

COMMENTS AND RESPONSES

On April 2, 1999, a public notice for the public hearing was circulated to the public and a draft FED (SWRCB, 1999) was made available for public review. The hearing notice was also published in several newspapers with circulation in coastal areas. The list of persons who submitted written comments or oral testimony is listed below. A key for reading the comment and response table follows the list of commenters. Finally, a table is presented with a summary of all comments submitted and the SWRCB response to each comment.

List of Commenters

Individuals or organizations that submitted written comments on the proposed Consolidated Toxic Hot Spots Cleanup Plan on or before June 2, 1999 are listed below. The comments received after June 2, 1999 and before the close of the hearing record were responded to at the June 17, 1999 Board Meeting. All comments presented at the hearing and workshops were addressed.

1. Postcards received from 885 concerned citizens from the San Diego Bay area
San Diego Regional Quality Control Board
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124-1324
2. Senator Dede Alpert
Thirty-Ninth Senatorial District
State Capitol
Sacramento, CA 95814
3. Dennis A. Dickerson
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
4. Joe Jaffe
Comment sent by E-mail
5. John H. Robertus
Executive Officer
6. Susan A. Davis
Assemblywoman
Seventy-Sixth District
State Capitol
P.O. Box 942849
Sacramento, CA 92429-0001
7. Steven L. Ogles
Coronado Friends of the Beach
826 Orange Avenue, #236
Coronado, CA 92118
8. Kim and Victor Flake
1867 Hill Top Lane
Encinitas, CA 92024-1973

9. Tom Collins
Deputy Director
Administrative Affairs
Associate Vice Chancellor,
Marine Sciences
University of California, San Diego
9500 Gilman Drive
La Jolla, CA 92093-0210
10. Helge Weissig, Ph.D.
Chair, San Diego Chapter
Surfrider Foundation
P.O. Box 230754
Encinitas, CA 92023
11. Mark Harris
Comment sent by E-mail
12. Howard Wayne
Chair, Assembly Natural
Resources Committee
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001
13. John Barth
Executive Director, pro tem
San Diego BayKeeper
1450 Harbor Island Drive, Suite 205
San Diego, CA 92101
14. Donna Frye
Founder, Surfers Tired of Pollution
(S.T.O.P.)
705 Felspar Street
San Diego, CA 92109
15. Scott Folwarkow, Chair
Bay Protection and Advisory Toxic
Cleanup Program Advisory
Committee
c/o P.O. Box 944213
- Sacramento, CA 94244-2130
16. Sonya Holmquist
2746 Copley Avenue
San Diego, CA 92101
17. Christopher Gomez
4486 Bancroft #3
San Diego, CA 92116
18. Norma Sullivan
5858 Scripps Street
San Diego, CA 92122
19. Bart Ziegler, Ph.D.
Comment sent by email
20. Senator Steve Peace
Fortieth Senatorial District
State Capitol
Sacramento, Ca 94814
21. Manuel Valencia
United Waterfront Council of San
Diego
2842 Main Street
San Diego, Ca 92113
22. Earle Callahan
860 Cabrillo Avenue
Coronado, CA 92118
23. Randy DeGregori, Chief Lifeguard
Los Angeles County Fire
Department
Lifeguard Division
Santa Monica Bay Restoration
Project Watershed Council
1320 North Eastern Avenue
Los Angeles, CA 90063-3294
24. Nicole Capretz
Clean Bay Campaign Associate
Environmental Health Coalition
1717 Kettner Boulevard, Suite 100
San Diego, CA 92101

25. Jim Coatsworth
Friends of South Bay Wildlife
P.O. Box 575
Imperial Beach, CA 91933
26. Patricia McCoy
Southland Wetlands Interpretative
Association
P.O. Box 575
Imperial Beach, CA 92032
27. Carol Jahnkow
Executive Director
The Peace Resource Center
of San Diego
5717 Lindo Paseo
San Diego, CA 92115
28. Jerry Butkiewicz
Secretary-Treasurer
San Diego-Imperial Counties
Labor Council
4265 Fairmount Ave., Suite 100
San Diego, CA 92105
29. William J. Costa
Coordinator
Intergovernmental Review Program
Department of Transportation
Transportation Planning-MS 32
1120 N Street
P.O. Box 942873
Sacramento, CA 94273-0001
30. Nicole Capretz
Clean Bay Campaign Associate
Environmental Health Coalition
1717 Kettner Boulevard, Suite 100
San Diego, CA 92101
31. Paul C. Blackburn
- Conservation Coordinator
Sierra Club, San Diego Chapter
3820 Ray Street,
San Diego, CA 92104-3623
32. Diane Rose
Mayor
City of Imperial Beach, California
825 Imperial Beach Boulevard
Imperial Beach, CA 91932
33. Dean Rundle
Refuge Manager
United States Department
of the Interior
San Diego National Wildlife Refuge
Complex
2736 Loker Avenue West, Suite A
Carlsbad, CA 92008
34. Nicole Capretz
Clean Bay Campaign Associate
Environmental Health Coalition
1717 Kettner Boulevard, Suite 100
San Diego, CA 92101
35. Carol A. Williams and
Michael L. Lewis
Comment received by E-mail
36. Michael Beck, President
The League of Conservation Voters
San Diego
P.O. Box 82851
San Diego, CA 92138-2851
37. Terry Roberts
Senior Planner
State Clearinghouse
Governor's Office of Planning
and Research
1400 Tenth Street
Sacramento, CA 95812-3044

