proposed new listings will create a substantial new burden on stormwater and wastewater agencies. The number of new listings implies degradation of California waterways. This trend will likely continue with each successive list adding more waterway/pollutant combinations as more data is collected through the Surface Water Ambient Monitoring Program (SWAMP), MS4 monitoring and other monitoring efforts. Water Boards should examine the overall feasibility of the stormwater and wastewater agencies being able to fund and manage all the resultant TMDLs.</p>	
	5.8	<p>Premature Listings</p> <p>Placement on the 303(d) List is required for waters for which technology-based regulations and other required controls are not stringent enough to comply with water quality standards. The technology-based standard for stormwater is the mandate to remove pollutants to the maximum extent practicable (MEP). Since permittees implement the new levels of MEP during the 5-year cycle, it is not appropriate at this time to conclude that full implementation of a technology-based standard would not provide for attainment of water quality standards for at least some of the current pollutants of concern.</p>	<p>Under section 303(d), monitoring data must be used by the states to develop a list of 'water-quality limited segments,' i.e., waters that are not meeting water quality standards for a particular pollutant.</p> <p>Water quality monitoring is used to characterize waters and identify changes or trends in water quality over time. The purpose of the 303(d) List is to comply with the Clean Water Act. Interested parties are encouraged to send data and information after full implementation of a technology-based standard, so it can be evaluated for the next Integrated Report Cycle.</p>
	5.9	<p>Commenter recommends that the State</p>	<p>State Water Board staff acknowledged the comment. This</p>

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		<p>Water Board hold a public workshop soon after adoption of the 2010 Integrated Report/Section 303(d) List to assess implementation of the listing/delisting policy.</p>	<p>comment is not about the adoption of 2010 Integrated Report.</p>
<p>Center for Biological Diversity</p>	<p>6.1</p>	<p>California has obligation to list its ocean as impaired under Clean Water Act Section 303 (d). The scientific evidence document that the addition of carbon dioxide in the coastal waters from human sources is significantly changing ocean chemistry and harming marine life.</p>	<p>All available data and information from California that met the assessment methodology described in the Listing Policy were considered in developing the 2010 Integrated Report. If data showed that water quality does not meet the applicable water quality standard for a pollutant, the water body segment was recommended for listing on the 303(d) List as needing to have a TMDL developed. The Center for Biological Diversity (Center) provided scientific papers on research showing that carbon dioxide levels are expected to rise, causing changes in the ocean chemistry. All scientific studies provided and literatures sited by the Center except one study near Monterey Bay were collected from locations outside of California. Staff reviewed the scientific papers provided by the Center, specifically, the research conducted in the Central California near Monterey Bay with limited data. The research was based on a carbon dioxide experiment. As discussed in 'Utility of deep sea CO2 release experiments in understanding the biology of high CO2 ocean: Effects of hypercapnia on deep sea meiofauna' Section 4. Discussion, pages 13 through 15, variation in pH observed in the carbon dioxide release experiment didn't allow the researchers to examine the biological impact caused by increases in carbon dioxide. California Listing Policy requires that only data and information collected from waters of California to be used for 303(d) Listing purposes. The available information is not meeting the requirements of the Listing Policy Section 3. California Listing Factors.</p> <p>A notice of Public Data Solicitation was sent on January 2010. We encourage the Center to submit data that is specific to California's marine waters in response to this notification. All data collected from California waters will be considered in developing</p>

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			the 2012 Integrated Report. The State Water Board encourages the Regional Water Boards to investigate ocean acidification within existing monitoring resources and if the investigation would meet program needs
Central Coast Regional Water Quality Control Board	7.1	Support the delisting of San Vicente Creek for sedimentation/siltation.	Comment acknowledged.
	7.2	Support the removal of Oso Flaco Lake from the 303(d) List as impaired for pH as the recommendation to add it to the List was an error.	Comment acknowledged.
	7.3	Staff support the changes made to the 'Use Support Ratings' to be consistent with the procedure followed by the Central Coast Water Board staff.	Comment acknowledged.
Central Valley Clean Water Association	8.1	The additional proposed listings for sediment toxicity contravene the Listing Policy as it appears they are based on an arbitrary recommendation by the State Water Board staff to include them and they are based on information that was not made available during the Central Valley Water Board's listing process.	The sediment toxicity data was included in the Central Valley Water Board's 2008 Integrated Report and summarized as part of the Pyrethroids recommendation for these water bodies. State Water Board staff merely separated the data out to more appropriately reflect the water quality data for the sediment toxicity and prepared in separate LOEs. These listings are not based on new data but are separating the data to appropriately describe the data and meet the requirement of the Listing Policy. According to Listing Policy, section 3.6, 'A water segment shall be placed on the section 303(d) List if the water exhibits statistically significant water or sediment toxicity using the binomial distribution as described in section 3.1. The segment shall be listed if the observed toxicity is associated with a pollutant or pollutants. Waters may also be listed for toxicity alone.'

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City of Agoura Hills	9.1	<p>Commenter opposes the listing of Lindero Creek Reach 1 and Medea Creek Reach 2 (Abv Confl. with Lindero) for Benthic Macroinvertebrates (BMI) bioassessment. Based on the age of the biotic data and the natural and seasonal events at the time of this one time measurement, it is recommended that the State delay this listing until additional data sets and indices are obtained.</p>	<p>The Listing Policy requires all available information from water bodies to be analyzed using a weight of evidence approach pursuant to Listing Policy Section 3. Data from the water bodies which are recommended to 'List' are showing poor or very poor water quality conditions. Based on the weight of evidence for these water bodies, staff recommend to 'List' these water segments.</p>
	9.2	<p>Updated, similar-season and hydrologic local-area IBI studies are necessary and required for the proposed impairment to meet the requirements of the State's Listing Policy. These studies should reflect current water quality levels due to the increase in water quality protection efforts.</p> <p>Do not list a water body for BMI as this is not a pollutant or stressor. The appropriate listing must be based on the actual pollutant/stressor causing the perceived impairment to aquatic life.</p> <p>Delay any consideration of such listings until consistent Biological Objectives that take tiered aquatic life uses into consideration have been developed.</p> <p>Conduct additional studies that are necessary to determine appropriate reference conditions and obtain any data needed in accordance with EPA recommendations and the listing policy to justify a listing.</p>	<p>State Water Board staff used a situation-specific weight of evidence approach to evaluate the Los Angeles Water Board benthic macroinvertebrate -bioassessment listings. State Water Board staff determined that it is necessary to include these listings because analyses of available data and multiple LOEs show that benthic macroinvertebrate populations are impacted by a wide range of stressors.</p> <p>Using this approach staff followed a step-by-step process for evaluating all available water quality data including the chemistry and bioassessment data. In the first step, staff reviewed the Los Angeles Water Board data evaluation for bioassessment listing. In step 2 staff reviewed the chemistry water quality data available to determine the water quality condition in this water body segment.</p> <p>The water quality chemistry and bioassessment data provide a substantial basis that benthic macroinvertebrate populations are impacted by a wide range of anthropogenic stressors. Based on the available data and information, staff recommend listing for benthic macroinvertebrate bioassessment. Staff will be using the bio-objective criteria for future assessments when the criteria are final and become available.</p>

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		<p>The BMI bioassessment listings should also be delayed until the State has completed the required association analysis under Section 3.9 of the Listing Policy and in accordance with USEPA's guidance documents and policies.</p>	
<p>City of Chula Vista</p>	<p>10.1</p>	<p>Identical comments were provided to Region 9. Region 9 agreed to remove the Poggi Canyon Creek listing for DDT, but the listing has not been removed. Only one sample (5/15/03) out of the three samples taken is valid and does not meet the requirements of the Policy.</p>	<p>The recommendation for DDT is changed to 'Delist'. The original decision was based on 2 out of 3 samples exceeding the Water Quality Objective (WQO) but this was an error. Data shows only one out of 3 samples exceeded the WQO. The San Diego Water Board staff responded to this comment that they would make the listing change for this water body segment to 'Delist'. However, the correction was inadvertently left out of the San Diego Regional Integrated Report.</p>
<p>City of Downey</p>	<p>11.1</p>	<p>Provide More Time for List Review</p> <p>During these perilous budgetary times, neither state nor local staff should be forced by deadlines to ignore immediately important water quality issues, such as the design of new Low Impact Development (LID) projects, to investigate inaccurate listings, the impact of which will be delayed for over a decade.</p> <p>Commenter believes the result will be wasted state resources in preparing unnecessary, inaccurate or ineffective TMDLs and wasted local resources in contesting or complying with them</p>	<p>The process for the 2010 Integrated Report began after the adoption of the 2006 303(d) List by the State Water Board. The Los Angeles Water Board staff circulated their Draft Integrated Reports for public comment, and held stakeholder meetings in their Regions to discuss the Draft Integrated Reports {303(d) and 305(b)}. The Regional Water Boards adopted their 2008 Integrated Reports beginning in January 2009 through December 2009. The Integrated Report from each Regional Water Board has been submitted to the State Water Board for inclusion in the California 2010 Integrated Report.</p> <p>Staff believes that there was sufficient time available for public review and comment beginning in 2008 during the Los Angeles Water Board's stakeholder workshops and the Regional Water Boards public review process before the Los Angeles Water Board adoption. This is a third step for the public review process before the 2010 Integrated Report is scheduled for the Water Board consideration for adoption.</p>

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	11.2	<p>Shift the San Gabriel River Reach 2 listing for Cyanide to Reach 3</p> <p>This listing identifies the source data as the Los Angeles County Department of Public Works Mass Emission site at 34.0134 N by 118.0631S. While acknowledging that this location is in Reach 2, the location is only 0.7 miles into the 12 mile long reach 2. Well over 95% of the catchment to this receiving water monitoring site is upstream of reach 2. The Reach 2 agencies can exert almost no change to improve water quality at this location.</p>	<p>The recommendation is made based on the available data. The area downstream of the monitoring site (most of Reach 2 area) is the area impaired by cyanide. The sources of the cyanide will be determined during TMDL development. If the upstream monitoring data show water quality impairment, it would not be precluded from the TMDL simply because it was not part of the "estimated area" on the 303(d) List.</p>
	11.3	<p>Delay the Rio Hondo Reach 1 Toxicity Listing Until a Pollutant is Identified</p> <p>It comes as little surprise to local agencies that toxicity was observed at this site. Despite receiving runoff from a 120 square-mile catchment, there is often no measurable flow during June and July, when the samples were collected. When no flow or pollutant concentration exists in a river, there can be no "TMDL", only an observed condition. Local agencies are not the source of this growth and we have observed the growth increase as the MS4 permittees have complied with the conditions or our MS4 Permit and nearly eliminated nuisance runoff flows. We encourage you to defer this toxicity listing until such time as a dischargeable pollutant can be identified, or alternatively allow iterative BMP implementation to completely</p>	<p>Listing Policy Section 3.6 Water and Sediment Toxicity requires that a water segment shall be placed on the Section 303(d) List if the water segment exhibits statistically significant toxicity. Waters may also be placed on the section 303(d) List for toxicity alone. If the pollutant causing or contributing to the toxicity is identified, pollutant shall be included on the 303(d) List as soon as possible.</p> <p>When the BMP implementation is used to eliminate the dry-weather flow that allowed this condition, monitoring data should be collected to determine the efficacy of the BMP. If the toxicity is no longer observed in the monitoring data, staff will evaluate the data for consideration of a Delist recommendation if the data meets Listing Policy requirements.</p>

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		eliminate the dry-weather flow that allowed this condition to initially develop.	
	11.4	<p>Remove the pH and Ammonia Impairment Listings for the Los Cerritos Channel</p> <p>Commenter believes the pH impairment is a result of highly effective MS4 Permit implementation resulting in reduced flows and increased "birdbath" red algae growth. This growth results in oscillating oxygen and carbon dioxide concentrations and pH changes associated with photosynthesis.</p> <p>With respect to ammonia, during the last few years the City of Long Beach as a lead agency for the Los Cerritos Channel Watershed cities (including Downey) has produced supplemental data refuting the original analysis used in preparing the ammonia listing (currently 1 exceedance in 28 cumulative samples). This data has been provided to Peter Kozelka of the USEPA. Commenter requests staff to review the listing with Mr. Kozelka so that local agencies can focus their efforts on true impairments and not refuting outlier data.</p>	<p>For the 2010 Integrated Report, the data solicitation period ended in February 2007. All data provided to the Los Angeles Water Board before the data solicitation period was considered in their 2008 Integrated Report. The 2010 Integrated Report is a compilation of the Regional Water Boards 2008 Integrated Report. Listing recommendations were made based on the available data and information.</p> <p>Please submit the data mentioned in the comment to the State Water Board for consideration for the 2012 Integrated Report. This data was not submitted during the data solicitation period for the 2010 Integrated Report.</p>
City of Malibu	12.1	Decision 17209 – opposed to listing. Bioassessment is not a pollutant or a stressor not appropriate to list. USEPA recommends that states use biological assessments to refine or tier their aquatic life uses (TALU). Regional tiers are not established. Staffs recommendation to list	Listing Policy requires that all data and information must be analyzed under provisions of the Listing Policy using a weight-of-evidence approach. Listing Policy Section 3 'California Listing Factors' describes that 'water segments shall be placed on section 303(d) List if any of the conditions of the Section 3 is met.'

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		<p>Malibu Creek was based on one study with samples in different hydrologic conditions and no comparison to a relevant reference site. Section 3.9 of Policy states comparison to reference sites and association with water or sediment concentrations of pollutants. The listing does not demonstrate association to pollutants. (Section 6.1.5.8 of Policy). The listing is based on 15 samples collected 5 years ago.</p>	<p>The Los Angeles Water Board used a different approach for these bioassessment listings.</p> <p>The State Water Board staff recommend listing for bioassessment for these water segments based on situation-specific weight of evidence approach. For this weight of evidence staff evaluated the Los Angeles Water Board benthic macroinvertebrate –bioassessment data and other available data. The State Water Board staff recommended these listings because multiple LOEs show that benthic macroinvertebrate populations are impacted by a wide range of stressors.</p>
	12.2	<p>Invasive Species Impairment for Malibu Creek – Decision 16618. Opposed to listing as requiring a TMDL. Should be addressed by an action other than a TMDL. The agencies permitted for the municipal stormdrain system dischargers should not be held responsible, since mudsnails are not transported via the stormdrain system in urban runoff.</p>	<p>State Water Board staff made the listing recommendations based on the data and information. The Los Angeles Water Board will be conducting additional monitoring and determine whether an action other than a TMDL will be appropriate.</p>
	12.3	<p>Malibu Lagoon Benthic Community Effects - Decision 7251 - opposed to listing as requiring a TMDL. Should be listed as addressed by an action other than a TMDL. Benthic community effects are not a pollutant. The Malibu Lagoon restoration Project is anticipated to begin in 2010 or 2011. Disruption of lagoon conditions will have lasting effects and in the long term, may be beneficial. This listing should be addressed with a program other than TMDL, such as studies in conjunction with the Lagoon restoration project. The conditions of the lagoon will change during</p>	<p>State Water Board staff made the listing recommendations based on the data and information. The Los Angeles Water Board will be conducting additional monitoring and determine whether an action other than a TMDL will be appropriate.</p>

