Item 8
Bay Protection Program
December 16, 1998

Responses to Comments on the November 18, 1998 Regional Toxic Hot Spot Cleanup Plan

Revised, December 14, 1998

Eleven letters of comment and additional comments have been received on the draft regional toxic hot spot cleanup plan through December 13. Tables 1-1 and 1-2, attached, summarize staff's responses to the comments.

The comments are numbered according to the person or organization making the comment.

NAME	AFFILIATION	COMMENT NUMBER
Professor Edward Wei (Peer review)	University of California, Berkeley	A-
(Second peer reviewer)	(Not received by December 14)	B-
(Third peer reviewer)	(Not received by December 14)	C-
Bill Paznokas, Don Lollock	Department of Fish and Game (California Endangered Species Act consultation, by phone and by letter)	CESA-
Craig J. Wilson	State Board, Bay Protection program manager (by phone)	1-
Ruth Kolb	Port of San Diego	2-
Nicole Capretz	Environmental Health Coalition	3-
Harvey Porter	Continental Maritime (comment at Nov. 18, 1998 Regional Board workshop)	4-
Michael Chee	National Steel and Shipbuilding Company	5-
James Peugh	San Diego Audubon Society	6-
Brian Gordon	Navy COMNAVBASE (by phone)	7-
Jim Coatsworth	Friends of South Bay Wildlife	8-
Patricia W. McCoy	Southwest Wetlands Interpretive Association	9-
Oscar Gonzales	Surfrider Foundation	10-
Jason Flores	Citizen	11-

Summary of Comments on the November 8, 1998 Draft Cleanup Plan

December 11, 1998

COMMENT	COMMENT NUMBER	STAFF RESPONSE*
1. Lab tests do not mimic nature	A-4, A-6	Agree. The best tests available were used.
2. Rank all six toxic hot spots "high priority"*	CESA-1, 3-2, 3-3, 6-2, 8-2, 9-2, 10-2, 11-2	The Board may rank all sites as either high or moderate priority.*
3. Use 1998 Puget Sound chemistry values	2-5	There is not enough time or funding to reevaluate data.
4. Use "dredging" sampling procedures instead of Bay Protection Program procedures	2-9	The science committee rejected this option.
5. Do not require elevated chemistry at all stations	3-1	This would weaken the definition.
6. Do not use ERMs	2-6	ERMs are not used as standards.
7. Use ERMs	5-4, 5-5	The science committee rejected this option.
8. Use a different statistical approach	5-6	There is not enough time or funding to reevaluate data.
9. Use only the latest sampling data	5-8, 5-9	Agree. Decision Table 3 was revised to allow hot spots to "clean themselves up."
10. Do not focus on the nearest shore-side facility as the probable source of pollutants*	7-4	Agree. Recommend revision of Part III of Plan starting on Page 23.*
11. Do not use fish to define toxic hot spots	7-6	The 1998 State Board Policy calls for the use of fish tissue levels for defining hot spots.
12. Take chemical interferences into account	7-7	Agree. Elevated chemistry is not scored if interferences are present.

* See Attachment 7 for discussion of Comments 2 and 10 above.

Table 1-1. Responses to Comments on Peer Review and California Endangered Species Act Consultation

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
A-1 (Professor Edward T. Wei, University of California Berkeley School of Public Health, Nov. 30, 1998)	The data reports are of excellent quality and will allow the goal to be met of identifying sites of excess contamination.		No revision requested	
A-2	The plan uses jargon, such as ERM, repeat amphipod sediment toxicity, and other terms.	Agree. A glossary was provided to explain the terms. The cleanup plan is a document based on highly technical information, which out of necessity requires the use of specific terms.	No revision needed.	
A-3	The State Board's September 1996 report appears to promote new analytical method such as the P-450 test for benzo(a)pyrene equivalents, but the report does not explain why the tests results were included.	The overall approach of the Bay Protection Program for identifying and ranking hot spots is new. At the request of staffs of the regional boards, the "so what?" question is: Does is appear that water or sediment quality does not support beneficial uses; and if so, why not? This approach requires that for the regional boards to take action, that an apparent cause-and-effect relationship be established between the "discharge of waste" and an impact on beneficial uses, such as sediment toxicity or degraded bottom communities. The P-450 test is one method, out of several new methods, being evaluated for establishing the relationship between toxicity and the presence of chemicals.	No revision requested	