38. Professor Edward T. Wei
University of California, Berkeley
School of Public Health
Earl Warren Hall
Berkeley, CA 94720-7360
39. David L. Malcolm
Commissioner
Port of San Diego
P.O. Box 488
San Diego, CA 92112
40. R. A. McCarthy Jr.
Environmental Manager
Continental Maritime of
San Diego, Inc.
1995 Bay Front Street
San Diego, CA 92113-2122
41. Steven B. Treanor
Superintendent
Channel Coast District
Department of Parks and Recreation
1933 Cliff Drive, Suite 27
Santa Barbara, CA 93109
- Donald L. Lollock, Chief
Scientific Program
Office of Spill Prevention
and Response
Department of Fish and Game
1700 K Street
Sacramento, CA 95814
42. Nicole Capretz
Clean Bay Campaign Associate
Environmental Health Coalition
1717 Kettner Boulevard, Suite 100
San Diego, CA 92101
43. Donald L. Lollock, Chief
Scientific Program
44. John H. Robertus
Executive Officer
San Diego Regional Water Quality
Control Board
9771 Clairemont Mesa Boulevard,
Suite A
San Diego, CA 92124-1324
45. Dennis Bouey
Executive Director
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488
46. Paul N. Singarella
Latham & Watkins, Attorneys at
Law
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626-1925
47. Paul Helliker, Director
Department of Pesticide Regulation
830 K Street
Sacramento, CA 95814-3510
48. Carl W. Mosher
Director
Environmental Services Department
City of San Jose
777 North First Street, Suite 450
San Jose, Ca 95112-8311
49. William J. Thomas
California Grape and Tree Fruit
League
770 L Street, Suite 1150
Sacramento, CA 95814-3325
50. Bill Jennings
Deltakeeper
3536 Rainier Avenue

Summary of Comments and Responses

Key for Reading the Comments and Responses Table

Column 1	<p>Comment Number: Each comment has been assigned a comment number consisting of two parts, which are separated by a period. Starting from the left, the comment number begins with a number representing the interested party that submitted the comment. The list of commenters, with their assigned codes, is provided in the previous sub-section.</p> <p>Following the comment number is a number that represents the individual comment presented in the submittal or testimony.</p>
Column 2	<p>Summary of Comment: The column provides a summary of each individual comment the SWRCB received on the April 1999 draft Consolidated Toxic Hot Spots Cleanup Plan. Comments not related to the draft FED or focused on Guidance Policy (SWRCB, 1998a) issues already addressed are acknowledged.</p>
Column 3	<p>Response: The column contains the SWRCB response to each comment.</p>
Column 4	<p>Revision: This column states whether the proposed Consolidated Plan was revised based on the comment.</p>
Column 5	<p>Section/Area: This column provides the section addressed in the draft FED (SWRCB, 1999). If the comment was not focused on any specific section or area, no section is listed.</p>

Summary of Comments and Responses

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	SECTION/ AREA
1.1	Thank you for your commitment to protecting our bays and estuaries.	Comment acknowledged.	No	
1.2	The San Diego Regional Water Quality Control Board has given a high priority to only one site. This is unacceptable!”	<p>The San Diego RWQCB used each provision of the Guidance Policy to assemble the candidate toxic hot spot list and to rank sites. The Guidance Policy provides the RWQCB with significant flexibility to interpret the Policy to incorporate a regional perspective and priorities. The San Diego RWQCB considered the range of comments on the site ranking and performed a careful assessment of the provisions of the Guidance Policy. The RWQCB ranking is consistent with the Guidance Policy.</p> <p>However, San Diego Bay is an important economic and environmental resource that deserves aggressive protection of beneficial uses. The RWQCB should begin the process of planning to cleanup all the toxic hot spots in the Bay. The Consolidated Plan has been modified to create a new section that focuses new attention on remediation of toxic hot spots in San Diego Bay. It is proposed that the RWQCB be directed to develop characterizations and remediation plans for the moderate toxic hot spots listed for San Diego Bay. The RWQCB should also be directed to complete this activity within one year of the effective date of the Consolidated Plan.</p>	<p>No change regarding changing the rank of the toxic hot spots.</p> <p>Yes regarding requiring the RWQCBs to develop plans for remediating moderate rank toxic hot spots.</p>	Regional Toxic Hot Spots Cleanup Plan, San Diego Region and the Consolidated Cleanup Plan. Volume I
1.3	Please protect San Diego Bay by exposing the cover up....	The San Diego RWQCB devoted a great deal of effort to include the public and interested parties in the creation of the regional cleanup plan. In late 1997 the preliminary regional plan was discussed in a RWQCB public hearing. Since the fall of 1998 the RWQCB has had a Bay Cleanup web page to present	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region