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		<p>and after the restoration and will not be the same as when it was initially listed. Also Malibu Lagoon salinity is highly variable and will have an effect on the IBI scoring methodology. These factors will cause difficulty when developing a TMDL.</p>	
	12.4	<p>Various beaches in Santa Monica Bay - Listed for DDT and PCB - Opposed to listing and opposed to requiring a TMDL Need more data to support the listings and need for a TMDL. These listings are being added based on placeholders prior to the 2006 303(d) List development. A place holder from 2002 would predate the 2004 listing policy. For DDT and PCBs, the fact sheets for the individual beaches state 0/0 exceedance and the data used is unspecified. These sites may have been added based only on the listing of Santa Monica Bay offshore and nearshore listing. A TMDL is ineffective when the manufacture, sale and use of DDT and PCB are prohibited.</p>	<p>These listings were made prior to 2006 by the Los Angeles Water Board. Removal of any listing on the 303(d) List, including those made prior to the adoption of the Listing Policy must fulfill and satisfy the requirements of Section 4 of the Listing Policy.</p> <p>Even though the manufacture, sale and use of DDT and PCBs are prohibited they are still present and being detected in the environment at levels that exceed standards. Under the Clean Water Act, the State is required to place a water body on the 303(d) List if water quality standards are not met.</p>
	12.5	<p>Decision 5308 PCB samples from only two stations in 1999. May not be indicative of all conditions along the coastline.</p>	<p>The two sample locations satisfy the spatial representation requirements of section 6.1.5.2 of the Listing Policy.</p> <p>Under the Clean Water Act, the State is required to place a water body on the 303(d) List if water quality standards are not met. The LOE shows that the water body-pollutant combination does not qualify for de-listing.</p>
	12.6	<p>City of Malibu Speculates the entire Santa Monica Bay was listed under an umbrella as impaired for these pollutants due to the</p>	<p>Los Angeles Water Board will determine if TMDL should be developed for the listed pollutant or whether the impairment can be addressed through other regulatory programs.</p>

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		Palos Verdes shelf contamination or the Montrose Chemical site. Legacy pollutant impairments should not be on the List as requiring a TMDL since there are more appropriate management measures for such impairments.	
	12.7	Various Santa Monica Bay Beaches - beach closures. Support Delisting with clarifications. City of Malibu supports delisting but notes that they have been listed accordingly for Coliform, Fecal and Indicator bacteria. The beaches were incorrectly listed as 'beach closings' when they were not closed but had water quality advisory 'postings'.	Comment acknowledged. These water bodies were delisted in 2006.
	12.8	Leo Carillo Beach (south of county line) Coliform Bacteria - Decision 4262 - opposed to listing because its being added based on placeholders prior to 2006. The fact sheets show 0 samples and the data is unspecified. There are also LOEs to de-list this beach. Leo Carillo (SMB1-1) is a compliance monitoring site for AB411 and Santa Monica Bay Beaches Bacteria TMDL. It is considered the reference beach for comparison purposes, Listing the regional reference beach as impaired is inconsistent with the existing TMDL scheme. Data from the last three years shows that it meets the delisting requirements.	The water body pollutant combination was listed prior to 2006. The data and information is located at the Los Angeles Water Board office and is not located in the central database. Based on State Water Board staff's knowledge, no new data were provided to be evaluated in 2010 Integrated Report cycle and therefore this listing was carried over from 2006. Data and information can be submitted for consideration in the 2012 Integrated Report.
	12.9	Malibu Creek Fish Barriers - Decision 7246 - opposed to listing this as requiring a	This listing was made prior to 2006 by the Los Angeles Water Board. Removal of any listing on the 303(d) List, including those

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		TMDL. The city agrees that a fish barrier can be considered a stressor and hinder protection of beneficial uses. However, actions to address these proposed impairments do not include load based allocations of a pollutant but restoration activities. This listing should not require a TMDL.	made prior to the adoption of the Listing Policy, must fulfill and satisfy the requirements of Section 4 of the Listing Policy. During development of a TMDL, Regional Boards can determine whether an action other than a TMDL is addressing this problem.
	12.10	Malibu Creek Sedimentation/Siltation - Decision 7249. Opposed to listing as requiring a TMDL. Listing is being added based on a placeholder prior to 2006, fact sheet doesn't provide any information regarding the data. This watershed is highly undeveloped. There is not sufficient information to demonstrate the sediment/siltation generated in the creek is of unnatural or even controllable sources. The scientific basis necessary to establish the water quality based controls through a TMDL may not be present.	This listing was made prior to 2006 by the Los Angeles Water Board. Removal of any listing on the 303(d) List, including those made prior to the adoption of the Listing Policy, must fulfill and satisfy the requirements of Section 4 of the Listing Policy.
	12.11	Malibu Creek Nutrient Decisions 7247. Revision needed for fact sheets list of sources. The fact sheet should include geologic formations as a recognized source of this pollutant. The Monterey Geologic Formation is present in the watershed and is a source of nutrients.	The Los Angeles Water Board has not determined that the source of pollution is from natural sources, however, Los Angeles Water Board fact sheets show sources of data from Agriculture-animal, Atmospheric Deposition, Golf course activities, Groundwater Loadings, Irrigated Crop Production, Major Municipal Point Source-dry and/or wet weather discharge, Nonpoint Source, Onsite Wastewater Systems (Septic Tanks), Urban Runoff/Storm Sewers. The source of pollution will be determined from the TMDL development.
	12.12	Malibu Creek Selenium Decision 4589 and Sulfate decision 4718- opposed to listing. It may be infeasible to attain water quality	The listing recommendation is made based on available data and information. The TMDL source analysis will identify various sources of the pollutant including natural sources which will be

Organization	Comment Number	Comment Summary	Comment Response
		standards for these pollutants without accounting for natural sources exclusions. Malibu creek has natural occurring elevated levels of sulfate, nutrients and metals. Natural sources are from Monterey geologic formation.	addressed at that time.
	12.13	Malibu Creek Trash Decision 7250 - correction needed. This impairment is being addressed by a USEPA approved TMDL.	This fact sheet has been corrected to show that the water body pollutant combination is being addressed by an USEPA approved TMDL.
City of Oxnard	13.1	Ormond Beach Decision 4850. Decision appears to list the entire stretch of beach referred to as Ormond Beach. Data was collected at 3 stations. Station 43000 (Ormond Beach - Oxnard Industrial Drain area) was the only one with exceedances. If this is the only area with exceedances, then it should only be listed for that area.	On the 303(d) List, water bodies are listed but specific sites may be identified to be impaired. In this case the site impaired is the 'area of Ormond Beach at Oxnard Drain'. There is one listing recommendation for Ormond Beach; data from the three stations are the required spatial information which are included in the LOEs for that fact sheet.
	13.2	Disagree with evaluation of data for station 4300. Spreadsheet Ormond Beach 2003-2007 incorrectly included samples from industrial drain mouth. Data for total coliform, enterococcus and fecal coliform don't show exceedances therefore should Delist Ormond Beach.	This was first listed in 2002 and the Los Angeles Water Board evaluated new data during adoption of the Los Angeles Water Board 2008 Integrated Report. Based on review of the LOEs, State Water Board staff made no change in the listing recommendation.
	13.3	Trash, various water bodies (e.g. decision 17170). Calleguas Creek watershed. Stating that pieces of trash were observed in a water of the United States does not demonstrate impairment. The Staff Report for the 2010 Integrated Report states trash, odor and foam as nuisance. Porter Cologne definition of nuisance has to meet all	Under the Listing Policy, this trash assessment and listing recommendation satisfies the requirements of section 3.7. Under section 3.7.2 trash is clearly defined as an 'other type' of nuisance, and a listing recommendation can be made using an acceptable evaluation guideline and the binomial distribution in table 3.1. The available data showed an exceedance of the water quality standard, and supports this listing recommendation.

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		<p>requirements (see comment for quote from Porter Cologne).</p> <p>Also sources of trash are being addressed by the Ventura County Municipal Stormwater Program, which is a more effective alternative to TMDL's.</p> <p>'Recommend listing segments in Calleguas Creek as water segments with water quality information that could not be used for an assessment'.</p>	
City of Roseville	14.1	<p>In the fact sheet for the proposed Dissolved Oxygen listing of Pleasant Grove Creek, the creek and wastewater treatment plant are mistakenly named 'Pacific Grove'. All uses of 'Pacific' should be replaced with 'Pleasant'.</p>	<p>The fact sheet has been corrected to replace all uses of 'Pacific' with 'Pleasant'.</p>
	14.2	<p>The DO listing in Pleasant Grove Creek should be footnoted to reflect that the listing only applies to the reach of Pleasant Grove Creek upstream of treatment plant.</p>	<p>The Central Valley Water Board made the listing recommendation based on available monitoring data and information. This impairment of specific reaches will be determined during development of the TMDL.</p>
	14.3	<p>There should also be a footnote for the Sediment Toxicity listing in Pleasant Grove Creek. This listing is based on the same data set and therefore should be footnoted to say that 'this listing applies to the reach of Pleasant Grove Creek upstream of Fiddymet Road'</p>	<p>The Central Valley Water Board made the listing recommendation based on available monitoring data and information. The impairment of specific reaches will be determined using data obtained during development of the TMDL.</p>
	14.4	<p>The mapping tool on the State Water Board's 2010 Integrated Report webpage should also be modified to show that the listing only applies to these portions of the</p>	<p>When users of the mapping tool view the listings in a water body, detailed reports can be viewed which would contain any specific information about a particular listing and the area impacted.</p>

Organization	Comment Number	Comment Summary	Comment Response
		Creek.	
	14.5	The listing for Sediment Toxicity in South Branch Pleasant Grove Creek and Kaseberg Creek lists the source as 'unknown'. The commenter requests clarification as to why the source is listed as 'unknown' when the fact sheets link the toxicity with pyrethroids.	The listing of 'unknown' for the source on these sediment toxicity listings refers to the source of the impairment, not the cause of the toxicity. Until further information is gathered to determine how the pollutant causing the toxicity (in this case, pyrethroids) is entering the water body, it is appropriate to list the source as 'unknown'.
City of San Diego	15.1	<p>Toxicity results for separate species, endpoints, and matrices should not be combined. Comment ID 914, the San Diego Water Board states that 'In cases where sediment toxicity tests were also run along with the water toxicity tests, separate LOEs were written for sediment and water toxicity tests, but the number of samples and exceedances were summed under one decision. The rationale for counting these results together is the State and Regional Water Boards are interested in whether the water body is impaired for toxicity.'</p> <p>Sediment and water toxicity should be considered separately. Combining two species is misleading since <i>Hyalella azteca</i> is quite sensitive to pyrethroids and not others, while <i>Ceriodaphnia dubia</i> are sensitive to diazinon and not pyrethroids. It is a waste of resources to combine both sediment and water toxicity, when only one matrix may exhibit toxicity.</p>	LOEs for sediment and water toxicity are compiled separately but either can be considered under the weight of evidence approach when listing for the general condition of toxicity. Protection of the aquatic life beneficial use assumes to protect the most sensitive of species.
City of San Jose	16.1	LOEs for proposed trash listings for entire water bodies were taken on too few	Please see response to comment 0.

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		<p>occasions and from too few locations within several of the large watersheds, including the Coyote creek and Guadalupe River watersheds, which flow miles through changing habitats and land uses. This comment applies to the trash listings for Coyote Creek, Guadalupe River, Lower Silver Creek and Saratoga Creek. The impaired reaches should be listed only. Listing entire water bodies is inconsistent with the Listing Policy.</p>	
<p>City of San Luis Obispo</p>	<p>17.1</p>	<p>The Central Coast Water Board developed a 2009 Technical Paper based on the 2006 NNE (Nutrient Numeric Endpoint) Report and used analysis based on this Paper to list several water bodies for nitrates. The 2009 Technical Paper and associated analysis do not meet the requirements of Section 3.11 and 6.1.3 of the Listing Policy and therefore should not be used as an evaluation guideline to support the nitrate listings. Therefore, the proposed nitrate listing should be removed for the following water bodies: Alisal Creek (Monterey County), Bradley Canyon Creek, Bradley Channel, Gabilan Creek, Main Street Canal, Natividad Creek, Orcutt Creek, Oso Flaco Creek, Quail Creek, Salinas River (lower, estuary to near Gonzales ad crossing), Santa Maria River, Santa Rita Creek (Monterey County).</p>	<p>The Basin Plans contain the following narrative objective for Bio-Stimulatory Substances, 'Waters shall not contain bio-stimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes a nuisance or adversely affects beneficial uses'.</p> <p>CWA Section 303(d) requires the states to identify waters that do not meet the applicable water quality standards and evaluate all readily available water quality data and information to develop the 303(d) List [40 CFR 130.7(b)(5)].</p> <p>The Nutrient Numeric Endpoint (NNE) approach has been used by the Regional Water Boards in developing TMDLs because the NNE is used to serve as a guidance to protect various beneficial uses. Additionally, the statewide nutrient standard currently under development will be based on the NNE using a similar weight of evidence approach that incorporates multiple nutrient related variables.</p> <p>We understand the following from Central Coast Water Board staff: They used their data directly to characterize parameters (including continuously monitored dissolved oxygen concentrations) to establish a group of sites that represented non-impacted conditions. The guideline value of 1.0 mg/L</p>

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City of Santee	18.1	Proposed listing for Forester Creek for Selenium (Se): As stated in our letter to the	<p>represented the 95th percentile of this group. Then, Central Coast Water Board staff used the California NNE approach on each CCAMP monitoring site for which sufficient data was available, and compared the results from the initial method to the NNE method to establish the final guideline. Central Coast Water Board staff then used a Nitrate screening criterion to develop LOEs. These LOEs were developed based on exceedance of 1.0 mg/L Nitrate (as N). Staff provided further evidence of biostimulation using supporting data and NNE model outputs.</p> <p>Water bodies that are listed by the Central Coast Water Board for Nitrate using the Central Coast NNE showed evidence of impairment from other nutrient related parameters as well (i.e. DO, Nitrate as Nitrate (NO3), pH, chlorophyll-a, etc.).</p> <p>State Water Board staff have supported the Regional Water Board's use of the NNE approach for this process based on the fact that the NNE previously has been applied in TMDL development and the TMDL process has peer-reviewed the NNE approach. State Water Board staff are aware that the Central Coast NNE was not peer-reviewed at the time it was applied for Central Coast listing decisions and it is currently being peer-reviewed. Concerns related to use of the NNE were not brought up during the Central Coast 2008 Integrated Report process, which would have given the Central Coast Water Board staff an opportunity to discuss its use of the NNE in greater detail.</p> <p>Based on the available data and the weight of evidence, the State Water Board staff did not recommend changes to the Central Coast Water Board Nitrate listings using the Central Coast Region NNE. These recommendations may be revised in future listing cycles once more data and information become available.</p>
			Please see response to comment 0.