continued

Table 1.1, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
A-4	Microcosm test results, such as those from bioassay or sediment toxicity tests, cannot accurately predict toxicity effects found in nature.	The bioassay tests used, such as the amphipod survival/toxicity tests, are not used alone in defining the presence of toxic hot spots. Under Definition 2, the State Board's Policy requires repeat toxicity measurements associated with elevated chemistry. The San Diego regional cleanup plan decision tables require elevated chemistry at a station also be measured on the same dates as toxicity was reported. Staff believes that only the worst of the worst sites will be identified under this rigorous process.	No revision requested	
A-5	Why did the September 1996 report identify the areas of bay bottom considered to be toxic? For example, 56 percent of the San Diego Bay bottom was identified as being toxic to amphipods. Why is this information important?	Two approaches were used in assessing the San Diego Bay bottom, the EMAP approach and the reference envelope approach. Because the EMAP approach requires random station placement, the areas of bay bottom considered to be "toxic" can be determined. The EMAP method allows the bay bottom areas considered toxic to be compared between bays, and this has been done by the National Oceanic and Atmospheric Administration (NOAA). The reference envelope approach, in contrast, does not require that stations be located randomly, so the areas considered to be toxic cannot be determined. The strength of the reference envelope approach is that *relative* toxicity levels can be determined and adjusted for a particular bay or series of bays. By using this approach, background levels of toxicity can be determined, so that the worst sites can be identified. The EMAP approach, however, does not lend itself to identifying the worst of the worst sites.	No revision requested	

continued

Table 1.1, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
A-6	Be cautious in linking the results from toxicity testing and benthic community analysis with environmental degradation.	Agree. The State Board's Policy and the San Diego Region's decision tables are scientifically conservative. Staff believes the approach will identify only the worst of the worst sites.	No revision requested	
A-7	In the author's opinion, elevated chemistry levels alone in sediment may provide the best information for identifying toxic hot spots, although bioavailability issues may remain unresolved.	By law, the regional boards are required to take into account the effects of chemical wastes on "beneficial uses." The bioavailability of chemicals therefore plays a major role in helping the regional board determine its actions.	No revision requested	
CESA-1 (William Paznokas, Calif. Dept. of Fish and Game, Calif. Endangered Species Act Consultation, Dec. 9 by phone,)	All six hot spots should be ranked high priority.	The Ranking Criteria, Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.
CESA-2 (Donald Lollock letter received Dec. 11)	The Department of Fish and Game previously conducted a CESA consultation on the State Board's Policy for regional cleanup plans		No revision requested	
CESA-3	Request further consultation for specific cleanup plans.	Agree.	No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
CESA-4	Address under the Total Maximum Daily Load (TMDL) process all "sites of concern" ranked in the State Board's data reports as high priority. Sites of concern could prove to be toxic hot spots.	The TMDL process, watershed management approach, storm water NPDES program, and point source NPDES program will be brought into play as appropriate. Currently, the Regional Board is undertaking two TMDLs, one of which is in the Chollas Creek watershed.	No revision requested	
CESA-5	Adoption of the regional cleanup plan will not, in itself, jeopardize the existence of endangered or threatened species, result in critical habitat destruction, assuming these comments are acted upon by the Board.		No revision requested	
CESA-6	Adoption of the regional cleanup plan will not, in itself, result in the taking of endangered or threatened species.		No revision requested	
CESA-7	The Department of Fish and Game requests further consultation during preparation of individual cleanup plans.	Agree.	No revision requested	