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		<p>the Plan, present responses to public comments, and to solicit comments. After the SWRCB adopted its Guidance Policy for regional cleanup plans in September 1998, the San Diego RWQCB hosted several public meetings:</p> <ul style="list-style-type: none"> • Staff public workshop to discuss the approach for determining the presence of toxic hot spots in the San Diego Region • Staff public workshop to discuss the data and technical issues • Regional Board public workshop to hear testimony on the regional plan • Regional Board public hearing <p>Individuals representing conservation, industry, and government organizations attended these events. The RWQCB members considered oral testimony and written comments on the Regional Toxic Hot Spots Cleanup Plan at their November and December 1998 meetings. A discussion was held at the December 16, 1998 RWQCB meeting on the issue of toxic hot spot site rankings.</p>		
1.4	Please protect San Diego Bay by ... listing all of our toxic hot spots as a high priority in the Consolidated Statewide Cleanup Plan.	The San Diego RWQCB considered written and oral comments on the toxic hot spots ranking in San Diego Bay. The RWQCB exercised their discretion in ranking sites in San Diego Bay consistent with the SWRCB Guidance Policy. There appears to be substantial evidence in the record to support the RWQCB's site ranking. However, San Diego Bay is of such importance that the RWQCB should be directed to begin planning for the remediation of the moderate priority toxic hot spots. Please refer to the response for Comment No. 1.2.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
2.1	I am pleased that the state and regional boards are developing plans to clean up and prevent toxic hot spots in San Diego and other coastal areas.	Comment acknowledged.	No	

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2.2	Concerned about the priority ranking of San Diego Bay's hot spots...only one has been designated high priority.	Please refer to Responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
2.3	Urge the state Board to rank all five of San Diego's hot spots a high priority.	Please refer to Responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
3.1	We intend to add McGrath Lake to our region's list of Candidate Toxic Hot Spots. We recently received the results from a Water and Sediment Characterization Study of McGrath Lake...based on this new monitoring data, McGrath Lake clearly qualifies for designation as a "Candidate Toxic Hot Spot".	The information needed to list McGrath Lake as a high priority toxic hot spot was submitted by the Los Angeles RWQCB, DFG and the Department of Parks and Recreation. The new information show that McGrath Lake can be listed as a candidate toxic hot spot and satisfies the conditions needed to rank the site as high priority. The RWQCB has also submitted the characterization and remedial action for McGrath Lake. The Consolidated Cleanup Plan has been modified to include McGrath Lake as a high priority toxic hot spot.	Yes	FED, Consolidated Cleanup Plan, and Regional Toxic Hot Spots Cleanup Plan, Los Angeles Region
4.1	List all of San Diego toxic hot spots as high priority.	Please refer to Response for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
5.1	Duplicate entries were inadvertently included in the copy of the San Diego Region sites of concern list sent to the State Board. Pages 9-16 through 9-19 of the attached list should be concerned.	Changes will be made as necessary. The duplicate sites of concern have been deleted.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
6.1	I am pleased that the State and Regional Boards are	Comment acknowledged.	No	

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	developing plans to clean up and prevent toxic hot spots in San Diego and other coastal areas.			
6.2	Concerned about the priority ranking of the San Diego hot spots. Only one is designated high priority.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
6.3	Urge the State Board to rank all five of San Diego's hot spots a high priority.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
7.1	Reevaluate and assign high priority to all sites in San Diego Bay.	Please refer to responses for Comment 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
8.1	Thank you for your commitment to protecting our bays and estuaries.	Comment acknowledged.	No	
8.2	The San Diego Regional Water Quality Control Board has given a high priority to only one site. This is unacceptable.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
8.3	Please list all of the toxic hot spots in San Diego Bay in the Consolidated Statewide Cleanup Plan.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
9.1	Pleased that the State and Regional Water Boards are developing plans to clean up and prevent toxic hot	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	SECTION/ AREA
	spots in San Diego.			
9.2	Concerned about the priority ranking of San Diego hot spots...only one has been designated high priority.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
9.3	Urge the State Board to rank all five of San Diego's hot spots a high priority.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
10.1	Concerned with the contamination of San Diego Bay.	Comment acknowledged.	No	
10.2	We appreciate that the Regional Water Quality Control Board has identified five toxic hot spots in accordance with the State Board's guidelines.	Comment acknowledged.	No	
10.3	We are concerned that only one of the five worst toxic hot spots has been given high priority .	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
10.4	Urge the State Board to reevaluate their rankings and give all (San Diego) sites a high priority.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
11.1	Please continue to protect our San Diego Bays from Toxic Waste.	Comment acknowledged.	No	
12.1	Request that the state water board rank all five of the hot spots in San Diego Bay as "high priority" for remediation. Request that the state board take aggressive steps to ensure that additional contamination is prevented.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego

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				Region
13.1	Urge the State Board to rank all five San Diego Bay toxic hot spots as a high priority for remediation.	Please refer to responses for Comments 1.2 and 1.4.	Yes	
14.1	Ensure that all toxic hot spots in San Diego Bay are given a high priority ranking for immediate cleanup.	Please refer to responses for Comments 1.2 and 1.4.	Yes	
15.1	The BPTCP Advisory Committee recommends that a finding be added to a section of the Draft Consolidated Toxic Hot Spots Cleanup Plan regarding acknowledging that some of the proposed actions are study-oriented and that full remediation will cost more than presented.	The recommendation has been included in the findings section of the Consolidated Toxic Hot Spots Cleanup Plan.	Yes	Consolidated Cleanup Plan, Volume I
16.1	List all San Diego hot spots as high priority in the Consolidated Statewide Cleanup Plan.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
17.1	San Diego used a higher alpha level threshold than the other bays in California. Other bays with lower levels of toxicity will be cleaned up first while San Diego Bay, which has the second most toxic bay in the nation, will continue to have only one out of five sites designated as high priority.	<p>The San Diego RWCB used a “p” value of 1 in using the reference envelope approach required by the SWRCB Guidance Policy. It is probable that more sites would be identified as toxic hot spots if a “p” value of 10 were used. It is uncertain if other bays will be remediated before San Diego Bay; remediation depends on many factors including identification of responsible dischargers, funding availability, cooperation with other regulatory agencies, etc.</p> <p>The study referenced is a National Oceanic and Atmospheric Administration study that listed San Diego Bay as the second most toxic bay of those studied. Also, the approach for evaluating the data were not the same as required by the SWRCB Guidance Policy and, therefore, not directly comparable to the identification or ranking of toxic hot spots in San Diego Bay.</p>	No	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
17.2	Re-evaluate the hot spots in San Diego Bay as our	The reports produced by the BPTCP do not show that	No	Regional

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	Bay is the worst in California according to the State Boards' own reports. The sediment technical report even admits that the levels to designate toxicity in San Diego Bay were conservative compared to the other Bays and Harbors studied!	San Diego Bay is the worst in California. Each of the reports produced is focussed on each Region and not on a Statewide assessment. The San Diego RWQCB chose to use a more conservative toxicity threshold than other Regions. This judgement is allowed under the SWRCB Guidance Policy.		Toxic Hot Spots Cleanup Plan. San Diego Region
17.3	Recommend that the SWRCB rank all five hot spots in San Diego Bay as high priority.	Please refer to the responses to Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
17.4	Suggest the Board implement a pollution prevention plan so that after the Bay is cleaned up, there will already be measures of protection in place.	Comment acknowledged.	No.	Regional Toxic Hot Spots Cleanup Plan. San Diego Region
18.1	Appreciate your commitment to protecting our bays and estuaries from pollution.	Comment acknowledged.	No	
18.2	The San Diego Regional Board has seen fit to give high priority to only one site, not all five. Omitting four toxic "hot spots" is simply not acceptable.	Please refer to response for Comment 1.2	Yes	Consolidated Cleanup Plan, Volume I
18.3	Make sure all five of the toxic areas in San Diego Bay are given top priority for cleanup.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
19.1	Your commitment to our California bays and wetlands is to last for the coming hundreds of generations, and your work is to be commended.	Comment acknowledged.	No	
19.2	Five toxic hot spots in San Diego Bay need to be addressed.	Please refer to responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
20.1	Support ranking of all five designated San Diego Bay hot spots as "high priority".	Comment acknowledged. Please refer to responses for Comment 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
21.1	Urge the State Water Board to give all of San Diego's toxic hot spots a high priority.	Please refer to responses for Comment 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
22.1	It has been noted that the "hot spots" in the San	Please refer to responses for Comments 1.2 and 1.4.	Yes	Consolidated

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	Diego Bay are being prioritized...hope that all such spots would receive equal control and cleanup, so that when the government money becomes involved it will be applied equally.			Cleanup Plan, Volume I
22.2	In the past when polluters are found and fined, the fines are often reduced to a fraction of the initial amount. This is alright for accidental pollution, but those that have been polluting for a period of time should be fined heavily with no reductions.	Comment acknowledged.	No	
22.3	We in Coronado appreciate your insistence on a cleanup of the water being pumped into the ocean at north beach. Please keep up a “no fooling around” approach to your oversight. This includes the coming pollution of the Coronado-Imperial shoreline by the coming discharge of the south bay sewer plant.	Comment acknowledged.	No	
23.1	In the Los Angeles Region, of the 64 storm drain outlets along the beaches, only 4 are addressed in the consolidated Toxic Hot Spot cleanup plan. All of the urban storm drains that empty onto a public swimming beach need to be considered for a total approach to this plan.	The Regional Cleanup Plan is concentrated on the toxic hot spots in the Region. The concern is probably best addressed under the Region’s stormwater permit.	No	Regional Toxic Hot Spots Cleanup Plan, Los Angeles Region
23.2	The total watershed must be considered and included into the plan, because contaminated water flows are not easily confinable to a specific area. Contaminated sediments will continue to accumulate if the pollutant sources are not controlled.	Comment acknowledged. Please refer to the response for Comment No. 23.1.	No	Regional Toxic Hot Spots Cleanup Plan, Los Angeles Region
23.3	More resources need to be allocated for the construction/acquisition of projects that will lead to the reduction of pollutants entering Santa Monica Bay.	Comment acknowledged.	No.	Regional Toxic Hot Spots Cleanup Plan, Los Angeles Region
23.4	Consolidating the number of outlets is good for the environment and will help maintain a safe	Comment acknowledged.	No	Regional Toxic Hot