Organization	Comment Number	Comment Summary	Comment Response
		<p>San Diego Water Board, it is inappropriate to list for Se because there is no evidence of an anthropogenic influence. Groundwater (GW) data for Forester Creek shows concentrations of nitrates in the groundwater about 10 mg/L, but it is not listed for nitrates. Increased nitrates in GW can cause soil erosion which can lead to increased Se concentrations. A review of the data used does not reflect adjustment in methods (such as nitric acid-only digest) to ensure the data was representative of Se concentrations in the sample. Additional testing and study should be performed before listing Forester Creek for Se.</p>	
	18.2	<p>Proposed listing of San Diego River (lower) for Manganese: Decision 17921 - decision states 3 of 3 samples exceed the objective for selenium; also the LOEs refer to data collected in March, April, June and Sept. 2002, however data for this year was not provided in 'Monitoring data for Region 9'. Data at sample station 907SSDR15 shows 5 samples collected between May 2004 and May 2005. However, the digest extract date for these samples was reported to be 1/1/1950. This data must be faulty and recommend not listing this water body.</p>	<p>The sentence in the fact sheet for Manganese under 'State Board Review and Conclusion:' that reads: 'Three of the three samples exceed the WQO for selenium' is corrected to say, 'Three of the three samples exceed the WQO for manganese'.</p> <p>The data can be found in file 907.xls of Monitoring data for Region 9 (ref2618).</p> <p>The digest extract date is not relevant information for this data set and does not indicate faulty data.</p>
	18.3	<p>Proposed listing of San Diego River (lower) for Toxicity: San Diego Water Board failed to state the proposed action because the recommendation is unclear. Received no response from the San Diego Water Board. The data was collected in Mission Valley</p>	<p>Section 6.1.5.4 permits Regional Boards to define reaches of water bodies to the extent information is readily available. Sources of pollution and extent of impairment shown on the 303(d) list are estimates. The final determination of these will be done through the TMDL process. Toxicity tests include testing of multiple species to determine whether any of the most sensitive</p>

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		<p>(HSA 907.11), so the impairment should be restricted to this HSA, where the samples were collected, and not arbitrarily extended across a range of land uses and watershed units (907.11 and 907.12). Also, the findings are based on one sample exhibiting 'toxicity', but not in the other 4 samples. If the total no. of tests was considered for LOE 25293, the result would be 3 exceedances in 80 tests, which does not warrant a listing for toxicity.</p>	<p>species are protected. However toxicity tests of multiple species is counted as one sample. The fact sheet shows the total number of samples and the number of exceedances. The number of exceedances meet the Listing Policy requirement of table 3.1.</p>
City of Stockton	19.1	<p>Pixley Slough should not be listed for Simazine because the data does not support a listing based on section 3.1 of the Listing Policy. Two out of 27 samples exceed and this is not enough to list.</p>	<p>Staff has made this correction and the recommendation for Pixley Slough for Simazine has been changed to 'Do Not List'.</p>
City of Thousand Oaks	20.1	<p>The Los Angeles Water Board based the benthic Macroinvertebrate listing for Lindero Creek Reach 1 on two samples at the same location in 2005 that is inadequately justified for 303(d) Listing. Listing Policy required the analyses from two stations. The 2005 was a very wet weather. The Southern California IBI could not possibly incorporate the unusual hydrologic conditions found in Malibu Creek Watershed during 2005. For these reasons we request that State Water Board do not list the Malibu Creek and its tributaries for Benthic Macroinvertebrate Bioassessment.</p>	<p>The State Water Board staff recommend listing for bioassessment based on situation-specific weight of evidence approach. In this approach, staff reviewed all available data including the benthic macroinvertebrate -bioassessment data used by the Los Angeles Water Board and other available data that were not used by the Regional Water Board. State Water Board staff determined that it is necessary to include these listings because additional data analyses and multiple LOEs show that benthic macroinvertebrate populations are affected by a wide range of stressors.</p> <p>The Southern California IBI is based on BMI and physical habitat data collected from 275 sites during 2000-2003. Staff believe that the data is sufficient to represent the different conditions.</p>
	20.2	<p>The Bioassessment listing in Malibu Creek is premature since the state agencies are working on a collaborative approach to</p>	<p>The water quality chemistry and bioassessment data provide a substantial basis that benthic macroinvertebrate populations are impacted by a wide range of anthropogenic stressors. Based on</p>

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		develop the biological objectives.	the available data and information, staff recommend listing for benthic macroinvertebrate. Staff will be using the bio-objective criteria for future assessment when the criteria become available
	20.3	The City has concern about the TMDL Consent Decree, and the US EPA letter request for comment on Consent Decree revision regarding the Malibu Creek Benthic Macroinvertebrate Bioassessment listing and its completion date of 2013 in the final approved list. The City commented that if the State Water Board approves the list, the Malibu Watershed stakeholders will be placed in the unenviable position of complying with an unprecedented regulatory requirement.	State Water Board was not a party to the TMDL Consent Decree. The State Water Board staff reviewed all data and information according to the requirements of the Listing Policy. The State Water Board staff listing recommendations are based on the multiple LOEs. USEPA will be approving the State's final 303(d) List and at that time USEPA will approve or disapprove these listings.
City of Westlake Village	21.1	<p>Comments pertaining to Benthic-Macroinvertebrate Bioassessments for segments within the Malibu Creek watershed (decisions 17208, 17209, 17210, and 17211):</p> <ul style="list-style-type: none"> - These listings do not meet the criteria of the Listing Policy: The listing for Malibu Creek is based on insufficient data (two samples, one for spring and one for fall were collected each for the seven sites, with no two sites being in the same reach of segment) collected five years ago when conditions were far less than average. - The data report indicated 2005 was a significant rain year, and some of the stream beds had been impacted by recent fires and flame 	<p>The State Water Board staff recommend listing for bioassessment for these two water segments based on situation-specific weight-of-evidence approach. For this weight-of-evidence, staff evaluated the Los Angeles Water Board benthic macroinvertebrate -bioassessment listing and other available data. The State Water Board staff recommend these listings because analyses of the available data and multiple LOEs show that benthic macroinvertebrate populations are affected by a wide range of stressors.</p> <p>The Southern Coastal California IBI was developed for the region bounded by Monterey County in the north, the Mexican border in the south, and inland by the eastern extent of the southern Coast Ranges and adequately represents the Malibu Creek watershed. This IBI is the best available tool for the assessment of benthic macroinvertebrate data.</p>

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		<p>suppressants.</p> <ul style="list-style-type: none"> - The IBI used was based on studies in the Russian River and San Diego County, which should not have been applied to the Malibu Creek watershed due to its unique geological formations. There has been no attempt to correct for the relative effect of inherently different site characteristics that exist between a subject, regulated stream site and a remote pristine reference site. Hence, section 6.1.5.8 of the Policy has not been met. 	
	21.2	<p>Comments pertaining to Benthic-Macroinvertebrate Bioassessments for segments within the Malibu Creek watershed (decisions 17208, 17209, 17210, and 17211):</p> <ul style="list-style-type: none"> - Intent of these listings is premature because they contradict statewide efforts toward determining biological objectives for CA streams and rivers. Benthic-Macroinvertebrate impairments must result in association with other listed pollutants (per Policy); the current list adopted by the Los Angeles Water Board includes several Malibu Creek reaches listed for benthic-macroinvertebrates and a completion date of 2021. This would allow for completing TMDLs on these other 'associated pollutant' 	<p>A different approach was used for bioassessment listing by Los Angeles Water Board. State Water Board staff reviewed all data and information for this listing recommendation. The water quality chemistry and bioassessment data provide a substantial basis that benthic macroinvertebrate populations are impaired by a wide range of anthropogenic stressors. Based on the available data and information, staff recommend listing for benthic macroinvertebrate bioassessment. Staff will be using the bio-objective criteria for future assessments when the criteria become available.</p>

Organization	Comment Number	Comment Summary	Comment Response
		<p>impairments. Should the State Water Board include these listings, the adoption date would advance to 2013 due to the proposed revisions of the Consent Decree.</p>	
	21.3	<p>Comments pertaining to Benthic-Macroinvertebrate Bioassessments for segments within the Malibu Creek watershed (decisions 17208, 17209, 17210, and 17211):</p> <ul style="list-style-type: none"> - They impose an unwarranted impact on stakeholders due to recent revisions of the Heal the Bay et al v. Browner LA TMDL Consent Decree. Should the State Water Board approve the 2010 IR, the expected TMDL completion date of 2021 will advance to 2013 due to its incorporation of the EPA/Heal the Bay Consent Decree. This accelerated timeframe will equate to large expenditures of local agencies, and the Consent Decree is the wrong mechanism for implementing any Biological Objective driven TMDL. 	<p>State Water Board was not a party to the TMDL Consent Decree. The State Water Board staff reviewed all data and information according to the requirements of the Listing Policy. The State Water Board staff listing recommendations are based on the multiple LOEs.</p> <p>USEPA will be approving the State's final 303(d) List and at that time USEPA will approve or disapprove these listings.</p>
Coachella Valley Water District	22.1	<p>Since the weight of evidence provided in the proposed listing does not represent existing conditions, State Water Board staff should withdraw their recommendation for listing the CVSC as impaired for DDT.</p>	<p>Please see response to comment 0.</p>
	22.2	<p>Since the weight of evidence provided in the proposed listing does not represent</p>	<p>Please see response to comment 0.</p>

Organization	Comment Number	Comment Summary	Comment Response
		<p>existing conditions, State Water Board staff should withdraw their recommendation for listing the CVSC as impaired for Dieldrin.</p>	
	22.3	<p>The Colorado River Basin Water Board proposes to list the CVSC for PCBs based on a single LOE consisting of fish tissue test results. PCBs were not detected above a WQO in water or sediment samples collected from the CVSC.</p> <p>The proposed listing is based on the results of tests performed on 4 fish tissue samples when compared to fish consumption guidelines for PCBs. Results for tests performed on an additional 8 fish tissue samples were not used because PCBs were not detected in these tissue samples... The results of tests performed over many years are being combined to support this proposed listing. However, no fish tissue samples have been collected during the past 8 years to evaluate the existing conditions in this water segment.</p> <p>This water segment was not listed for PCBs following reviews performed in 2002, 2004 and 2006 and no new data is available to make a different determination following the 2008 review.</p>	<p>Please see response to comment 0.</p>
	22.4	<p>Since the weight of evidence provided in the proposed listing does not represent existing conditions, State Water Board staff should withdraw their recommendation for listing the Salton Sea as impaired for</p>	<p>In order to meet the Listing Policy requirements, new data must be collected to show that Basin Plan objectives are met and there is no water quality impairment. The commenter may send new data and information to the State Water Board for the 2012 Integrated Report.</p>

Organization	Comment Number	Comment Summary	Comment Response
		Arsenic.	
	22.5	Since the weight of evidence provided in the proposed listing does not represent existing conditions, State Water Board staff should withdraw its recommendation for listing the Salton Sea as impaired for Chlorpyrifos	Chlorpyrifos is a toxicant, and monitoring indicated that the objective was exceeded in 15 of 22 samples. Regional Water Board used the California Department of Fish and Game Hazardous Assessment Criteria as an evaluation guideline to interpret the Basin Plan narrative WQO. State Water Board staff did not recommend changes in the Regional Water Board listing.
	22.6	The proposed listing is based on the results of tests performed on 31 fish tissue samples when compared to fish consumption guidelines for DDT. The results of tests performed over many years are being combined to support this proposed listing. However, no fish tissue samples have been collected during the past 8 years to evaluate the existing conditions in this water segment. The weight of evidence fails to provide existing water impairments for DDT in the Salton Sea.	Please see response to comment 0.
Coalition for Practical Regulation	23.1	<p>Commenter supports the Water Boards for updating the 303(d) List. Acknowledges improvement in delisting due to Los Angeles Water Board staffs' application of the Listing Policy. Many of the proposed delistings in Region 4 were a result of recognizing flaws in the original listings.</p> <p>Commenter supports the use of the subcategories Water Quality Limited Segments Being Addressed by USEPA-Approved TMDL and Segments being Addressed by Action other than TMDL</p>	Comment acknowledged.

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	23.2	303(d) List includes listings for conditions where actual pollutants have not been identified. Attempts at source control or treatment are unlikely to be successful.	Please see response to comment 0.
	23.3	Benthic macroinvertebrate bioassessment listings added before the July 6, 2009 public hearing should be deleted from the List. Listings are inconsistent with State Policy. Listings were made in the absence of appropriate reference sites. The IBI didn't include comparable low elevation reference sites. The IBI has not been validated for low-gradient streams and is not appropriate for modified channels. Decisions on benthic macroinvertebrates should not be made during this cycle.	<p>The Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams by Aquatic Bioassessment Laboratory Water Pollution Control Laboratory of Department of Fish and Game describes that IBI and Measurement of Performance Characteristics were validated in this study. The distribution of IBI scores at reference and no reference sites was nearly identical between the development and validation data sets, indicating that the characterization of reference conditions and subsequent IBI scoring was repeatable. Based on a two-sample t-test model, the IBI can detect a maximum of seven biological condition categories, a result more precise than other recent estimates of IBI precision in previous studies.</p> <p>The IBI study found no relationship between the IBI scores and ecoregion, watershed area or elevation indicating that the IBI scoring is robust with respect to these variables. The ecoregion scoring adjustment probably corrects for the strongest elevation effect.</p>
	23.4	303(d) List contains listings based on potential future uses rather than probable future uses. These erroneous listing could trigger TMDLs for uses that do not exist. Board should remove historic listings based on potential uses. Applies to listings before the adoption of the Policy in 2004. Beneficial uses should be reviewed and revised.	Please see response to comment 0.
	23.5	Commenter disagrees with the Los Cerritos Channel - ammonia listing and requests it to	Please see response to comment 0.

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		<p>be Delisted. Region 4's reason for not delisting 'although zero of 22 samples exceeded the objectives for ammonia, the sample size was too small; a minimum of 28 samples would be needed for delistings'</p> <p>The City of Long Beach has more than 28 samples but the additional samples had not been submitted to the Los Angeles Water Board. Peter Kozelka (USEPA) testified at the Los Angeles Water Board hearing that USEPA would not proceed with a TMDL for Los Cerritos Channel - ammonia. USEPA was provided a data set of 54 samples. City of Long Beach is submitting this data to State Water Board.</p>	
<p>County of Los Angeles Department of Public Works</p>	<p>24.1</p>	<p>Invasive species should not be added to the 303(d) List. Invasive species not considered pollutants. In the case of New Zealand mudsnails, the resultant degradation in biological populations is not associated with a pollutant but with human behavior. TMDLs not appropriate to address invasive species.</p>	<p>Please see response to comment 0.</p>
	<p>24.2</p>	<p>Listing for Benthic-macro invertebrate bioassessments is inappropriate. There are no objectives for benthic impairments in California and current science is not advanced enough to formulate a defensible stressor identification.</p>	<p>The Listing Policy requires all available information from water bodies to be analyzed under provisions of this Policy using a weight-of-evidence approach. The water quality chemistry and bioassessment data provide a substantial basis that benthic macroinvertebrate populations are affected by a wide range of anthropogenic stressors. Data from the water bodies which are recommended to 'List' are showing poor or very poor water quality conditions. The weight of evidence of the data and information indicate that the beneficial use of the water is not supported. Based on the available data and information, staff</p>

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			recommend to list for benthic macroinvertebrate
	24.3	Listing for fish barrier. Malibu Creek is inappropriate. Listing Policy doesn't address a physical structure as a pollutant. Unclear on how TMDL would be written.	Listing for fish barrier was made prior to the adoption of the Listing Policy. The Los Angeles Water Board will update this listing when new data and information become available and are assessed. State Water Board staff made no change to this listing recommendation based on the LOE.
County of Madera Board of Supervisors	25.1	Opposes the listing of the Fresno River (above Hensley Reservoir to confluence with Nelder Creek and Lewis Fork) for Dissolved Oxygen.	Please see response to comment 0.
County of San Diego Department of Public Works	26.1	Commenter opposes the listing of Buena Creek for nitrate and nitrite. The 4 samples of nitrate and nitrite should be evaluated as conventional pollutants using Table 3.2 and therefore not be listed.	Buena Creek was listed for nitrate and nitrite in 2006 under section 3.1 of the Listing Policy because the Water Boards consider nitrate and nitrite as toxic pollutants.
	26.2	Commenter asserts that the LOE for Agua Hedionda Creek for Manganese showing 2 out of 4 samples is in error. San Diego Water Board staff verified that one of the two exceeded samples was estimated data.	State Water Board staff has reviewed the data and determined that the data meets State Water Ambient Monitoring Program (SWAMP) Quality Assurance Project Plan (QAPP) and was used properly for this assessment.
	26.3	Commenter does not support the listing for enterococcus at Pacific Ocean Shoreline, Coronado HA, at Silver Strand (north end, Oceanside) for the following reasons. Data from 2002 appears to be from the San Diego Bay side and 2 out of 88 exceed the geomean objective which represents only 2% exceedance.	Staff has reviewed the data used to List Pacific Ocean Shoreline, Coronado HA, at Silver Strand (north end, Oceanside). San Diego Bay side data were not used as part of this assessment. It is unclear how the commenter's analysis resulted in 2 out of 88 samples exceeded the geomean objective given the data. Staff verified that the data shows 2 out of 25 samples exceed the geomean objective, which support the listing according to the Listing Policy. No changes are being made to the fact sheet.
	26.4	The definitions of toxicants and conventional/other pollutants should be	Comment acknowledged. State Water Board and Regional Water Board staff will be working together closely in developing the