Table 1-2. Responses to Public Comments on the Cleanup Plan

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
1-1 (Craig J. Wilson, State Water Resources Control Board, personal communication)	The reference to sites of concern in the sampling section of the State Board's *Water Quality Control Policy for Guidance on Development of Regional Toxic Hot Spot Cleanup Plans* is not a statewide definition. The regions may designate their sites of concern according to their regional approaches.	In the November 8, 1998 version of the Plan, a misunderstood "definition" for a site of concern was used which included single biologic hits or chemistry hits alone. In the revised regional cleanup plan, however, single biologic or chemistry hits alone will not qualify a site as a site of concern. The Sites of Concern table was modified so that either of these conditions would need to be true: (1) the site or station had a single aquatic impact hit and an elevated chemistry hit on the same date; or (2) the site was classified as a high priority site by the Department of Fish and Game in the BPTCP data reports.	Yes. The list of sites of concern list was adjusted. Twenty-five sites are now on the list.	Sites of Concern table in the Plan
2-1 (Ruth Kolb, Port of San Diego, Nov. 3, 1998)	Provide written materials for which comments are requested.	Two hard copies of all reports and plans were provided for public review at the Regional Board office. Because of the shortened time period in which to hold the two staff workshops, a Regional Board workshop, and the Regional Board hearing there would not have been time to mail out hard copies to everyone. Therefore, notices and data were published on two web sites, the State Board's and the Regional Board's; and handouts were presented at two staff workshops.	No revision requested	
2-2	Consider the recommendations of the BPTCP Advisory Committee.	The recommendations were considered in the State Board's Policy adopted on September 2, 1998.	No revision requested	Water Quality Control Policy for Guidance on Development of Regional Toxic Hot Spot Cleanup Plans