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	environment for beach patrons.			Spots Cleanup Plan, Los Angeles Region
24.1	Urges support for designating all of San Diego’s toxic hot spots as a high priority. San Diego has five hot spots, with only one ranked a high priority for action.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
24.2	We find it inconsistent and inappropriate for only one of our sites to be listed as a high priority. This ranking is especially troubling because only high priority sites receive plans for remediation and prevention. Strongly encourage you to use your oversight authority to designate all of our hot spots a high priority.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
24.3	The BPTCP program allows us to take the first steps towards restoring the health of San Diego Bay and making our waters “fishable and swimmable.” We know of your strong commitment to a clean San Diego Bay and we believe this action is critical to move us swiftly to remediation of these “worst of the worst” toxic sites in the Bay.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
25.1	Like to express our strong support for the long-overdue cleanup and prevention of toxic hot spots in the (San Diego) Bay.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
25.2	Must express our extreme disappointment in the rankings of the five designated hot spots. San Diego Bay has recently been shown to be one of the most toxic bays in the nation. All of our toxic hot sites should be listed as a HIGH priority in the Cleanup Plan.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
25.3	Urge the Board to take an important step in the protection of San Diego Bay by listing all of our toxic hot spots as a HIGH priority for cleanup.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I

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26.1	Pleased that the State and Regional Boards are developing plans to clean up and prevent toxic hot spots in San Diego Bay.	Comment acknowledged.	No	
26.2	San Diego Bay is the second most toxic of 18 bays studied in the nation, yet it has just five toxic hot spots and only one designated a high priority. We need to give all of our hot spots a high priority for cleanup.	Please refer to the responses for Comment 1.2 and 1.4. The study referenced is a National Oceanic and Atmospheric Administration study that listed San Diego Bay as the second most toxic bay of those studied. The approach for evaluating the data were not the same as required by the SWRCB Guidance Policy.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
26.3	We urge the State Board to rank all five of San Diego's hot spots a high priority to help safeguard water quality and restore the Bay's health.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
27.1	Due to the many years of heavy industrial and military activity on San Diego Bay, we have been concerned about the Bay's health. We were shocked to learn that our worst fears are true: San Diego Bay is one of the most toxic bays in the nation.	Please refer to the response for Comment No. 26.2.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
27.2	We are disappointed that only one of San Diego's five toxic hot spots was given a high priority for cleanup. It is imperative that all five sites get remediated now.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
27.3	Please accurately reflect the health of San Diego Bay and rank all five of our hot spots a high priority.	Comment acknowledged.	No.	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
28.1	Pleased that the state and regional water boards re developing plans to clean up and prevent toxic hot spots in San Diego and other coastal areas. These contaminated areas must get cleaned up to protect both marine life and public health.	Comments acknowledged.	No	
28.2	Concerned about the priority ranking of San Diego Bay's hot spots. San Diego Bay has five equally toxic hot spots, and despite this national infamy, only	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I

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	one has been designated a high priority,			
28.3	Urge the State Board to rank all five of San Diego's hot spots a high priority to help safeguard water quality and restore the bay's health.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
29.1	Thank you for the opportunity to review the "Consolidated Toxic Hot Spots Cleanup Plan." We do not see any direct impact to Caltrans activities. However, Caltrans does have facilities in bays and estuaries throughout the state. We recommend that the State Water Resources Control Board and Regional Water Quality Control Boards coordinate with Caltrans local district offices.	Comments acknowledged. As the Consolidated Cleanup Plan is implemented, the RWQCBs are required to comply with the provisions of CEQA. The RWQCB will continue to coordinate with Caltrans as projects develop or when Caltrans shares in the responsibility for the identified problem.	No	
30.1	Overall we are satisfied with the current status of the cleanup plan and process. After gaining the best and most comprehensive data on the ecological health of San Diego Bay, our Regional Board has finally identified some important toxic hot spots.	Comment acknowledged.	No	
30.2	Many other areas of the Bay, included the listed Sites of Concern, are also degraded and will need serious attention in the near future. We view this plan as the first stage in the overall cleanup and improvement of ecological health of the Bay.	Comments acknowledged.	No	
30.3	We continue to find it unacceptable that only one of San Diego's hot spots is designated a high priority.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
30.4	There were inconsistent sampling and standards used in defining toxicity and chemistry exceedances. San Diego used the least protective measures for determining when a spot exhibited toxicity and/or chemical elevation, and therefore only the most severely degraded areas were identified as toxic hot spots.	Please refer to the response for Comment No. 17.1.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
30.5	All five sites are in immediate need of serious attention and cleanup.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	SECTION/ AREA
30.6	Our Regional Board has acknowledged that there was an extremely high threshold to pass before a site would qualify as a toxic hot spot under the Regional Board's guidelines. ... "only the worst of the worst" contaminated areas—virtual dead zones in our Bay—were identified as toxic hot spots. All five of our sites are in immediate need of remediation.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
30.7	We have severe to moderate toxicity throughout the Bay. The main chemicals of concern are copper, zinc, mercury, PAHs, PCBs, and chlordane. Some of these chemicals are persistent, mobile, and bioaccumulative and pose a serious risk to public health and marine life.	Comments acknowledged.	No	
30.8	Unless we take action to remediate all of the "worst of the worst" contaminated areas, San Diego Bay is destined to supercede Newark Bay, New Jersey and become the #1 most toxic bay in the nation.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
30.9	Remediating all five of our hot spots is clearly a great opportunity to implement an important aspect of the San Diego Bay Panel's goals and vision. These goals were also not considered by our Regional Board in their analysis of ranking our hot spots.	Comment acknowledged. Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
31.1	Request that the SWRCB list all five San Diego Bay toxic hot spots as high priority in the Consolidated Statewide Cleanup Plan.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
31.2	The SDRWQCB has chosen to ignore watershed concerns. By designating additional toxic hot spots, including the mouth of Switzer Creek, you will send the message that the Regional Board's approach is no longer acceptable.	Comment acknowledged. Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
32.1	Pleased that the State and Regional Boards are developing plans to clean up and prevent toxic hot spots in San Diego.	Comment acknowledged.	No	
32.2	The Bay Panel, a group of more than thirty agencies and institutions, spent ten years developing a plan for protecting and preserving San Diego Bay. The Comprehensive Management Plan identifies cleaning	Comment acknowledged.	No	