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		clearly established to ensure a consistent application of the Listing Policy throughout the State. Nitrogen, phosphorus, and sulfates are examples of pollutants that are assessed inconsistently in Region 9.	2012 Integrated Report to promote statewide consistency.
	26.5	Clear guidelines should be developed for use of photo-documentation to support listing decisions.	Section 6.1.4 of the Listing Policy outlines the requirements for photographic documentation.
	26.6	Photo documentation for the sedimentation/siltation listing for Tijuana River was not made available for review.	Please see response to comment 0.
Department of Fish and Game	27.1	Commenter supports adding the mainstem San Joaquin and its tributaries to the 303(d) List as impaired for temperature.	Comment acknowledged.
East Bay Municipal Utility District	28.1	Commenter recommends delisting for copper in Comanche Reservoir due to the fact that not all data was considered. Data was submitted by EBMUD and contained 213 usable data points. The Central Valley Water Board used only 59 data points in its analysis and did provide an explanation as to why not all 213 data points were used. This information was requested of the Central Valley Water Board in May 2010. Commenter requests that it be provided with the methodology for screening the data that was provided by the commenter.	Central Valley Water Board staff responded to the commenter on 5/26, however (after this comment letter was sent to State Water Board). The reason for the sample count of 59 was that individual samples were averaged spatially, as when multiple samples were taken throughout the water column. These average values were then compared to the WQOs. Listing Policy Section 6.1.5.2 states the requirements for spatial representation that were followed by the Central Valley Water Board. State Water Board staff support the Central Valley Water Board's analysis and maintain the recommendation to list this water body for copper.
	28.2	Commenter opposes the listing of Pardee Reservoir for mercury until more extensive monitoring can be done and a requested that the State Water Board establish a clear	Listing Policy requirement was followed for interpretation of narrative WQOs using evaluation guidelines. Listing Policy Section 6.1.3 was used to identify evaluation guidelines that represent standards attainment or beneficial use protection. The

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		set of criteria for determining impairment, based on fundamental scientific principles and practices, the reevaluate the fish tissue mercury data using this criteria.	evaluation guidelines published by USEPA or OEHHA for evaluating mercury in fish tissue is an appropriate guideline to use according to the Listing Policy.
Environmental Defense Center	29.1	Support for all listings, specifically Ventura County water bodies: Calleguas Creek Watershed, Santa Clara River Watershed, and Ventura River Watershed.	Comment acknowledged.
General Public, Brent Plater	30.1	Sanchez Creek should be listed for Trash. A photo of the creek with trash was submitted with this comment letter.	Data solicitation period for the 2010 Integrated Report ended in February 2007. You may resubmit the data following the data requirements found at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml
General Public, Jennifer Lee	31.1	Commenter requests that Cuyama River, Cuyama Groundwater Basin, and the Cuyama Valley Watershed to be added to the 2010 impaired waters list.	Although we appreciate the commenter's desire to raise awareness about the groundwater issues in this watershed, the CWA Section 303(d) List includes only <u>surface</u> waters that are not meeting water quality standards. Additionally, in order for surface water bodies to be placed on this list, data needs to indicate that water quality standards are not being met. If there are additional data available that would support listing this water body, State Water Board staff recommend that this data be submitted for the 2012 Integrated Report. The data submittal requirements can be found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml
General Public, Jessica Taylor	32.1	Commenter has concerns for the safety of people and wildlife pertaining to pathogen listings for West Marin water bodies. Would like to see better measures in place to warn recreaters of these impairments. Commenter would also like to know if she needs to be tested for anything considering	Tomales Bay supports a vital shellfish industry and is a popular destination for recreation, such as swimming and boating. It also faces water quality challenges from pathogens, water-borne micro-organisms that can cause disease in humans. Pathogens in Tomales Bay are of fecal origin. Potential sources include agricultural runoff (from dairies and ranch lands), runoff from residential areas, failing septic systems or small wastewater

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		how often she swims in the Lagunitas creek.	treatment facilities, discharges from boats, and wildlife. The Tomales Bay Pathogen TMDL, adopted by the San Francisco Bay Water Board on September 21, 2005, includes a broad-based strategy for reducing pathogen sources to the Bay, including increased regulation of grazing lands through waste discharge requirements, required actions to reduce polluted runoff and boat discharges, education and outreach, and monitoring to evaluate progress. Pursuant to the Clean Water Act, section 303(d) requires states to identify waters that do not meet, or are not expected to meet by the next listing cycle, applicable water quality standards for the assigned beneficial uses. If the commenter has any personal health concerns, please seek advice from a medical professional.
General Public, M. Carmen Ramirez	33.1	Support for all listings, specifically Ventura County water bodies: Calleguas Creek Watershed, Santa Clara River Watershed, and Ventura River Watershed.	Comment acknowledged.
General Public, Fred Kieger	34.1	<p>A full CEQA Analysis is needed because of the immediate and continuing statewide impact of the adoption of the 303(d) List:</p> <ul style="list-style-type: none"> - Disclose potential environmental impact - Analyze and minimize environmental effects of projects before final approval - Foster public involvement - Facilitate interagency coordination - Identify and mitigate significant effects - Improve decision making 	<p>Please see the response to comment 5.5.</p> <p>Commenter lists the goals of CEQA, not any significant adverse environmental impacts that will result from the State Water Board's adoption of the Integrated Report. In fact, as set out in response to comment 5.5, there will be no impacts, and, as such, the Board's decision is not subject to CEQA.</p>
General Public, Jolaine Gorrilla	35.1	It is imperative that the Cuyama Valley water basin and the Cuyama River be included in all plans and discussions of	Although we appreciate the commenter's desire to raise awareness about the groundwater issues in this watershed, the CWA Section 303(d) List includes only surface waters that are

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		impaired waterways. These plans should also address the extremely critical ongoing overdraft of the Cuyama water basin.	not meeting water quality standards. Additionally, in order for surface water bodies to be placed on this list, available data must indicate that water quality standards are not being met. If there are additional data available that would support delisting the Cuyama River, State Water Board staff request that this data be submitted for the 2012 Integrated Report. The data submittal requirements can be found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml
California Water Impact Network (representing multiple entities)	36.1	Commenters support the inclusion of temperature impairment for the San Joaquin, Merced, Tuolumne, Pit, Yuba, and North Fork Feather Rivers.	Comment acknowledged.
	36.2	Commenters question and object to the delisting of selenium in Salt Slough and the San Joaquin River (Merced River to Tuolumne River, Tuolumne River to Stanislaus, Stanislaus River to Delta). Selenium is a bioaccumulative toxin and therefore water column data is insufficient to determine whether or not aquatic life beneficial uses are protected.	The recommendation to delist this water body is based on the application of the Listing Policy using the existing water quality data. If there is tissue data available showing that the beneficial use is not being protected, the data should be submitted for the 2012 Integrated Reporting cycle. Please see the following website for the Public Data Solicitation Notice and data requirements: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml
	36.3	According to the Integrated Report, no new data has been collected since 2006. Commenter encourages the Water Boards to look at more recent data as the commenter is aware of selenium levels of 32.2 ug/L on October 21, 2009.	If there is more recent data available showing that the WQO is exceeded, it should be submitted for the 2012 Integrated Reporting process. Please see the following website for the Public Data Solicitation Notice and data requirements: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml
	36.4	The USEPA is required to revise its acute and chronic aquatic life criteria for selenium. Although these revised criteria are not yet available, USEPA has indicated to the	Once these revised criteria are approved by the USEPA, they will be used for water quality assessment process. In the meantime, the Listing Policy requires using the current USEPA approved criteria.

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		Central Valley Water Board that the revised criteria are forthcoming and will be more stringent than the existing numbers so it is premature to delist these water bodies for selenium.	
	36.5	A report by USFS clearly shows that the 5 ug/L selenium WQO is not protective of fish and wildlife, including listed salmonids.	Comment acknowledged.
	36.6	The delisting of EC on the San Joaquin River below the Stanislaus dam is also problematic as the water quality standards apply throughout the length of the water body, not just a single monitoring point.	Listing recommendation is made based on assessment of water quality data and information. Only one reach of the San Joaquin River is being delisted for Electrical Conductivity because the data shows that standards are being met. However, other reaches remain listed for Electrical Conductivity.
	36.7	Compliance is being achieved through dilution flows from the Stanislaus River, which may not be available in the future due to a recent court decision. This temporary reduction in EC concentrations does not ensure compliance further downstream where agricultural and municipal dischargers contribute additional salt loading.	This is a recommendation from the Central Valley Region. At this time State Board staff accept this recommendation.
	36.8	Likewise, compliance with the diazinon objective on the Feather River near the confluence with the Sacramento River, where maximum dilution occurs, does not provide assurance that the standard is being met along the entire length of the Feather River below Oroville Dam.	Please see response to comment 0.
	36.9	Commenter encourages staff to examine more recent diazinon data from the Feather	Please see response to comment 0.

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		River before delisting.	
Heal the Bay	37.1	<p>Macro-Invertebrate Bioassessment and Invasive Species</p> <p>Support staff's proposed benthic macro-invertebrate bioassessment listings.</p> <p>Support staff's proposed invasive species listings for numerous water bodies in the Malibu Creek watershed.</p>	Comments acknowledged.
	37.2	<p>State Water Board Should Maintain Numerous Beach Bacteria Listings</p> <p>State Water Board staff proposes to delist or not list numerous beaches for indicator bacteria impairment statewide. Many of these proposals are completely inappropriate. Beach Report Card contains bacterial data for approximately 450 of the State's beaches in the AB411 time period and over 320 beaches year-round. All of these data are also provided to the State Water Board's beaches program and is readily available to staff.</p> <p>According to the commenter many of these water bodies should remain listed. An analysis revealed that there are numerous beaches that should not be delisted or should be listed. Thus, State Water Board should include these beaches in the 2010 303(d) List updates: Arroyo Burro Beach; Capitola Beach; Cowell Beach at wharf; Huntington State Beach; Dana Point</p>	<p>Beach bacteria data are collected frequently by County Public Health Departments under AB 411 monitoring. A significant amount of beach data was collected and made available after the data solicitation period cut-off date, therefore, it was not used in the 2010 Integrated Report. The spreadsheet of the data provided with this comment includes the 2007 and 2008 beach bacteria data, which became available to the Regional Water Boards after the end of the data solicitation period.</p> <p>State Water Board Staff reviewed the Regional Water Boards staff recommendations and assessment for the beaches listed in the spreadsheet. Most of the beaches mentioned are listed for at least one of the indicator bacteria, for which TMDLs will be developed by the Regional Water Boards. Nearly all of the percent exceedance rates in the 'refutation' column of the spreadsheet match with the calendar geomean exceedance rates used by the Regional Water Boards during the 2010 Integrated Report cycle within a few percentage points.</p> <p>In addition, the exceedances shown in the spreadsheet provided with the comment letter were calculated using data only for particular years. Per the Listing Policy, Regional Water Boards staff used all available data, up to the solicitation cut-off date, to calculate exceedance rates and the data were totaled before</p>

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		<p>Harbor; Poche Beach; Border Field State Park; Capintaria State Beach; East Beach; Gaviota State Beach; Goleta Beach; Jalama Beach; Leadbetter Beach; Imperial Beach; Pismo Beach; Capistrano Beach; Ocean Beach, San Diego River outlet; and Oceanside, San Luis Rey River outlet. There were other beaches targeted for do no list decisions that we did not evaluate. Thus in general, the State Water Board should spend more time with the beach bacteria data to understand the full picture of what listings should occur.</p> <p>Furthermore, there is no logic to splitting the 'indicator bacteria' listings into three separate pollutant categories: enterococcus, fecal coliform and total coliform.</p> <p>It also appears that some of the beach bacteria data analyses are not using the complete readily available data set, and thus, are in conflict with the Listing Policy that states 'All readily available data and information shall be evaluated.'</p>	<p>being compared to the Listing Policy's binomial tests to make a listing recommendation.</p> <p>Regional Water Boards used different approaches for bacteria listing during the 2010 Integrated report cycle. The State Water Board staff will be working with the Regional Board staff during the 2012 Integrated Report Cycle on developing a consistent procedure for the assessment of beach bacteria data to ensure statewide consistency.</p>
	37.3	<p>The State Water Board Should Use a Rolling 30 Day Geometric Mean when Evaluating Indicator Bacteria Impairments</p> <p>Commenter's understanding is that when evaluating exceedances of bacteria limits, the Regional Water Boards and State Water Board used a calendar month approach as opposed to a rolling 30 day sample</p>	<p>The 2010 Integrated Report is a compilation of the Regional Water Boards' 2008 Integrated Report. Regional Water Boards used different valid approaches in calculating the geomean and evaluation of indicator bacteria impairment. Regional Water Board and State Water Board staff formed a workgroup including the Regional and State Water Board staff to develop a consistent approach for bacteria data assessment during the 2012 Integrated Report cycle.</p>

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		<p>approach to assess geometric mean. Using a static time-frame like a calendar month to assess a very dynamic system is completely inappropriate, statistically unsound, and is not protective of public health. Commenter urges the State Board and Regional Boards to evaluate indicator bacteria data using the rolling 30 day geometric mean.</p>	
	37.4	<p>Listings Should be Based on Current Water Quality Standards</p> <p>According to the Staff Report, the Santa Ana Water Board made a 'Do Not List' decision for E. coli for 12 water bodies. The LOEs for all water bodies show exceedances of the fresh water standard of 235 MPN/100 ml in most of the samples used in the LOE. The Santa Ana Water Board staff rationale for the 'Do Not List' decision is based on the fact that stakeholders in the Region are in the process of developing new criteria for freshwater as there may be evidence that these waters are not designated beaches and that the 235 MPN/100 ml single sample maximum should not apply. The State should never provide less protection of water body beneficial uses because of what might happen in the future. Thus we support State Water Board staff's decision to include these listings.</p>	Comment acknowledged
	37.5	<p>Toxicity Data from Publicly Owed Treatment Works (POTWs) Should Be Considered for</p>	<p>Regional Water Boards used different approaches in using the receiving water data from the NPDES Discharge monitoring.</p>

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		<p>the 2010 List and in Future 303(d) Listing Cycles</p> <p>In January 2009, Heal the Bay released a report titled License to Kill. During the eight and a half year study time period (2000-2008), among the 42 dischargers, there were 408 chronic and 64 acute toxicity exceedances among all receiving water testing stations. Although this report was completed and submitted to the Los Angeles Water Board after the Los Angeles Water Board's data submission deadline, these toxicity data are readily available to the Los Angeles Water Board in discharger monitoring report submittals. However, there are only a few new proposed toxicity listings, and only one listing appears to use POTW monitoring data. It is unclear if any other POTW toxicity data were assessed. We urge the State Water Board to review these data for 2010 listing decisions and prioritize toxicity data from POTWs in future listing cycles.</p>	<p>The State Water Board staff sent a Notice of the Data Solicitation for the 2012 Integrated Report to the NPDES Dischargers. State Water Board staff will be considering the receiving/ambient water quality data in developing the 2012 Integrated Report.</p>
	37.6	<p>Staff should not exclude data simply because it is older. In this context the Proposed Walnut Creek Wash - Toxicity Delisting Should be Further Justified</p> <p>The Staff Report appears to base the Walnut Creek Wash Toxicity delisting recommendation on the fact that the majority of exceedances were observed in older samples. While we understand staff's reasoning, it appears that this is not a strict</p>	<p>There were four toxic results that occurred in samples from 1992-93. Between 2003 and 2007, only 1 of 38 samples exhibited toxicity, thus significant improvements in survival and reproduction endpoints have been observed in the most recent timeframe. All of these toxicity results were measured in water samples, which are more responsive to changing pollutant loads, in this case reflect decreasing loads. Based on the improving trend in water quality conditions and only one toxic result in the past four years, it is evident to State Water Board staff that beneficial uses are being supported.</p>