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
2-3	Clarify the data used to identify toxic hot spots.	The San Diego Region requested that the State Board issue the final copy of the BPTCP Addendum Report for the San Diego Bay Region. The report was approved and mailed to the Port of San Diego on November 19, 1998. Previous reports addressed Mission Bay, San Diego Bay, and the Tijuana Estuary; and coastal lagoons and harbors.	No revision requested	
2-4	Avoid using the Woodward-Clyde PAH report completed for the San Diego Interagency Water Quality Panel as justification for listing the B Street Pier area as a toxic hot spot.	The Woodward-Clyde report data was not used. Only the BPTCP sediment sampling data was used for identifying candidate toxic hot spots.	No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
2-5	The Board should use the revised 1998 Puget Sound "reason to believe" sediment screening chemistry values in place of NOAA's Effects Range Median (ERM) values.	The regional State of Washington values were not designed for use in California. The Puget Sound values were designed for a tiered dredging approach in which toxicity and bioaccumulation tests are run after the chemistry evaluation. The BPTCP Scientific Planning and Review Committee (SPARC) in public meetings agreed that the ERMs should be used. Various chemistry options were considered during the early to middle 1990s, such as apparent effects thresholds (AETs) and other measures. The Puget Sound ocean disposal sediment screening levels have been available, but were not adopted. The Puget Sound screening levels were provided to the Regional Board by the Port of San Diego, but without documentation of the methods, uses, and quality assurance implications of the values. If the revised 1998 Puget Sound values, which were not available in 1996, were to be substituted at this point in the process, it would be impossible to meet the June 30, 1999 mandated deadline for submission of the consolidated toxic hot spot cleanup plan to the Legislature. No funding has been identified to reevaluate the using the Puget Sound values.	No. Staff believes the ERM and PEL approach should be used. Substituting the Puget Sound values would delay the project for an indefinite time.	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
2-6	Public review and comment are required if ERMs are used as a standard for sediment chemistry hits.	The ERM values are not used as standards. No cleanups are required by the plan or by the legislation. Any cleanup standards would be considered by the Regional Board under separate actions and on a case by case basis.	No. ERMs will not be used as standards.	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
2-7	Amphipod toxicity standards are required using control samples and a reference site study.	Both the EMAP and reference envelope toxicity comparisons used controls. Control samples used clean sediment taken from the source of the amphipods, in this case, from Yaquina Bay, Oregon. Reference envelope stations had both measured chemistry levels which were not elevated and healthy benthic communities.	No. No standards are being proposed.	
2-8	What statistical analyses were used to determine amphipod toxicity?	The Policy requires the reference envelope control stations be used where that data is available for the identification of toxic hot spots (Mission Bay, San Diego Bay, and Tijuana Estuary). If data is insufficient, the t-test comparison to controls and the value of $\geq$ 80 percent of controls is used to identify toxic samples. This has been called the "EMAP" approach.	No revision requested	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
2-9	Use amphipod reference and control sampling procedures similar to the Ocean Disposal Protocol.	No cleanups or ocean disposal activities are required by this plan. The BPTCP Scientific Planning and Review Committee in public meetings agreed that sampling protocols and analysis procedures were appropriate and reflect state of the science. Bay Protection protocols evolved from previous national projects (Status and Trends and EMAP) rather than regional projects.	No. Staff recommends the Bay Protection science committee (SPARC) procedures be used.	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
2-10	Identify the water and sediment objectives in the Approach, Table 1, No. 3 [Do water or sediment chemical measurements at the site exceed water objectives or sediment quality objectives for toxic pollutants found in the San Diego Basin Plan, California Ocean Plan, or other appropriate water quality control plan?].	Only Definitions 2 and 5 were used to designate toxic hot spots. The decision to use another "... appropriate water quality control plan ..." would have to be determined by the Regional Board if definition 1 were used. Definition 1, relating to water or sediment chemistry, was not used because enough "triad" data was available. Triad data is covered by definitions 2 (repeat toxicity with elevated chemistry) and 5 (multiple degraded benthic communities with elevated chemistry).	No revision requested	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
2-11	Do the water quality control plans mentioned in Table 1, No. 5 cover sediment testing?	At the present time, sediment testing methods are not covered in the Basin Plan or Ocean Plan.	No revision requested	
2-12	How is the correlation determined between shellfish tissue contamination and a health advisory as mentioned in Table 5, No. 2?	No guidance was provided in the Policy to determine association between a health advisory and sediment or water contamination. Definition 1 was not used in the San Diego Plan to designate toxic hot spots.	No revision requested	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
2-13	How is the correlation determined between fin-fish tissue contamination and a health advisory as mentioned in Table 5, No. 2?	No guidance was provided in the Policy to determine association between a health advisory and tissue contamination. Definition 1 was not used in the San Diego Plan to designate toxic hot spots.	No revision requested	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
2-14	Define "contiguous" as mentioned in Table 7, No. 6.	Contiguous stations are next to each other with no intervening stations.	No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
2-15	Clarify the criteria for sediment toxicity as discussed in the workshop.	The Policy requires the reference envelope control stations be used where that data is available for the identification of toxic hot spots (Mission Bay, San Diego Bay, and Tijuana Estuary). If data is insufficient, the t-test comparison to controls and the value of $\geq$ 80 percent of controls is used to identify toxic samples. This has been called the "EMAP" approach. Since Definition 2 from the State Board's Policy requires repeat toxicity on different dates, a second toxicity observation with elevated chemistry would be required to define a toxic hot spot based on Definition 2.	No revision requested	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
2-16	Will there be future testing of water bodies for this program?	The Regional Board is not aware of legislation having been introduced or funding budgeted by the State board to continue this project.	No revision requested	
2-17 (Ruth Kolb, Port of San Diego, Dec. 1, 1998)	Address candidate toxic hot spots on a watershed basis. Some of the toxic chemicals may have come from sources upstream of San Diego Bay Tidelands	Agree. Tools available to the Regional Board include these programs and approaches: watershed approach, total maximum daily load (TMDL) program, and NPDES point source and storm water permits.	No revision requested	Decision Matrix for Identifying Candidate Toxic Hot Spots