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	up contaminated sediments as a high priority for safeguarding human health and marine life.			
32.3	Urge the State Board to rank all five of San Diego's hot spots a high priority.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
33.1	Pleased that the State and Regional Boards are developing plans to clean up and prevent toxic hot spots in San Diego.	Comment acknowledged.	No	
33.2	Urge the State Board to rank all five of San Diego's hot spots a high priority.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
34.1	The State Board points out that under the current law and guidance, only high priority sites have received plans for remediation and prevention, including the estimated costs for cleanup of these sites. Moderate and low priority sites have not received any plans for remediation or prevention. They have only been identified. This means that of the 47 identified hot spots, only 21 have received plans for cleanup. This is a huge gap and contrary to the intent of the program.	It is true that the SWRCB Guidance Policy directs the RWQCBs to develop toxic hot spot characterizations and remediation plans for the high priority toxic hot spots. Emphasis was placed on high priority sites because the SWRCB and RWQCBs did not have the resources to complete the cleanup plans for all the sites in the time available (between October 1997 and June 1999). Setting priorities in this way allowed the SWRCB and the RWQCBs to concentrate efforts on the worst-of-the-worst toxic hot spots.	No	
34.2	The goal of the program was to identify, cleanup, and prevent all toxic hot spots. By only focusing on high priority sites, the State and Regional Boards have skewed the results and implications of the monitoring data.	Comment acknowledged.	No	
34.3	All toxic hot spots, regardless of their priority ranking, need to receive serious and immediate attention and be remediated as soon as possible.	Comment acknowledged.	No	
34.4	The State Board makes no mention of the need to develop plans for the remediation and prevention of moderate and low priority hot spots. We urge the Board to amend the findings to say that the BPTCP should be expanded to include the development of plans for remediation and prevention at all hot spots (not just high priority), and that funding be provided	Comment acknowledged.	No	Consolidated Cleanup Plan, Volume I

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	to implement the cleanup plans for all of these sites.			
35.1	A recent survey of San Diego Bay’s sediments revealed that it is the second most toxic of 18 bays studied in the U.S. In this survey, five toxic hot spots were identified.	Please refer to the response for Comment No. 17.1.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
35.2	In a recent vote, the San Diego RWQCB ignored this scientific information and recommended only one of the five hot spots as “high priority” for action.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
36.1	We appreciate the commitment that you have demonstrated in protecting the bays and estuaries of the State.	Comment acknowledged.	No	
36.2	A recent study has shown San Diego Bay to be the second most toxic bay in the United States. The San Diego RWQCB had the weakest of recommendations: that only one of five toxic hot spots be given a high priority for cleanup. Your Board is in a position to rectify this action by listing all five of the San Diego toxic hot spots as a high priority in the Consolidated Statewide Cleanup Plan.	Please refer to the responses for Comments 1.2, 1.4, and 17.1.	Yes	Consolidated Cleanup Plan, Volume I
37.1	This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.	Comment acknowledged.	No	
38.1	The reviewer would like to compliment the SWRCB for an excellent integration of the individual plans, for identifying issues of program organization, and for defining future plans that will take this project forward.	Comment acknowledged.	No	
38.2	The Reviewer has one comment on the Implementation of Remediation at Identified Toxic Hot Spots (pg. 44-45). The proposed adoption of	Ideally, funding would be available for each toxic hot spot and implementation of the actions would occur simultaneously. It seems appropriate that those	No	Consolidated Cleanup Plan, Volume I