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		<p>interpretation of the Listing Policy and opens the door to future misinterpretations of the Policy. The Staff Report indicates that section 4.6 of the Listing Policy is used for this delisting decision. This section of the Listing Policy states: 'Water/Sediment Toxicity or associated water or sediment quality guidelines are not exceeded using the binomial distribution as described in section 4.1.' However by comparing the data to the binomial distribution, it is clear that the delisting should not occur. We discourage the Regional Water Boards and State Water Boards from using this line of reasoning for listing/delisting decisions.</p>	
	37.7	<p>State Water Board should clarify the origin of the 'potential sources' information in the 305(b) category reports.</p>	<p>The "Potential sources" in CalWQA are the Regional Water Boards' determination of what may be the potential source(s) of the pollutant. They are provided as additional information. A source analysis is conducted during the development of a TMDL where a final determination of the sources of the listed pollutant is made and used for load allocations.</p>
Lahontan Regional Water Quality Control Board	38.1	<p>There is not enough evidence to show that any of the 31 proposed new listings represent real impairments, and in some cases the available data indicate that there is not likely any problem at all. Listing these waters as 'impaired' based on the limited available data would send an incorrect message to all concerned stakeholders that beneficial uses of these waters are impaired. The 2010 Integrated Report indicates that State Water Board staff disagreed with these concerns because they 'determined that the data were</p>	<p>State Water Board staff reviewed the LOE for 31 multiple water body -pollutant combinations in the Lahontan Region. State Water Board staff determined that the data were collected over a broad period of time to meet section 6.1.5.3 of the Listing Policy. A total of 31 water body-pollutant combinations showed exceedances of the Lahontan Water Board Basin Plan WQOs. These exceedances meet the Listing Policy listing requirement for Section 3.1, numeric WQOs for toxicants, and Section 3.2, numeric WQOs for conventional pollutants, with sample size larger than the minimum sample size requirements of Table 3.1 and 3.2.</p> <p>Lahontan Water Board staff decided not to list certain water</p>

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		<p>collected over a broad period of time to meet Section 6.1.5.3 of the Listing Policy.' This determination by State Water Board staff simply is not true; it ignores the complex temporal variation (i.e. daily and seasonal) in waters of the Lahontan Region, and fails to consider the extremely limited number of samples upon which the proposed new listings are based.</p>	<p>bodies even though there were exceedances of their Basin Plan WQOs because staff believed the data for these water bodies was not 'temporally representative' of annual averages for assessment of compliance with WQOs that are expressed as annual means.</p> <p>State Water Board evaluated the results of monthly sampling and annual averages for these 31 water body-pollutant combinations. All 31 water body-pollutant combinations showed monthly violations of Basin Plan WQOs during all seasons, and for several of the proposed listings the annual average exceeded the Basin Plan WQOs as well. With many exceedances across all seasons, the weight of evidence supports listing for these water body-pollutant combinations. State Water Board staff recommended listing these 31 water body-pollutant combinations to meet the Clean Water Act and the Listing Policy requirements. The Clean Water Act requires States to evaluate 'all existing and readily available information' in developing their 303(d) Lists (40 C.F.R. §130.7(b) (5)). While it is often desirable to have more frequent monitoring for assessment purposes or more data, the Listing Policy requires assessing all available data.</p>
Lompico Watershed Conservancy	39.1	<p>Do not delist San Vicente Creek. The data was submitted too late in the process for proper public review and response and should not have been considered given the late submittal. It seems that public review was avoided.</p>	<p>On July 10 2009, the Regional Water Board agreed with its staff recommendation that the decision to delist San Vicente should be delayed until the State Water Board hearing which was anticipated to be six months after the Central Coast Water Board approved their Integrated Report. The new data could then go through the 2010 Statewide Integrated Report public process.</p> <p>The Central Coast Water Board staff requested that the State Water Board staff recommend delisting this water body and provided the data that supported their recommendation. State Water Board reviewed the data and information provided by the Central Coast Water Board and developed the LOE. The Delist recommendation is based on the new LOE that includes daily turbidity data over a 47-month period which met the Listing Policy</p>

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			<p>requirements to delist. According to Central Coast Water Board staff this data was submitted after the 45 day public comment period for the Central Coast Water Board approval process.</p> <p>The public had a 45 day comment period to review the 2010 Statewide Integrated Report.</p>
	39.2	<p>Turbidity is only a surrogate indicator for sedimentation/siltation. It is not a measurement of either sedimentation or siltation.</p> <p>Data shows 57 pools out of 70 had high levels of embeddedness (high sediment) in San Vicente Creek. This is direct evidence of sedimentation/siltation and it is discarded.</p>	<p>There is currently no practical method to directly measure the full range (submicron to 2 mm) of suspended sediment concentration (SSC) in the field. Turbidity can be of great benefit as an auxiliary measurement</p> <p>While the relationship between SSC and turbidity depends on several factors, the relationship is typically nearly linear, with low variance. There is growing recognition (Glysson & Gray, 2002) that this sediment surrogate has the potential to improve sediment load estimation.</p> <p>Staff agrees that turbidity data are inadequate to determine if an adverse biological response (specifically sedimentation) can be determined, especially when compared to the Drinking Water MCL of 5 NTUs. Staff has evaluated the habitat typing data in the 'Stream inventory report: San Vicente Creek' (ref88) which includes visual estimates of cobble embeddedness or the percent of the cobble that is buried in fine sediment in pool tail-outs. Based on the estimated percent embeddedness, the report states that 57 of 70 pool tail-outs had embeddedness rating greater than 50%. However, these data are inadequate to stand alone as the basis for placing San Vicente Creek on the 303(d) List because a) there is no evaluation guideline that meets the requirements of the section 6.1.3 of the Listing Policy and b) there is no QA documentation associated with the report that summarized these data as required in section 6.1.4 of the Listing Policy. Staff recommend removal of San Vicente Creek from the 303(d) List for sedimentation based on the available data and Listing Policy Section 4.</p>

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	39.3	The failure to observe turbidity during the summer months says nothing about the extent of sedimentation/siltation in the watershed.	<p>To address this comment, Central Coast Water Board staff has conducted an additional analysis of all available data removing the dry weather months (June - October). Based on this analysis, a total of 1027 samples were collected and 157 of those exceed the Drinking Water MCL of 5 NTUs. According to the Listing Policy, the LOE supports removal of San Vicente Creek from the 303(d) List as the Drinking Water beneficial use is not impaired by turbidity, even when 4 summer months are removed from analysis.</p> <p>State Water Board staff has no information or knowledge about the monitoring schedule for the data that was provided or other data that have been collected but were not available to the State Water Board staff. We encourage the commenter to submit all available data to the State Water Board for consideration in the development of the 2012 Integrated Report.</p>
Monterey Coastkeeper	40.1	The data submitted was incomplete (5 months of data were missing, 4 of these months being wet months when exceedances would be expected).	It was the Regional Water Boards which received the data and information for the development of the 2010 Integrated Report. All data were considered by the Central Coast Water Board staff. State Water Board staff is not able to confirm the existence of unused data. All data provided by the Central Coast Water Board staff was used in the State Water Board staff recommendation.
	40.2	The data were submitted after the 45-day cut off period for submissions and only 10 days prior to the Board meeting. Commenter stated that process and public review is important and that delisting can wait until the 2012 process is concluded.	Central Coast Water Board staff summarized and submitted the data to State Water Board staff and requested that the water body be delisted based on the available information. Central Coast Water Board staff felt that the State Water Board's public process for the development of the Statewide 2010 Integrated Report would provide adequate opportunity for public review.
National Marine Fisheries Service (NMFS)	41.1	Commenter recommends a precautionary approach and suggests further data collection prior to delisting San Vicente Creek	The current recommendation to delist this water body is based on daily turbidity data over a 47 month period. Available turbidity data support de-listing and additional supporting data (from Habitat Typing) do not meet the requirements of the Listing Policy to be the primary data source to support a

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		It is likely that the available turbidity data do not reflect actual turbidity levels further downstream.	recommendation to List a water body. Therefore, Central Coast Water Board staff requested that the State Water Board staff recommend delisting this water body and provided the data to support the recommendation. Listing recommendations are made based on available data and information on current conditions. In the future, if data shows that turbidity standards or evaluation guidelines for sedimentation are not being met in this water body then it will be put back on the list.
	41.2	Excessive sedimentation in San Vicente Creek is a major concern of resource agencies. Considerable efforts have been made to dredge an off channel pond that filled with sediment which provides superior coho salmon rearing habitat.	Comment acknowledged.
Newhall Land	42.1	Santa Clara River Reaches 5 and 6. Listings for benthic macroinvertebrate bioassessments should not be made while the state is in the process of developing biological objectives.	Listing Policy requires that all data and information shall be analyzed under provision of the Listing Policy using a weight-of-evidence approach. Please refer to response to comment 20.1.
	42.2	There are an insufficient number of bioassessment samples referenced for Santa Clara River Reach 6. Four out of 4 exceedances are referenced in the LOE. Listing Policy table 3.2 lists 5 as the minimum sample size and number of exceedances to place on the 303(d) List and this water body should not be listed. Decision 18003 references section 3.11 of Policy. Listing cites a narrative toxicity objective. Bioassessment, iron, and chloride are referenced as LOEs used to determine water quality standards are not being met however these aren't reliable indicators of	Listing Policy requires that all data and information to be analyzed using a weight-of-evidence approach. Listing Policy Section 3 'California Listing Factors' describes that 'water segments shall be placed on section 303(d) List if any of the conditions of the Section 3 is met. The listing factors to identify the impairments are not limited to using of Listing Policy Table 3.1 or 3.2. Please refer to response to comment 20.1.

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		toxicity.	
	42.3	The State Water Board listed Santa Clara River Reach 5 for benthic macroinvertebrate bioassessment without providing a forum for discussion at the Regional Board level.	State Water Board staff reviewed all available data and information. Please refer to the response to comment 20.1.
	42.4	<p>Lack of transparency associated with the raw data from the Index of Biotic Integrity (IBI) reference sites. Data used to develop the SCIBI are not readily available to the public.</p> <p>The IBI was developed using reference sites that were predominately high gradient streams and not representative of low-gradient streams found in Santa Clara River Reach 5 and 6.</p> <p>The biological data used to support the Santa Clara River bioassessment listings may not have been collected using the most effective collection method. Listing Santa Clara River Reach 5 and 6 is premature since the assessment is based on this method.</p>	<p>The Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams by Aquatic Bioassessment Laboratory Water Pollution Control Laboratory of Department of Fish and Game describes that IBI and Measurement of Performance Characteristics were validated in this study. The distribution of IBI scores at reference and no reference sites was nearly identical between the development and validation data sets, indicating that the characterization of reference conditions and subsequent IBI scoring was repeatable. Based on a two-sample t-test model, the IBI can detect a maximum of seven biological condition categories, a result more precise than other recent estimates of IBI precision in previous studies.</p> <p>The IBI study found no relationship between the IBI scores and ecoregion, watershed area or elevation indicating that the IBI scoring is robust with respect to these variables. The ecoregion scoring adjustment probably corrects for the strongest elevation effect.</p>
North Coast Regional Water Quality Control Board	43.1	Decision #4228 for the Lower Eel River HA [Described as "Eel River HU Lower Eel River HA (includes the Eel River Delta)" on the 303(d) Category 5 list] for temperature needs to be edited so that the status reflects that it is being addressed by a USEPA approved TMDL. The TMDL was approved by USEPA in 2007, as stated in	You have requested that this water body be moved from TMDL Status Requirement of 5A to TMDL Status Requirement 5B because the impairment is the subject of USEPA-established TMDL. TMDL Status Requirement 5B states that it applies to water body-pollutant combinations that are 'being addressed by USEPA approved TMDL.' Neither TMDL Status Requirement A nor B appear to strictly apply to this situation, where implementation is ongoing or planned but not subject to USEPA

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		<p>the decision. This change to the decision would result in the change of this water body-pollutant combination from category 5A to 5B</p>	<p>approval. Further, the term 'being addressed' is ambiguous because it is not clear whether 'being addressed' refers to the technical portion of the TMDL or to the TMDL and implementation. If the latter, TMDL Status Requirement 5B would be inapplicable to segments that are impaired entirely by non-point sources of pollution, because USEPA-established TMDLs are not self-implementing. For this list iteration, staff will include it in TMDL Status Requirement 5B, with the understanding that the TMDL Status Requirement will be further refined in future iterations.</p>
<p>Orange County Public Works</p>	<p>44.1</p>	<p>Changes to Region 8's 'Do Not List' recommendations for Bolsa Chica Channel, Borrego Creek (Irvine to Barranca), Buck Gully Creek, Peters Canyon Channel, Santa Ana Delhi Channel, Santa Ana River Reach 2, San Diego Creek Reaches 1 and 2, and Serrano Creek for E. coli:</p> <ul style="list-style-type: none"> - State Water Board staff proposed to add these listings based on the 'EPA freshwater standard for bacteria'. These decisions are in error and should be removed. USEPA never adopted standards for bacteria in freshwater. USEPA's recommended criteria for E. coli should not be used because Region 8 has only authorized the use of fecal coliform as a standard for bacteria in freshwaters. - State Water Board staff assumed the E. coli criteria be applied as a geometric mean of 126 cfu/100ml. Federal guidance advises States that USEPA considers geometric means between 126 and 206 	<p>Clean Water Act requires the states to determine whether the current applicable water quality standards are being implemented. State Water Board staff reviewed the LOE for e. coli for the 12 water bodies in the Santa Ana Region. Most of the LOEs showed exceedance of USEPA single sample maximum (SSM) value for contact recreation waters in more than 50% of the samples that were used in the developing of the LOEs.</p> <p>In promulgation of the Beach Act, USEPA stated that 'EPA recognizes the utility of single sample maximums where there are insufficient data (generally fewer than five samples over a given period) to compute a geometric mean for the purposes of assessing water bodies, and expects that States and Territories will use single sample maximums in these instances. While it is far preferable for States and Territories to obtain more robust data for making decisions about water body impairments (the 1986 bacteria criteria document recommends determining the geometric mean using generally not less than 5 samples equally spaced over a 30-day period), EPA recognizes that in some instances States and Territories will have limited data and may decide to use the single sample maximums or other similarly derived statistical constructs for making water body impairment decisions.'</p> <p>Given the quantity of the data and frequency of exceedance</p>

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		<p>cfu/100ml to provide a level of protection functionally-equivalent to the current fecal coliform standard. By selecting the lower end of the range, the State Water Board is acting to impose new standards that are more stringent than required by federal law.</p> <ul style="list-style-type: none"> - Using single sample maximum (SSM) values as surrogate estimates of compliance with and unadopted E. coli criteria, we recommend the State Water Board impose requirements more restrictive than necessary under federal law. - Staff assumed the log standard of deviation (LSD) was 0.4 rather than calculating a true value for the actual data. Studies indicate the LSD varies between 0.8 and 1.2 for E. coli and fecal coliform. The SSM value should be 200-400% higher than represented. If local water quality data are available, a site specific estimate of statistical variability should be preferred over using a generic default value. - Assuming a LSD of 0.4, the E. coli criteria should be more than double the value estimated, and if a true measure of variability was calculated for local stream monitoring data, then the SSM would be at least ten times higher than shown. 	<p>State Water Board staff felt it was prudent to use the single sample maxima when assessing the data used in these listing recommendations.</p> <p>Although the standards for these water bodies may change in the future, that is not a sufficient rationale for not listing these 12 water bodies that exceeded the current USEPA fresh water standard for bacteria.</p>