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
3-1 (Nicole Capretz, Environmental Health Coalition, Nov. 13, 1998)	It is a serious mistake to require exactly contiguous stations under Definition 5, multiple degraded benthic communities. Stations 93223, 93224, and 90007 should qualify as a candidate toxic hot spot under Definition 5.	The site mentioned has degraded benthic communities at all three stations; however, the station between the other two, Station 90007, does not have elevated chemistry as defined in the Decision Matrix tables. *Staff agrees that these three stations should be given high priority for follow up*. However, because elevated chemistry was not present at Station 90007, this site does not qualify as a candidate toxic hot spot. Degraded benthic community structure can result from causes other than elevated chemistry. For example, causes include strikes by bows of ships, propeller wash, elevated sulfide, elevated ammonia, or grain size. Degraded benthic community structure therefore indicates disturbance. Staff has required that sites should not be considered toxic hot spots unless shown to a very high level of confidence. To be consistent with this approach, elevated chemistry should therefore be present with degraded benthic communities at Station 90007 for this site to be designated a toxic hot spot.	No. Without elevated chemistry at all sites, the correlation with biologic effects is weakened.	Decision Matrix for Identifying Candidate Toxic Hot Spots and Sites of Concern
3-2	Staff should apply best professional judgment and rank all six candidate toxic hot spots as "high" priority, rather than just the Seventh Street channel site.	The Ranking Criteria, Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
3-3	It is clear that all the candidate sites are high priority and by listing them as high priority, this will ensure that these sites receive the attention they deserve.	Staff agrees that the area between Piers 3 and 4 is of high priority for action. The toxic hot spot designation does not require regional boards to take action at these sites first. Sites of concern, or any other sites, could receive attention before the toxic hot spots.	No. See Comment 3-2.	Water Quality Control Policy for Guidance on Development of Regional Toxic Hot Spot Cleanup Plans
3-4 (Nicole Capretz, Environmental Health Coalition, letter received Dec. 11, 1998)	(Same as Comment 3-2)			
4-1 (Harvey Porter, Continental Maritime shipyard, Nov. 18, 1998 Regional Board workshop)	The Regional Board should pursue state funding to clean up toxic sites where historic deposits of waste are found.	This decision will be made on a case by case basis if and when subsequent actions are taken by the Regional Board. The State Board is required by the BPTCP legislation to submit the amount of funding required to clean up hot spots. To date, no official request for legislation to fund cleanups has been made. Requests for cleanup funding could be made from the State Board's cleanup and abatement account; however, the account does not contain enough funding to cover all toxic hot spots in the state.	No revision requested	
5-1 (T. Michael Chee, National Steel and Shipbuilding, shipyard, received Dec. 7, 1998))	Agree with weight of evidence approach and emphasis on relationship between biological and chemical impacts		No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
5-2	Disagree that (in ranking) biological field assessments, including benthic community structure, are of more importance than other measures of impact.	Agree. Biological measures in the triad were equally weighted for ranking toxic hot spots.	No revision is needed.	Decision tables
5-3	Agree with the use of the reference envelope approach for interpreting bioassay [amphipod toxicity] data, rather than the use of [EMAP] laboratory control samples.	Agree	No revision requested	Decision tables
5-4	Use Effects Range Median (ERM) values for determining elevated chemistry in sediment rather than mixing ERMs with Probable Effects Levels (PELs). The use of both ERMs (derived by Long of NOAA) and PELs (derived by MacDonald for the State of Florida) causes confusion.	The SPARC science committee observed in its May 1996 recommendations: "Effects Range-Median (ERM) and Probable Effects Level (PEL) values are very similar. The lower of the two should be used in screening concentrations of individual chemicals in reference site selection." (page 12, SPARC Recommendations).	No. The science committee (SPARC) recom-mended the use of both ERMs and PELs.	Decision tables, Table 2
5-5	Use ERMs instead of PELs because ERMs are consistent with Washington State Sediment Management Standards and Dredge Material Program screening levels adopted in Washington and Oregon.	See the response to Comment 5-4 above. The ERMs and PELs are national guideline values. The San Diego Regional Board in the past has used regional Puget Sound Water Quality Authority Apparent Effects Threshold (AET) values to define elevated chemistry. However, the Washington State values were used only because at that time, San Diego values or national values had not been determined.	No. The science committee (SPARC) recommen-ded the use of both ERMs and PELs.	Decision tables, Table 5