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	alternative 2 would require RWQCBs to implement cleanup for toxic hot spots where the discharger is identified. I think this requirement, if applied automatically, could create problems of inequity. Now that all the sampling numbers are in, it would seem unfair to require cleanup at one spot and not cleanup at another more contaminated spot, just because of availability of funding. If attention is focused on culprits, then an overview of the Consolidated Plan may be obscured.	responsible for a toxic hot spot to pay a fair share of the cost to remediate the site. The problem comes with those sites where there is no identified responsible discharger. As required by the Water Code, the SWRCB is reporting the estimated costs of cleanup at the toxic hot spots and the costs recoverable from dischargers. If funding is made available then work can proceed on addressing the toxic hot spots where no responsible dischargers are identified. The focus is on identifying polluted sites, planning for their remediation and finding funding to address the sites (either through the California Legislature or dischargers).		
38.3	If the information in Table 18 (Areal Extent and Habitat at Toxic Hot Spots) were to be re-arranged and sorted according to size, the heterogeneous nature of the THSs become more recognizable. This would give a clearer picture of the generic classification of individual THSs. Clearly, the remediation of localized discharges and contamination can be managed.	Agree. The table has been reorganized as recommended.	Yes	FED, Potential Adverse Environmental Effects section
38.4	Thermometers are listed as possible sources of environmental mercury contamination. The quantitative dimension of this source of pollution is of insignificant magnitude.	This source of mercury has been removed from the cleanup plan.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Francisco Bay Region
38.5	The Central Valley Region mercury cleanup plan is sophisticated and scientific. The variables for mercury biotransformation, sediment flux, and accumulation in fish-eating birds are identified as key items of missing information. The acquisition of such information will help in making the correct decisions.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
38.6	The greatest threat to water quality will come from run-off from agricultural fields sprayed with semi-persistent pesticides. These pesticide molecules are	Comment acknowledged.	No	

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	designed to be biotoxic agents; hence any widespread dissemination may create imbalances in biological ecosystems. Rigorous control of sources of pesticide contamination, similar to what is now required for toxic chemical wastes, will help prevent future problems.			
38.7	The sensitivity of bioassay methods used in all the BPTCP report creates problems of interpretation. The reviewer is of the opinion that results from “toxicity testing” and “benthic community analysis” should be interpreted with caution because the scientific foundations for using test results to predict “environmental quality degradation” have not yet been established. These bioassays are too sensitive and yield too many positives to be of practical utility.	We acknowledge that toxicity testing and benthic community analysis should be interpreted with caution just as the results of all scientific investigations. Unfortunately, there are few other approaches that are available to measure or determine impact on aquatic life. The BPTCP has evaluated a large number of approaches over the years (starting in 1991 (please refer to SWRCB, 1993)). The BPTCP has continued to use toxicity and benthic community analysis as indicators of environmental degradation after discussions with an independent scientific review panel (SPARC, 1997).	No	
38.8	The contamination of the Lower Rhine Channel, Santa Ana Region, does not constitute sufficient hazard to justify cleanup with dredging. Boatyard activities generate paint sediments that contain metals, but there was little evidence of biotoxic hazards.	Rhine Channel was designated a candidate toxic hot spot following the criteria contained in the SWRCB Guidance Policy (SWRCB, 1998a). The specific reasons for listing were recurrent sediment toxicity and exceedances of narrative water quality objectives. At the site there is evidence of biotoxic effects (recurrent sediment toxicity) and environmental degradation (impaired benthic community structure and bioaccumulation of metals).	No	Regional Toxic Hot Spots Cleanup Plan, Santa Ana Region
38.9	Helpful to include some of the abbreviations used in the San Francisco Regional Cleanup Plan into the main list of abbreviations. Include CSO and POTW.	The FED has been revised to include these abbreviations.	Yes	FED, List of Abbreviations
38.10	Change desecration to discretion.	The error has been corrected.	Yes	FED, Page 45.
39.1	Supportive of efforts of the SWRCB and RWQCB to protect water quality and to develop plans to clean up and prevent toxic hot spots in San Diego Bay.	Comment acknowledged.	No	
39.2	The known toxic hot spots in San Diego Bay are a	Comment acknowledged.	No	

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	high priority for action and should be designated as such.			
39.3	There is strong community support for remediation of the sediments of San Diego Bay. The Interagency Panel for San Diego Bay, a group of more than thirty agencies and institutions, spent ten years developing a plan for protecting and preserving San Diego Bay. The CCMP identifies cleaning up contaminated sediments as a high priority for safeguarding human health and marine life.	Comment acknowledged.	No	
39.4	Urge the State Board to rank all five of San Diego's hot spots as high priority.	Please refer to the responses for Comments 1.2 and 1.4	Yes	Consolidated Cleanup Plan, Volume I
40.1	Want to thank the State and San Diego Regional Board for developing plans to clean up and prevent toxic hot spots in San Diego and other coastal areas. The resources the RWQCB devoted to the development of the listing were well utilized and efficient.	Comment acknowledged.	No	
40.2	The issue of the listing and ranking process was addressed at the March SDRWQCB meeting. The RWQCB was unanimous in deciding not to reopen the listing and ranking process unless significant "new" information was provided. This has not occurred. We are extremely pleased that these hot spots were based on science and specific guidance.	Comment acknowledged.	No.	
40.3	The NOAA study being referred to by commenters refers to the spatial extent of contamination.	Comment acknowledged.	No	
40.4	The priority ratings of the hot spots were based on science, which was proper. Believe resources should now be focused on termination on the source of contamination, such as non point source pollution.	Comment acknowledged.	No	
40.5	Highly support the recommendations of the SDRWQCB and their listing and ranking of the identified toxic hot spots in San Diego Bay.	Comment acknowledged.	No	
41.1	We formally request the classification for McGrath	Comment acknowledged. Please refer to the	Yes	Consolidated