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		<ul style="list-style-type: none"> - SSM should not be used until they are formally peer reviewed. 	
	44.2	<p>Changes to Region 9 delisting recommendations (data findings sent to SWRCB on 5/13/10):</p> <ul style="list-style-type: none"> - Decision 16936, LOE 31085 (Aliso Beach, North for Total Coliform): recommend delist, - Decision 16853, LOE 31079 (Laguna Beach at Bluebird Canyon for Total Coliform): recommend delist, - Decision 16612, LOEs 30985 and 28457 (San Clemente City Beach at Pier for Enterococcus): recommend delist. 	<p>Staff reviewed the data for the Pacific Ocean Shoreline, Aliso HSA, at Aliso Beach-north for Total Coliform and Laguna Beach at Bluebird Canyon for Total Coliform. The geomean calculations are corrected in their respective LOEs which resulted in the numbers of exceedances to be 0 of 56 samples. Staff recommend that these water body pollutant combinations be changed from 'Do Not Delist' to 'Delist'.</p> <p>Staff also reviewed the data for San Clemente City Beach at Pier for Enterococcus. Staff found no inconsistencies between the original data and the assessment information in the LOE. No changes are being recommended.</p>
	44.3	<p>To be consistent with the fecal coliform geomean portion of the standard, the geomean should be calculated on a rolling 30-day basis, where a minimum of 5 samples have been collected.</p>	<p>Comment acknowledged. State Water Board and Regional Water Board staff will be working closely in developing the 2012 Integrated Report to achieve statewide consistency.</p>
	44.4	<p>Do not include proposed listing of E. coli for Santa Ana-Delhi Channel and East Garden Grove-Wintersburg Channel for ammonia. These waters are not included in the Basin Plan, and have no designated uses or applicable standards. They are man-made canals, and not waters of the U.S.</p>	<p>Please refer to the response to comment 5.4.</p>
Orange County Water District	45.1	<p>Commenter supports using site-specific translators for assessments of cadmium, lead, and copper in Santa Ana River Reach 2 and supports Santa Ana Water Board's</p>	<p>Please refer to the response to comment 49.1.</p>

Organization	Comment Number	Comment Summary	Comment Response
		decision not to list Santa Ana River Reach 2 for cadmium, lead, and copper.	
PG&E	46.1	In the current 303(d) List there is no discussion of determining water segments, rather entire river reaches spanning as much as 50 or more miles are listed as one continuous segment.	<p>According to the Central Valley Water Board staff, PG&E submitted a substantial amount of new information to support the recommendation to break the Feather River into segments. The data and information were submitted after the solicitation period had closed. The Central Valley Water Board made no changes to the current segmentation.</p> <p>State Water Board staff suggest resubmitting the data with additional information to help clarify appropriate segmentation for the 2012 Integrated Reporting process. Please see the following website for the Public Data Solicitation Notice and data requirements: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml</p>
	46.2	The Sullivan report numbers are being used as an objective and not an evaluation guideline.	Please see response to comment 0.
	46.3	Commenter opposes the recommendation to list the North Fork Feather River for temperature.	Please see response to comment 0.
	46.4	Commenter opposes the listing of Willow Creek (Madera County) for temperature.	Please see response to comment 0.
	46.5	Commenter opposes the listing of the South Fork Yuba River for temperature.	Please see response to comment 0.
	46.6	Commenter opposes the listing for copper in the Lower Bear River Reservoir and feels that only recent data should be looked at.	Please see response to comment 0.

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Port of San Diego	47.1	Commenter requests that the San Diego Bay Shoreline listing dates for copper be corrected for the following segments: Chula Vista Marina, Americas Cup Harbor, Coronado Cays, Glorietta Bay, Harbor Island East Basin, Harbor Island West Basin, and Marriott Marina.	San Diego Bay North and South were listed in 1992 for copper. The listing was carried over to all San Diego Bay Shoreline segments in 1996. The listing date for Americas Cup Harbor has been changed from 1996 to 1992. All other segment listing dates remain as 1992.
	47.2	Commenter requests that San Diego Bay listing date for PCBs be corrected to 2006.	This San Diego Bay listing date for PCBs has been corrected from 2002 to 2006.
	47.3	Commenter requests that the line of evidence (LOE 30920) for San Diego Bay Shoreline, G Street Pier should be modified so that the identified beneficial use corresponds with the correct WQO.	LOE 30920 is revised to show Shellfish Harvesting for the beneficial use being assessed not the Water Contact Recreation use. The WQO was correctly applied.
	47.4	Commenter recommends the listing for PCBs in San Diego Bay be replaced with PCBs listings for specific San Diego Bay segments.	Please see response to comment 0.
	47.5	Commenter supports a reevaluation of the Basin Plan shellfish harvesting beneficial use that is appropriate to a water body's historical or potential use.	Comment acknowledged. Issue regarding beneficial uses would need to be addressed through the Triennial Basin Plan review process.
Riverside County Flood Control and Water Conservation District	48.1	Commenter opposes the listings of Santa Ana River Reach 3 for cadmium and lead for reasons stated by Matt Yeager of the San Bernardino County Stormwater Program in the May 28, 2010 letter.	Please refer to the response to comment 49.1.
	48.2	Commenter opposes the listing of Temescal Creek Reach 6 for E. coli for reasons stated	Please refer to the response to comment 49.2.

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		by Matt Yeager of the San Bernardino County Stormwater Program in the May 28, 2010 letter.	
San Bernardino County Stormwater Program	49.1	Commenter strongly opposes the listings for Cucamonga Creek Reach 1 for copper and lead; Santa Ana River Reach 2 for cadmium, copper, and lead; Santa Ana River Reach 3 for cadmium and lead; and Santa Ana River Reach 6 for copper and lead because State Water Board staff did not use the site-specific translators that the Santa Ana Water Board used.	A data translator that has not been approved for use to convert the total metals data to dissolved was used by the Santa Ana Water Board. Based on USEPA staff comments to the Santa Ana Water Board, State Water Board staff re-evaluated data with the default California Toxic Rule (CTR) translators that are designed to be used with CTR criteria. Based on re-evaluation of data, State Water Board staff recommend to List the mentioned water body-pollutant combinations.
	49.2	Commenter strongly opposes the listings for following water bodies for bacteria: Bolsa Chica Channel, Borrego Creek (Irvine to Barranca), Buck Gully Creek, Goldenstar, Peters Canyon Channel, Santa Ana Delhi Channel, Santa Ana River Reach 2, Temescal Creek Reach 6, Morning Canyon Creek, San Diego Creek Reach 1, San Diego Creek Reach 2, and Serrano Creek because of State Water Board staff's use of USEPA's recommended criteria for E. coli.	The Santa Ana Water Board made Do Not List recommendations for E. coli for 12 water bodies. Water quality data for bacteria were assessed by the Santa Ana Water Board staff using the USEPA freshwater standard of 235 MPN/100 ml. The LOEs for all water bodies show exceedances of the fresh water standard of 235 MPN/100 ml in most of the samples used in the LOE. Although the standards for these water bodies may change in the future, based on the data and information State Water Board staff recommend to List these 12 water bodies that exceeded the current USEPA fresh water standard for bacteria.
San Francisco Public Utilities Commission	50.1	Concerned that Hetch Hetchy Reservoir and Calaveras Reservoir are listed for mercury. Conducted additional fish tissue analyses in summer of 2009 that confirmed elevated mercury in fish tissue. SFPUC will alert public to potential health risks of consuming trout from the reservoir.	Comment acknowledged.
	50.2	Concerned that Hetch Hetchy Reservoir and Calaveras Reservoir are listed for	According to the San Francisco Regional Water Quality Control Board Basin Plan under Table 2-4, Calaveras Reservoir has a

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		mercury. Fishing is explicitly not allowed in Calaveras Reservoir; therefore risk is negligible given access restrictions.	limited Beneficial Use for REC-1, which includes fishing. It is therefore appropriate to use Table 3.1 to determine if this beneficial use is being affected.
	50.3	Data for Lake Merced indicates that low dissolved oxygen measured at the surface down to 5 feet exceeded 5mg/L during every survey. Low D.O. was only measured at the sediment water interface during summer months when the Lake exhibits stratification. Summer stratification is a natural phenomenon. The data also revealed that pH was between 6.5 and 9.0 over the 11 year monitoring period. Recommend removing Lake Merced for Low D.O. and pH for these reasons.	The listing assessment for this water body for pH and low dissolved oxygen was made by the San Francisco Water Board prior to 2006. State Water Board staff made no change to listing recommendation based on the LOE. If new data are available, may be provided to the State Water Board for inclusion in the 2012 Integrated Report.
	50.4	The TMDL completion date for the Calaveras Reservoir mercury listing is incorrectly stated as 2012.	The TMDL completion date has been changed to 2021 to reflect the correct date.
San Joaquin River Group Authority	51.1	Listings have a tremendous impact on water bodies and this significance is often downplayed. Therefore, the State Water Board must ensure that compliance with correctly applicable objectives has been assessed and the information used to assess such listings is accurate and reliable.	Comment acknowledged.
	51.2	Commenter provides detailed information about factors that should be considered into EC objectives used to evaluate the AGR (agricultural) and IND (industrial) beneficial uses in the San Joaquin River as there is evidence that these uses can be supported	Revising WQOs is outside the scope of this process. This effort also does not include evaluating the appropriateness of beneficial uses. Beneficial use assessments are basin plan issues that will be prioritized as part of the Triennial Review of the Basin Plan. Even if a beneficial use would be removed from this water body in the future, this water body is recommended to be listed based

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		with higher levels of EC in water. Commenter also feels that the MUN (municipal) beneficial use is not appropriate.	on current data and information.
	51.3	The Central Valley Water Board did not fully consider Bain Plan temperature objectives.	Please see response to comment 0.
	51.4	Modeling could have simulated natural receiving water temperature.	According to the Listing Policy, information that is estimated, descriptive, modeled or projected should only be used as ancillary LOEs for listing or delisting recommendation. It cannot be the sole LOE for a listing recommendation.
	51.5	Commenter opposed the listing of the San Joaquin River (Delta Waterways, Stockton Ship Channel) for low DO.	Please see response to comment 0.
	51.6	Commenter opposed the listing of Old River (Delta Water channel) for salinity. Secondary MCLs should not apply to this water body. The Delta is a marsh and therefore subject to tidal action and at times salt water can intrude far upstream. This is not considered in the fact sheets.	Revising WQOs are outside the scope of this process. This effort also does not include evaluating the appropriateness of beneficial uses. Beneficial use assessments are basin plan issues that will be prioritized as part of the Triennial Review of the Basin Plan. Even if a beneficial use would be removed from this water body in the future, the appropriate procedure per the Listing Policy now is to include the impaired segments on the 303(d) List.
Sanitation Districts of Los Angeles County	52.1	The Water Boards have not established WQOs to evaluate BMI bioassessments for water quality standards attainment. Thus, at this point there is no non-attainment of a water quality standard that could justify the impairment listings.	Listing Policy requires that all data and information shall be analyzed under provision of the Listing Policy using a weight-of-evidence approach. The weight of evidence is used whether the evidence is in favor of or against placing waters on or removing waters from Section 303(d) List. Listing Policy Section 3 'California Listing Factors' describes that water segments shall be placed on section 303(d) List if any of the conditions of the Section 3 is met. The listing factors to identify the impairments are not limited to using a water quality standard alone. The LOE describes the data and information and the Listing Policy one or more listing factor (s) are used for water quality assessment.

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	52.2	<p>The commenter believes the narrative toxicity standard can only be used to justify a toxicity listing and the use of this narrative standard to justify a listing for a parameter for which no standard exists is patently improper. No attempt has been made to establish a causal relationship between any toxic substances appearing as separate listings in the Santa Clara River and the bioassessment results.</p>	<p>The State Water Board staff recommend listing for bioassessment based on situation-specific weight of evidence approach. In this approach staff reviewed all available data including bioassessment data used by the Los Angeles Water Board for listing and other available data that were not used by the Los Angeles Water Board. State Water Board staff determined that it is necessary to include these listings because multiple LOEs show that benthic macroinvertebrate populations are impacted by a wide range of stressors.</p>
	52.3	<p>The listings for BMI bioassessments are based on the application of the Southern California Index of Biological Integrity (IBI) which is calculated by scoring bioassessment results from a receiving water location and incorporate a reference condition. The streams used to develop the index did not include any low gradient/low elevation streams in Los Angeles County.</p>	<p>The Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams by Aquatic Bioassessment Laboratory Water Pollution Control Laboratory of Department of Fish and Game describes that IBI and Measurement of Performance Characteristics were validated in this study. The distribution of IBI scores at reference and no reference sites was nearly identical between the development and validation data sets, indicating that the characterization of reference conditions and subsequent IBI scoring was repeatable. Based on a two-sample t-test model, the IBI can detect a maximum of seven biological condition categories, a result more precise than other recent estimates of IBI precision in previous studies.</p> <p>The IBI study found no relationship between the IBI scores and ecoregion, watershed area or elevation indicating that the IBI scoring is robust with respect to these variables. The ecoregion scoring adjustment probably corrects for the strongest elevation effect.</p>
	52.4	<p>Santa Clara River Reach 6 should not be listed for BMI bioassessments because no data of any kind have been provided to support a listing. The single sampling location provided in the fact sheet is actually in Reach 5 of the River.</p>	<p>The data is in fact from Reach 6, there was an error in the spatial information field of the fact sheet. The sentence in the LOE for Benthic-Macroinvertebrate Bioassessments that reads, 'One site in the Santa Clara was sampled, at the Old Road, the DPW mass emission site', is corrected to say, 'One site in the Santa Clara was sampled at the 403STC-019 monitoring station'.</p>

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		Furthermore, the IBI is for perennial streams and Reach 6 is not a perennial stream.	
	52.5	Seven water bodies in Region 9 where there were bioassessment data and co-occurring impairments were not listed by Region 9 staff for benthic community effects because the pollutants 'could not be directly associated with the benthic community effects'. The Commenter believes that this reasoning applies to Santa Clara Reaches 5 and 6 as well.	State Water Board staff recommend listing for bioassessment for these two water segments based on situation-specific weight of evidence approach. For this weight of evidence staff evaluated the Los Angeles Water Board's benthic macroinvertebrate - bioassessment listing and other available data. State Water Board staff recommended these listings because multiple LOEs show that benthic macroinvertebrate populations are impacted by a wide range of stressors. The Santa Clara River Reach 5 and 6 are both listed for multiple pollutants; the data and information were used in the weight of evidence.
	52.6	When the Integrated Report was first released on April 19, 2010, it did not contain Category 5 303(d) Listings for BMI bioassessments for Santa Clara River Reaches 5 and 6 and instead placed the listings in Category 4c. Sometime after the release the Report was amended and the listings were moved into Category 5. No justification was ever provided for the reclassification and the Santa Clara River Reach 6 Fact Sheet still includes mention of Category 4c.	There was a posting error that may have caused confusion when the Integrated Report was posted for comments on April 19. Staff corrected this error within a few hours on April 19. Staff also explained the posting error to the Sanitation Districts staff explaining that the staff recommendation is to 'List' these water segments for bioassessment and there wasn't any reclassification. No justification is needed for a web posting error. Fact sheets are prepared by both the Regional Water Boards and the State Water Boards. The Los Angeles Water Board uses a different approach when making these listing decisions. The State Water Board staff are recommending these listings based on the weight of evidence. A water body cannot be placed in Category 4C when it is already listed for several other pollutants. Both reaches of the Santa Clara River are previously listed for multiple pollutants.
	52.7	Not all readily available cyanide data for Rio Hondo Reach 2 were evaluated even though this data was submitted to the Los Angeles Water Board in February 2007.	To the knowledge of State Water Board staff, all data and information available were used by Los Angeles Water Board staff to make these listing recommendations. Regional Water Boards received the data and information for the 2010 Integrated Report. State Water Board staff were unable to locate the data