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
5-6	For the elevated chemistry designation for Effects Range Median summary quotients [in San Diego Bay], adopt a threshold criterion of the 90th percentile of the data instead of the upper 90 percent confidence limit on the mean for a t-distribution of summary quotients. This method avoids issues about whether the data exhibit normal distribution.	In the absence of outside reports on the topic, the approach was adopted by the Moss Landing scientists as a means of identifying a relative rank among sites exhibiting very high levels of chemistry. The statistical method used attempts to provide a comparison of chemistry values encountered in local waters which appear to be associated with toxicity and degraded benthic communities. The 90th percentile cutoff was applied to help identify the worst of the worst sites within the San Diego Bay Region data set. With the availability of extensive new state and national data, subsequent approaches are considering adopting a much lower chemical threshold factor (ERMQ of $\geq$ 0.5). There is not enough time or funding to reevaluate the data and recalculate the ERMQ threshold application factor for San Diego Bay sediment chemistry. Staff considers this recommendation helpful and worthy of serious review in future research efforts.	No. Not enough time remains to reevaluate the data.	
5-7	We support confirmation of toxicity with at least two separate sampling events.	Agree	No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
5-8	Define a toxic hot spot based on the last two toxicity events at the same station (Definition 2, Table 3 of the decision tables). The station may be improving if the latest sample results do not indicate toxicity.	This would be a judgment call depending on the types of waste present. Only the very highest chemistry levels (threshold chemistry application factors times the ERMs or PELs) and toxic events measured to a very high level of confidence (the most toxic oneth percentile) are used to define repeat toxicity under Definition 2. There is great natural variation in sediment chemistry concentrations at sites located close together and at the same sites sampled through time. It would be probable, therefore, for a heavily-contaminated station to display toxicity or chemistry levels which occasionally are below the levels needed to trigger a repeat toxicity hit. A station with high levels of persistent organic chemicals and metals may demonstrate "spotty" or highly variable levels through time. The primary issue under Definition 2, however, is to identify the worst of the worst sites demonstrating toxicity and elevated chemistry. A weight of evidence approach should therefore be used for stations with high levels of persistent chemicals.	Yes. Stations "cleaning themselves up" which have associated elevated levels of non-persistent chemicals may be recognized as sites of concern instead of hot spots.	Decision tables, Table 3
5-9	(Relates to Comment 5.8 above.) At Station 90030 in San Diego Bay, amphipod survival rates were 47, 43, and 68 percent survival between 1993 and 1994. Survival rates appear to be improving.	Staff recommends Station 90030 be listed as a site of concern, not a toxic hot spot. The weight of evidence suggests this station demonstrates high toxicity rates and should be monitored over the long term. The test for toxicity using the reference envelope approach only identifies toxic stations to a very high level of confidence. The presence of persistent chemicals, however, is a cause for concern.	No. Persistent PAHs were detected on the last sampling date.	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
6-1 (James Peugh, San Diego Audubon Society, Dec. 8, 1998)	Pleased that Board has methodically identified six toxic hot spots.		No revision requested	
6-2	All six hot spots should be ranked high priority.	The Ranking Criteria, Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.
7-1 (Brian Gordon, Navy COMNAVBASE, Dec. 10, 1998)	The Bay Protection Program is a screening program, not an actual cleanup program	Agree. The cleanup plan is the first step in a cleanup program.	No revision requested	
7-2	For the Seventh Street Channel, the Installation Restoration program should be included in the process.	Agree.	No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
7-3	The cleanup plan does not provide a process for identifying responsible parties for cleaning up sites.	Agree. The process for identifying toxic hot spots is independent of sources of waste.	No. The Board would include all parties in subsequent activities.	
7-4	The plan focuses on the nearest shore-side facility as the primary responsible party for contamination at the Seventh Street Channel.	Agree. Staff recommends Pages 23 - 25 of the cleanup plan be revised to provide a better balance between known and unknown sources.	Yes. The "most likely sources of pollutants" section in the cleanup plan would be revised.	Part III of the Cleanup Plan on Page 23.
7-5	Define "water body."	The term is not defined at the state level. The regional boards have called bays, segments of bays, and stretches of bays "water bodies."	No. There is no accepted definition.	
7-6	Avoid using contamination of fin fish to define toxic hot spots. Fish are too mobile to be used to delineate a toxic hot spot.	The State Board's Policy requires health advisory information to be considered in defining hot spots. In some areas of the state, health advisories have been issued because of levels of contaminants in fish tissues.	No. The policy requires this definition.	
7-7	There are no procedures in the cleanup plan or decision tables for rejecting chemistry values if interferences are present; e.g., ammonia, grain size, sulfides, or organic carbon.	Interferences are addressed in the September 1996 State Board report for the San Diego Bay Region. Chemistry "hits" were evaluated on a case by case basis by the reviewer of the report.	No. The decision is made by the individual reviewing the data.	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
7-8	In the cleanup plan ranking criteria (page 11), water quality objectives which are exceeded "regularly, occasionally, or infrequently" are ranked. How are these terms defined?	There is no definition in this program.	No. The regional boards are allowed to define the terms in relative terms.	
8-1 (Jim Coatsworth, Friends of South Bay Wildlife, received Dec. 11, 1998)	Organization supports long-overdue cleanup and prevention of toxic hot spots in the Bay. The listing of six sites is a positive step.		No revision requested	
8-2	Extremely disappointed at the ranking of the hot spots. All six should receive high priority.	The Ranking Criteria, Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
9-1 (Patricia McCoy, Southwest Wetlands Interpretive Association, received Dec. 11, 1998)	Pleased that the Regional Board is identifying and cleaning up toxic hot spots.		No revision request.	
9-2	Request all six hot spots be ranked high priority. A high ranking will ensure that sites receive appropriate attention at the state and federal level. The ranking will ensure sites receive further analysis.	The Ranking Criteria, Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.
10-1 (Oscar Gonzales, Surfrider Foundation, received Dec. 11, 1998)	Concerned about poor San Diego Bay water quality affecting ocean recreation and Bay ecology.		No revision requested	

continued

Table 1.2, continued

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION
10-2	All six toxic hot spots are so toxic, all six should be given high priority.	The Ranking Criteria Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.
11-1 (Jason Flores, Citizen, letter received Dec. 11)	Pleased that Regional Board has identified six rather than two toxic hot spots		No revision requested	
11-2	All six toxic hot spots are the "worst of the worst" sites. They all should be given high priority in the ranking matix.	The Ranking Criteria Aquatic Life Impacts section of the Policy requires that "Stations with hits in any two biological measures if associated with high chemistry, assign a 'High' priority. A hit in one of the measures associated with high chemistry is assigned a 'moderate'...[priority]". Only the Seventh Street Channel site had hits in two biological measures with elevated chemistry. The other five sites had one biological hit.	No. One site stood out among the six.	Ranking Matrix table in cleanup plan.