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			<p>for cyanide in Rio Hondo Reach 2 in the Region 4 administrative record. If there are additional data available that would support delisting this water body, State Water Board staff recommend that this data be submitted for the 2012 Integrated Report. The data submittal requirements can be found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml</p>
	52.8	<p>Commenter requests that the State Water Board change the methodology used to evaluate the proposed new listing of copper in Santa Clara River Reach 6. It is more appropriate to combine the data instead of separating them and then using a translator to transform total metals data into dissolved values.</p>	<p>State Water Board staff concurs with the Los Angeles Water Board that the copper dissolved fraction data are more temporally representative of conditions in the water body and more reliable than the total fraction data. No change to the Los Angeles Water Board decision is being recommended.</p>
	52.9	<p>SWAMP data used for the listing decisions for chlorpyrifos and diazinon in Santa Clara River Reach 6 was declared invalid by SWAMP for failing QA/QC protocols. Although the Los Angeles Water Board believes the data can be used because the QA/QC violations were sample holding time exceedances, there is no justification for using data that does not pass QA/QC for regulatory purposes.</p>	<p>State Water Board staff support the Los Angeles Water Board's response that these data were of sufficient quality to use for this process. If anything, a holding time violation could result in a decrease in the concentration of a pollutant so it is more than appropriate to consider exceedances using these samples.</p>
	52.10	<p>Commenter opposes the listing of Santa Clara River Reach 6 for diazinon due to the fact that a ban on diazinon has been in effect since December 31, 2004. The fact that there have been no exceedances of the threshold since January of 2006 indicates that the ban has successfully addressed the impairment.</p>	<p>State Water Board staff support the Los Angeles Water Board response to this comment. A water body cannot be delisted due to a ban on a pesticide. Water quality data showing that standards are not being exceeded for this pesticide must be presented. If there are additional data available that would support delisting this water body, State Water Board staff recommend that this data be submitted for the 2012 Integrated Report. The data submittal requirements can be found at:</p>

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Santa Ana Regional Water Board	53.1	<p>Use of E. coli single sample results to assess the REC 1 beneficial use</p> <p>Santa Ana Water Board staff asserts that the use of SSM values to conduct impairment assessments and determine the necessity of TMDLs should not rely on SSM data alone. Staff believes strongly that the Listing Policy should be revised to eliminate the use of SSMs as the sole basis for 303(d) Listing; at the most, SSM data evaluation should be limited to consideration of placement of water bodies on the Category 3 list.</p> <p>None of these waters are designated beach areas. In our view, common sense dictates that it is simply inappropriate to presume that all surface waters in this Region (and in the state and in this country) are designated beaches, with anticipated high use that warrants the most stringent SSM for notification purposes.</p> <p>In our view, productive and efficient interaction with stakeholders depends on a commitment, on both sides, to approaches and solutions that are scientifically and legally defensible. The listings themselves place a burden on Santa Ana Water Board staff and the other stakeholders in the Region to address the purported water quality problem. Where there is a</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml</p> <p>State Water Board staff reviewed the LOEs for e. coli for the 12 water bodies in the Santa Ana Region. Most of the LOEs showed exceedance of USEPA single sample maximum (SSM) value for contact recreation waters in more than 50% of the samples were used in developing the LOEs. As stated in the LOEs, the Santa Ana Water Board made inappropriate assessments by waiting to use criteria that had not yet been approved. The listing decision of the Santa Ana Water Board is not protective of the REC-1 use designated for these water bodies. It is inappropriate to fail to assess available data with current standards and to delay the assessment in order to use water quality standards that are not yet in effect.</p> <p>Clean Water Act requires the states to determine whether the current applicable water quality standards are being implemented. In the response to comments on the promulgation of the Beach Act, USEPA stated 'EPA recognizes the utility of single sample maximums where there are insufficient data (generally fewer than five samples over a given period) to compute a geometric mean for the purposes of assessing water bodies, and expects that States and Territories will use single sample maximums in these instances. While it is far preferable for States and Territories to obtain more robust data for making decisions about water body impairments (the 1986 bacteria criteria document recommends determining the geometric mean using generally not less than 5 samples equally spaced over a 30-day period), EPA recognizes that in some instances States and Territories will have limited data and may decide to use the single sample maximums or other similarly derived statistical constructs for making water body impairment decisions.' Given the quantity and frequency of data, State Water Board staff believed that it was prudent to use the single sample maxima when assessing the data used in these listing recommendations.</p>

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		demonstrable problem that is appropriate.	<p>The Santa Ana Water Board staff stated that these water bodies are not designated bathing beaches. There would need to be a Basin Plan amendment to change the objective and a rationale for the change. Plus the Santa Ana Water Board would need to go through the public process and officially designate the beaches that staff view as infrequently used beaches. Staff alone cannot choose a new single sample maximum to use based only on professional judgment. Formal action must be taken and the new standard must be approved by the State Water Board and the USEPA before it can be used in water quality assessment. In addition, in USEPA's response to comments on the BEACH act it stated ' . A State or Territory could, at its discretion, apply the single sample maximum for designated bathing beaches (the lowest single sample maximum) to all its coastal recreation waters because this approach would be more protective of human health than the structure for single sample maximums in 40 CFR 131.41(b) and (c).' Historically California has not tiered its uses and has applied one single sample maximum to all the beaches. Therefore State Water Board staff believes it is most appropriate to apply the designated bathing beach single sample maximum until such time as a formal public process is used to tier the beaches.</p> <p>Although the standards for these water bodies may change in the future, that is not a sufficient rationale for failing to list these 12 water bodies that exceeded the current USEPA fresh water standard for bacteria.</p>
	53.2	<p>Clarification on the use of the centralized database</p> <p>The State Water Board staff Report incorrectly indicates that Santa Ana Water Board staff did not use the centralized database to prepare the Santa Ana Water</p>	Comment acknowledged.

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		<p>Board staff report. Due to the large number of water body and pollutant combinations, staff used query reports from the centralized assessment database to prepare the staff report. These inconsistencies were due to problems in downloading specific information needed from the queries of the database and not because Santa Ana Water Board staff did not use the database.</p> <p>Santa Ana Water Board staff does not disagree with the proposed inclusion of these water bodies on the 303(d) List of impaired waters. In fact, we note that Chino Creek Reach 1A, Mill Creek-Prado Area and Santiago Creek Reach 4 were already on the 2006 303(d) List for the pollutants identified in the State Water Board staff Report and should remain on the 303(d) List.</p>	
	53.3	<p>Use of metals translators</p> <p>The State Water Board staff Report indicates that USEPA staff commented to the Santa Ana Water Board on the use of metals translators to evaluate metals data for the Santa Ana River and its tributaries.</p> <p>While Santa Ana Water Board staff did have discussions with USEPA staff on issues related to assessing metals data, we are not aware of any formal comments from USEPA to either the Santa Ana Water Board or to Santa Ana Water Board staff on</p>	<p>During the review of the Santa Ana Water Board listings, the State Water Board staff determined that the data translator used by the Santa Ana Water Board was not approved. However, Santa Ana Water Board staff indicated that the translator is approved as a site-specific objective. State Water Board contacted the USEPA staff to confirm the approval of the data translator. It was determined that the data translator was only appropriate for NPDES permits and was not approved as an ambient water quality standard. USEPA staff explained that using a non-approved translator is inappropriate and in the absence of an approved translator, the CTR translator should apply.</p>

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		this issue. The State Water Board staff Report should clarify this.	
Santa Ana River Dischargers Association	54.1	Commenter strongly opposes the listings for Cucamonga Creek Reach 1 for copper and lead; Santa Ana River Reach 2 for cadmium, copper, and lead; Santa Ana River Reach 3 for cadmium and lead; and Santa Ana River Reach 6 for copper and lead because State Water Board staff did not use the site-specific translators that the Santa Ana Water Board used.	Please refer to the response to comment 49.1.
	54.2	Commenter strongly opposes the listings for following water bodies for bacteria: Bolsa Chica Channel, Borrego Creek (Irvine to Barranca), Buck Gully Creek, Goldenstar, Peters Canyon Channel, Santa Ana Delhi Channel, Santa Ana River Reach 2, Temescal Creek Reach 6, Morning Canyon Creek, San Diego Creek Reach 1, San Diego Creek Reach 2, and Serrano Creek because of staff's use of USEPA's recommended criteria for E. coli.	Please refer to the response to comment 49.2.
Santa Clara Valley Urban Runoff Pollution Prevention Program	55.1	The proposed listings are overbroad to the extent they are derived from an extrapolation of site-specific data to entire water bodies. A large majority of the data used as LOEs were taken from one spot in a creek that is part of a much larger and heterogeneous system of channels. Therefore, the proposed listing of entire water bodies based on data collected from a very limited number of sites is highly questionable and should be reconsidered.	Please see response to comment 0.

Organization	Comment Number	Comment Summary	Comment Response
	55.2	<p>The proposed listings neglect to address temporal considerations, which confound accurate understanding of whether a water body is truly impacted or impaired. Management actions taken following the date of collection of monitoring and assessment data have likely improved the condition of some water bodies proposed for listing, potentially to the point of rendering such proposed listings unnecessary. Only data representing 'current,' post-management action, conditions should be used in determining whether there is a degree of impairment necessitating a new 303(d) Listing.</p>	Please see response to comment 0.
	55.3	<p>Due to the lack of consideration of temporal variability, and the effect of implementation of management actions following initial data collection, commenter requests that the trash assessment data collected during initial evaluations be removed from the dataset used to assess the conditions of creek reaches, and the proposed listings be revised accordingly.</p>	Please see response to comment 0.
	55.4	<p>The proposed listings are flawed due to the omission of SCVURPPP water quality data submitted in response to the Water Board's Public Solicitation for Water Quality Information. The data was for total and dissolved metal concentrations, and aquatic toxicity. Commenter requests that:</p> <p>1) SCVURPPP's data is added to the dataset for which the proposed listings are</p>	Please see response to comment 0.

Organization	Comment Number	Comment Summary	Comment Response
		<p>based (and replace older, outdated data where applicable); 2) The listing recommendations be revised (as needed) based on the inclusion SCVURPPP data; and 3) The new listing recommendations be re-released for public comment.</p>	
	55.5	<p>The proposed listings are overbroad to the extent that they fail to evaluate the effect of anticipated control measures. These listings erroneously assume that the (sometimes already outdated) measured conditions on which they are based are static and not subject to change based on the application of technology-based control measures to the water segments in question, such as those being contemplated for inclusion in the new Municipal Regional Permit (MRP).</p>	Please see response to comment 0.
	55.6	<p>The Water Board needs to comply with the California Environmental Quality Act (CEQA) and analyze the potential environmental impacts of the proposed listings and assess the technical feasibility and economic reasonableness of applying their associated water quality standards to stormwater before proceeding.</p>	Please see response to comment 0.
	55.7	<p>Rapid trash assessment (RTA) data does not provide an accurate basis for assessing impairment and overemphasizes worst case/high problem area conditions. Commenter questions the propriety and accuracy of concluding impairment exists in, and throughout the nine Santa Clara</p>	Please see response to comment 0.

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		<p>creeks proposed for listing based on RTA scores reflecting pre-selected, worst case, particularly problematic conditions. Commenter requests the listings be limited to the particular sites or reaches of the water body where trash assessments were conducted.</p>	
	55.8	<p>The Rapid Trash Assessment methods underlying the proposed listings have neither been scientifically validated or subject to peer and public review.</p>	Please see response to comment 0.
	55.9	<p>The methods and data used in the impairment evaluation need to satisfy requirements described under Section 6.1.4 (Data Quality) and Section 6.1.5 (Data Quantity) of the Listing Policy. Standards for data quality and quantity should also be developed before using these methods and data to evaluate impairment.</p>	Please see response to comment 0.
	55.10	<p>The methods used by Water Board staff to develop RTA scores from photographic evidence should be fully evaluated by an objective third party to assess how defensible and reproducible they are.</p>	Please see response to comment 0.
	55.11	<p>The subjectivity in RTA/URTA Parameter #1, (Qualitative level of trash) should be fully evaluated prior to using as a LOE for 303(d) Listings. Interpretation of 'high', 'medium' and 'low' levels of trash is inherently highly subjective and varies among different field staff conducting the assessments</p>	Please see response to comment 0.

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	55.12	It is highly likely that trash items above the high water line were not impacting the water body at the time of the assessment and therefore should not be included in evaluation of impairment.	Please see response to comment 0.
	55.13	The thresholds used to define when impairment is present are arbitrary and fail to account for site specific conditions. The number of total 'transportable and persistent' trash items (Parameter 3) used to define impairment is arbitrarily set at >50 for the RTA and >76 for the URTA. These thresholds are inconsistent and have no linkage to actual impacts to the water body.	Please see response to comment 0.
	55.14	The shoreline listings for trash are vague, overbroad and require more specific definition.	Please see response to comment 0.
	55.15	The proposed listing of Coyote Creek is overbroad and premature given the limitations of existing data; at a minimum, the listing should be geographically restricted.	Please see response to comment 0.
	55.16	Existing trash assessment data [on Coyote Creek], including photographic evidence, are based on a single assessment conducted at each site.	Please see response to comment 0.
	55.17	The Proposed listing of the Guadalupe River is overbroad and should at least be geographically restricted.	Please see response to comment 0.
	55.18	'The proposed listing of Lower Silver Creek	Please see response to comment 0.

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		is contrary to the weight of evidence and not otherwise adequately supported or geographically restricted	
	55.19	The proposed listing of Lower Silver Creek is contrary to the weight of evidence and not otherwise adequately supported or geographically restricted. Water Board impairment threshold for Parameter 3 was not met at two of the sites. Data is based on a single trash assessment at each site.	There were two sites on this water body where poor condition scores were observed indicating threat to Wildlife Habitat beneficial use. Although there are sufficient data to establish that trash and other pollutants exceed water quality standards in many water bodies, there is insufficient data or information to be certain that such exceedances only exist in the locations surveyed. There are no data available that indicate significant differences in land uses, inflow, or discharge inputs to support decisions about water body segmentation. Rather than restrict the proposed trash listing to those discrete locations where trash surveys were conducted, staff's approach at this time is to recommend listing entire water bodies as impaired.
	55.20	The proposed listing of Matadero Creek is overbroad and based on marginal data that is too limited and unrepresentative. The data used is not representative of the range of trash conditions found in the creek.	Please see response to comment 0.
	55.21	The proposed listing of Permanente Creek is far too overbroad. Existing RTA data were collected at one location in the low gradient reach just above tidally influenced area. The data used is not representative of the range of conditions found in the creek.	Please see response to comment 0.
	55.22	The proposed listing of San Francisquito Creek lacks sufficient specificity and supporting evidence for the majority of its reaches. The data used is not representative of the range of trash conditions found in the creek.	Please see response to comment 0.

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	55.23	The proposed listing of Saratoga Creek requires geographical restriction based on all available evidence. Existing URTA data consist of two assessments conducted at one location in Saratoga Creek (i.e., El Camino Real), approximately 1 mile upstream of its confluence with San Tomas Aquino Creek. Additional information collected by SCVURPPP during a continuous creek walk of the 7-mile section of creek (between Bollinger Av and Highway 9 upstream of the City of Saratoga) confirms that these creek upper reaches are not impacted by trash.	Please see response to comment 0.
	55.24	The proposed listing of Stevens Creek is not supported by the weight of evidence.	Please see response to comment 0.
	55.25	The proposed listing of San Tomas Aquino Creek is far too overbroad. Existing URTA data were collected at three hotspot locations within approximately 9-mile reach between Highway 101 and Westmont Avenue. A high degree of uncertainty remains as to whether there is a persistent level of trash at these sites.	Please see response to comment 0.
	55.26	The proposed total selenium listing for Permanente Creek should be geographically restricted.	Please see response to comment 0.
	55.27	Listing of Permanente Creek for Total Selenium should apply only to the upper reaches of the creek. Because the data used was collected from the highest elevation site (PER070).	Please see response to comment 0.

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	55.28	The proposed toxicity listing for Permanente Creek is not supported by the weight of evidence and should be dropped. Due to the ubiquitous nature of chronic toxicity in receiving waters, and the validity of text with regard to impairment, commenter requests that chronic toxicity data be removed from consideration.	Please see response to comment 0.
	55.29	The proposed listing for water temperature in Stevens Creek should be seasonally and geographically limited. Based on the data used, commenter requests that the listing be limited to the lower reaches during the summer months.	Please see response to comment 0.
Sierra Club, Redwood Chapter	56.1	The proposed 303(d) List now under consideration no longer lists any completion date or priority for the Navarro River sediment TMDL, only the USEPA TMDL approval date of 2000. The 2006 303(d) List revised the completion date to 2019, 24 years after the initial high priority rating, which has since been removed. The State seems to give the impression that it has no responsibility for the actual completion of the implementation plans.	The Navarro River Sediment TMDL was included in Resolution R1-2004-0087, TMDL Implementation Policy for Sediment Impaired Receiving Waters in the North Coast Region, adopted by the North Coast Water Board in November 2004. Water Board staff are in the process of developing work plans that will set watershed priorities for addressing sediment and describe how and when implementation actions will be taken at a watershed-specific level throughout the North Coast Region. The Navarro River will be included in this effort.
	56.2	The draft list fails to make any clear commitment as to when each impaired watershed will have an approved action plan in place.	The TMDL completion date is prepared by the Regional Water Boards and is included in the Integrated Report 303(d) list, Category 5.
	56.3	The format of the 303(d) List should be revised. The 303(d) List should be separated from the 305(b) list as it was in	Comment acknowledged.

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		the past.	
Sierra Club Ventana Chapter	57.1	The Integrated Report shows J. Frediani as submitting the recent data (2002-2007) provided to the Central Coast Water Board in support of delisting San Vicente Creek. This is incorrect as the commenter maintains that San Vicente Creek should remain 303(d) Listed as impaired for sediment and turbidity. The recent data was submitted by M. Duffy from Redwood Empire.	This correction has been made.
	57.2	The public has not had sufficient time to review and respond to the data provided to delist San Vicente Creek for sedimentation/siltation. Commenter believes that this is a violation of the State's own review process, which is a violation of CEQA and should not occur.	<p>The Central Coast Water Board agreed that the decision should be delayed until the State Water Board meeting, which was anticipated to be six months after the Central Coast Water Board approved their Integrated Report so that the new data could go through the 2010 Statewide Integrated Report public process. According to the staff, no member of the Central Coast Water Board said that this data should be delayed until the next reporting cycle.</p> <p>The public had a 45 day comment period to review the 2010 Statewide Integrated Report. The 2010 Integrated Report is a compilation of the Regional Water Boards 2008 Integrated Report which highlighted the recommended changes made to the San Francisco Bay Region's 2008 Integrated Reports.</p> <p>CEQA does not apply in developing the Clean Water Act 303(d) List.</p>
	57.3	Department of Fish and Game Habitat Assessment shows 57 pools out of 70 had high levels of embeddedness (high sediment) in San Vicente Creek.	Staff agrees that turbidity data are inadequate to determine if an adverse biological response (specifically sedimentation) can be determined, especially when compared to the Drinking Water MCL of 5 NTUs. Staff has evaluated the habitat typing data summarized in the Central Coast Water Board administrative

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			<p>record. This data includes visual estimates of cobble embeddedness or the percent of the cobble that is buried in fine sediment in pool tail-outs. Based on the estimated percent embeddedness, the report states that 57 of 70 pool tail outs had embeddedness rating greater than 50%. However, these data are inadequate to stand alone as the basis for placing San Vicente Creek on the 303(d) List because: a) there is no evaluation guideline available that meets the requirements of the section 6.1.3 of the Listing Policy to interpret the narrative objective, and b) there is no QA documentation associated with the report that summarized these data as required in section 6.1.4 of the Listing Policy. Therefore, staff recommend removal of San Vicente Creek from the 303(d) List for sedimentation based on the available turbidity data and information.</p>
	57.4	<p>The August 2009 Lockheed fire, which burned a significant acreage in the upper, forested watershed, has the potential to release large amounts of sediment into the watercourse.</p>	<p>Listing recommendations are made based on available data and information on current conditions. In the future, if data shows that turbidity standards are not being met in this water body then it will be listed for turbidity impairment.</p>
	57.5	<p>Turbidity levels are directly connected to precipitation levels and commenter provides information to show measurable turbidity is related to amount of precipitation and most likely to saturated soil conditions. The highest peak rainfall recorded was December of 2003 and turbidity data sheets for 2003 were missing from the submission to delist.</p>	<p>Staff must use all available data and information to support listing recommendations. State Water Board staff are not able to confirm the unused data. All data provided by the Central Coast Water Board were used in the State Water Board staff recommendation.</p> <p>Furthermore, the commenter's analysis only uses two of the four seasons available. Staff cannot choose to omit some data arbitrarily. To address this comment, Central Coast Water Board staff has also conducted an additional analysis of all available data removing the dry weather months (June - October). Based on this analysis, a total of 1027 samples were collected and 157 of those exceed the Drinking Water MCL of 5 NTUs. According to</p>

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			<p>the Listing Policy section 3.2, this supports removal of San Vicente Creek from the 303(d) List as the Drinking Water beneficial use is not impaired by turbidity, even when four summer months are removed from analysis.</p>
Turlock Irrigation District	58.1	<p>The commenter opposes the listing of Highline Canal for Simanize and the listing of Harding Drain for HCB, alpha BHC, and Lindane due to the fact that these water bodies are man-made and the MUN beneficial use does not exist.</p>	<p>Please see response to comment 0.</p>
United States Department of Agriculture	59.1	<p>Commenter is conducting water-quality related projects and will continue to improve conditions in Holcomb Creek and Crab Creek. Maps of projects and photos of road conditions are submitted.</p>	<p>Comment acknowledged.</p>
United States Environmental Protection Agency	60.1	<p>Coastal Beach Bacteria Assessments</p> <p>The assessment for indicator bacteria at the State's beaches we observe apparent inconsistencies in assessments. We encourage the State to ensure that all aspects of applicable water quality standards are assessed and Listing Policy is used in a way consistent with those standards. In particular, we urge consistency with regards to evaluation of data gathered from April 1st through October 31st. For example, it appears that some beaches did not have dry season beach bacteria data evaluated against the geomean portion of the standard using a four percent exceedance threshold for April 1st to October 31st in keeping with Section</p>	<p>Comments acknowledged</p>

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		<p>3.3 of the Listing Policy. Other beaches, however, were evaluated using only the full year's data against the geomean portion of the standard using a ten percent exceedance threshold. In some cases commenter has found errors in assessments.</p>	
	60.2	<p>Pacific Ocean Shoreline, Aliso HSA, at Aliso Beach-middle, the geomean data was evaluated improperly as the number of exceedances are above the assessment threshold.</p>	<p>Staff reviewed the data for the Pacific Ocean Shoreline, Aliso HSA, at Aliso Beach-middle. The geomean data calculation has been corrected in one LOE, which resulted in the numbers of exceedances above the assessment threshold. The Staff recommendation changed from 'Delist' to 'Do Not Delist'.</p>
	60.3	<p>Commenter identified concerns with the following beach assessments</p> <ol style="list-style-type: none"> 1. Pacific Ocean at Goleta Beach (Santa Barbara County) 2. Pacific Ocean at Pismo Beach (San Luis Obispo County) 3. Pacific Ocean at Pismo Beach (San Luis Obispo County), Park Ave. 4. Pacific Ocean at Pismo Beach (San Luis Obispo County), south of Pismo Pier 5. Pacific Ocean at Rio Del Mar (Santa Cruz County) 6. Pacific Ocean at Stillwater Cove Beach 7. Pacific Ocean at Carpinteria State Beach (Carpinteria Creek mouth, Santa Barbara County) 8. Pacific Ocean at Jalama Beach (Santa Barbara County) 9. Pacific Ocean at Refugio Beach (Santa Barbara County) 	<p>Staff reviewed the bacteria data for nine water bodies in the Central Coast Region described in the comment letter. Staff recommendation has changed for five water body - pollutant combinations based on evaluation of the dry weather data that was not included in the Central Coast Region assessment:</p> <ol style="list-style-type: none"> 1. Pacific Ocean at Pismo Beach (San Luis Obispo County), south of Pismo Pier - Fecal Coliform. The recommendation changes from 'Do Not List' to 'List' 2. Pacific Ocean at Stillwater Cove Beach - enterococcus. The recommendation changes from 'Do not list' to 'List' 3. Pacific Ocean at Jalama Beach (Santa Barbara County) - Total Coliform. The recommendation changes from 'Delist' to 'Do not Delist' 4. Pacific Ocean at Refugio Beach (Santa Barbara County) - Total Coliform. The recommendation changes from 'Delist' to 'Do Not Delist'. <p>Recommendations for the remaining four water body pollutant</p>

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		Upon receipt of the State's final 2010 Integrated Report, USEPA will further review the State's assessments of beaches for bacteria.	combinations have not changed.
	60.4	For the Santa Ana Region, EPA supports the State's decision to list 12 water bodies recommended for listing that exceeded applicable water quality standards for E. coli. USEPA recognizes that new standards are being developed; however, federal listing regulations require states to determine whether the current applicable water quality standards are being implemented. Santa Ana Water Board initially made assessments using inappropriate criteria not protective of the REC-1 use designated for these water bodies. It is not appropriate to assess against uses or water quality standards that have not been approved by USEPA. Thus, commenter supports the State Water Board staff recommendations.	Comments acknowledged
	60.5	<p data-bbox="583 1040 772 1073">Bioassessment</p> <p data-bbox="583 1101 1108 1377">Commenter supports the State's inclusion of several water bodies on the 303(d) List based on bioassessment data showing poor or very poor water quality conditions. The State used the Southern California Index of Biotic Integrity for assessment decisions in southern California and USEPA finds the State's use of this metric to be reasonable and technically sound.</p>	Comments acknowledged

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	60.6	<p data-bbox="583 305 961 337">California Toxics Rule concerns</p> <p data-bbox="583 370 1108 881">Commenter also supports the State's decision for the Santa Ana Region with respect to listing water bodies for metals. After the Santa Ana Water Board adopted their portion of the Integrated Report, it came to commenter's attention that some water bodies were not evaluated against CTR criteria but instead against dissolved-to-total metal translators which were not approved as part of an applicable water quality standard. Commenter believes the State appropriately performed a new assessment using the default CTR translators as the evaluation guideline. We support the State Water Board staff's proposed listing of the following water body-pollutant combinations:</p> <ol data-bbox="583 914 1108 1157" style="list-style-type: none"> 1. Cucamonga Creek Reach 1 (copper and lead) 2. Santa Ana River Reach 2 (cadmium, copper and lead) 3. Santa Ana River Reach 3 (cadmium and lead) 4. Santa Ana River Reach 6 (copper and lead) 	Comments acknowledged
	60.7	<p data-bbox="583 1190 1108 1312">Commenter remains concerned that there are still some water bodies and pollutants in the Lahontan Region that were not evaluated using appropriate CTR criteria</p> <ol data-bbox="583 1344 1108 1401" style="list-style-type: none"> 1. Amargosa River, Nevada border to Tecopa (arsenic and copper) 	<p data-bbox="1129 1190 1906 1369">Staff reviewed the data and information for the three segments of the Amargosa River described in the comment. The water quality data show that Arsenic exceeded the CTR Fresh Water Criteria in the associated LOES. The listing recommendation for these three water bodies has been changed to 'List' for Arsenic. The recommendation for Copper has not changed.</p>

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		<p>2. Amargosa River, Tecopa to Upper Canyon (arsenic) 3. Amargosa River, Upper Canyon to Willow Creek confluence (arsenic and copper).</p> <p>It is not clear what water quality standard the State believes to be applicable. USEPA requests that the State clarify which water quality standard is being used to assess these water bodies and ensure the data for these water bodies are correctly assessed against the applicable water quality standard.</p>	
	60.8	<p>Newly Assessed Data and Additional Listings in the Lahontan Region:</p> <p>Commenter supports the State Water Board staff recommendation to both assess and as a result of that assessment, to list a number of water bodies in the Lahontan Region for multiple pollutants, including turbidity, total dissolved solids, and a variety of chemical-specific constituents. Commenter also support the State Water Board staff for assessing the existing temperature data, as USEPA recommended in their testimony at the Lahontan Water Board adoption hearing for that portion of the Integrated Report.</p>	Comments acknowledged
Ventura Citizens for Hillside Protection	61.1	<p>Commenter strongly supports the 1,464 new impaired water body-pollutant combinations proposed for addition to the 303(d) List.</p>	Comment acknowledged.

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Ventura County Watershed Protection District	62.1	<p>Benthic-macroinvertebrate listing in Malibu Creek watershed (decisions 17209, 17210)</p> <p>The listings don't meet the criteria of the listing policy section 3.9. No baseline has been developed as a reference to determine conditions. The data set used for listing is insufficient (15 samples) and a significant rainy season was not evaluated. Listing doesn't discuss association with other pollutants (section 3.9 of policy).</p>	<p>Listing Policy requires that all data and information shall be analyzed under provisions of the Listing Policy using a weight-of-evidence approach. The weight of evidence is used whether the evidence is in favor of or against placing waters on or removing waters from Section 303(d) List. Listing Policy Section 3 'California Listing Factors' describes that 'water segments shall be placed on section 303(d) List if any of the conditions of the Section 3 is met. The listing factors to identify the impairments are not limited to using a water quality standard alone. The LOE describes the data and information and the listing factor used for water quality assessment.</p> <p>The State Water Board staff recommendation is based on situation-specific weight of evidence approach. For this weight of evidence staff evaluated the Los Angeles Water Board benthic macroinvertebrate –bioassessment listing and other available data. The State Water Board staff recommended these listings because additional data analyses and multiple LOEs show that benthic macroinvertebrate populations are impacted by a wide range of stressors.</p>
	62.2	<p>The reference site used to determine degradation of Malibu Creek Watershed is not appropriate, it's located outside of watershed area and has different conditions. Listed sites are not adequately compared to the reference site because habitat and water quality was not evaluated (section 6.1.5.8). Also, new bio objectives references sites are still in the process of being developed and not available for this listing. This causes the involved parties to invest funding in uncertain objectives.</p>	<p>The Quantitative Tool for Assessing the Integrity of Southern Coastal California Streams by Aquatic Bioassessment Laboratory Water Pollution Control Laboratory of Department of Fish and Game describes that IBI and Measurement of Performance Characteristics were validated in this study. The distribution of IBI scores at reference and no reference sites was nearly identical between the conditions and subsequent IBI scoring was repeatable. Based on a two-sample t-test model, the IBI can detect a maximum of seven biological condition categories, a result more precise than other recent estimates of IBI precision in previous studies.</p> <p>The IBI study found no relationship between the IBI scores and ecoregion, watershed area or elevation indicating that the IBI scoring is robust with respect to these variables. The ecoregion</p>

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			<p>scoring adjustment probably corrects for the strongest elevation effect.</p> <p>The State Water Board staff recommend listing for bioassessment for these water segments based on situation-specific weight of evidence approach. For this weight of evidence staff evaluated the Los Angeles Water Board benthic macroinvertebrate -bioassessment listing and other available data. The State Water Board staff recommended these listings because multiple LOEs show that benthic macroinvertebrate populations are impacted by a wide range of stressors.</p> <p>IBI scores are the best available tool in assessment of benthic water quality data determining the biological community impairment in streams and rivers. The development of statewide bio objective criteria is years away. Staff will be using the bio-objective criteria for future assessment when the criteria become available.</p>
	62.3	Impact of the USEPA and Heal the Bay Consent Decree. Delay listing of Malibu Creek (17209) and Medea Creek Reach 2 (17210) for benthic macroinvertebrate bioassessment.	<p>State Water Board was not a party to the TMDL Consent Decree. The State Water Board staff reviewed all data and information according to the requirements of the Listing Policy. The State Water Board staff listing recommendations are based on the multiple LOEs.</p> <p>USEPA will be approving the State's final 303(d) List and at that time USEPA will approve or disapprove these listings.</p>
Ventura Coastkeeper	63.1	Support for all listings, specifically Ventura County water bodies: Calleguas Creek Watershed, Santa Clara River Watershed, and Ventura River Watershed.	Comment acknowledged.