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	Lake be changed from “impaired” to “Candidate Toxic Hot Spot” in the Consolidated Toxic Hot Spot Cleanup Plan. The Los Angeles Regional Water Quality Control Board supports this request.	response for Comment No. 3.1.		Cleanup Plan, Volume I and the Regional Toxic Hot Spots Cleanup Plan, Los Angeles Region
41.2	The LARWQCB/Moss Landing Marine laboratory study of water and sediment in McGrath Lake provides findings that place McGrath Lake in the category of “Candidate” for the Toxic Hot Spot list with a ranking of “High”.	Comment acknowledged.	Yes	Consolidated Cleanup Plan, Volume I and the Regional Toxic Hot Spots Cleanup Plan, Los Angeles Region
41.3	Inclusion of McGrath Lake within the Consolidated Toxic Hot Spots Cleanup Plan as a “Known Site” with a “High” ranking would assist the California State Parks and the Trustee Council in securing the attention and possible funding needed to address appropriate and timely remediation activities for this valuable resource.	Comment acknowledged.	Yes	
42.1	Requesting support for designating all five of San Diego’s toxic hot spots as high priority for cleanup action in the Consolidated Toxic Hot Spots Cleanup Plan.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
42.2	SDRWQCB recently completed a comprehensive investigation of San Diego Bay sediments as part of a statewide program to identify and cleanup toxic hot spots. This study found that we have severe to moderate toxicity throughout the Bay. A recent report from NOAA found that San Diego was the second most toxic of 18 bays studied in the nation, second only to Newark Bay, New Jersey. The	Comment acknowledged. Please refer to the response for Comment No. 17.1.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region

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	Regional Board identified five sites as toxic hot spots, the “worst of the worst” contaminated areas.			
42.3	Unfortunately, the Regional Board only gave one of our toxic hot spots a high priority for action. High priority for all of the Bay’s five toxic hot spots is critical because only high priority sites get plans for cleanup and prevention. If no change is made to these rankings, San Diego Bay’s four moderate priority sites will not get plans for remediation or prevention of recontamination under this program—even though they are still toxic hot spots.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
42.4	There has been no registered opposition to a high priority designation for all five sites.	Comment acknowledged. The San Diego RWQCB does not agree with the change.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
42.5	We strongly request that you use your oversight authority and commitment to safeguarding water quality to rank all of our hot spots a high priority.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
43.1	We feel that the sound scientific approach and high quality data produced in the BPTCP has provided the foundation for the toxic hot spots cleanup plans to move forward without significant controversy regarding these data or the methodology used to produce them.	Comment acknowledged.	No	
43.2	The Department of Fish and Game requests that it continue to be consulted by the Regional Boards and the State Board as the process for implementing the Toxic Hot Spots Cleanup Plans moves forward.	The SWRCB draft resolution adopting the Consolidated Cleanup Plan contains a commitment to continue to consult on compliance with the California Endangered Species Act.	Yes	SWRCB Resolution adopting the Consolidated Cleanup Plan
43.3	Based on new evidence, the Department officially requests that McGrath Lake be included on the “Known Toxic Hot Spots” list in the FED.	Please refer to the response for Comment No. 3.1.	Yes	Consolidated Cleanup Plan, Volume I and

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				the, Los Angeles Region
43.4	We applaud the efforts of the SDRWQCB staff and Board in complying with State Board guidance, and we acknowledge a difference of opinion in the application and interpretation of the guidance for the prioritization levels.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
43.5	The Department has expressed its concern, in previous letters to the SDRWQCB concerning CESA consultation, with the prioritization levels assigned to several toxic hot spot sites in the SDRWQCB cleanup plan. We feel that there is sufficient data to classify these currently classified moderate priority sites as high priority.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
43.6	We understand that the SDRWQCB intends to blend many of its regulatory powers and programmatic tools to ensure that proper planning for cleanup and source control/prevention is implemented in a timely manner at all of these sites, regardless of prioritization category. We wish to be on record in support of that concept, and request that the concept become a reality.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
43.7	DFG's mission of protection and enhancement of the state's flora and fauna, as well as protection and enhancement of the habitat upon which they depend, is greatly strengthened by such programs and policies as developed by this FED.	Comment acknowledged.	No	FED
44.1	The San Diego Regional Board had no specific objectives for the numbers of toxic hot spots or high-priority sites in the Region. Our goals in putting together the hot spot list and site ranking list were to follow the law, the State Board's Guidance, and the principles of good science. The information in the record indicates we have done just that.	Comment acknowledged.	No.	Regional Toxic Hot Spots Cleanup Plan, San Diego Region
44.2	The BPTCP ranking approach allows the Board to	Comment acknowledged.	No	

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	concentrate on the worst sites first. The San Diego Region was one of only two regions which has enough data to use the toxicity reference envelope approach, the approach recommended by the State Board.			
44.3	The Regional Board devoted a great deal of effort to follow the State Board Guidance for regional cleanup plans. To assure ourselves that we were using objective methods to identify sites, we created a series of eight decision tables for identifying toxic hot spots. We followed the State Board Guidance for ranking sites. These procedures are in the record.	Comment acknowledged.	No	
44.4	We received more than sixty written comments before the (Regional) Board adopted the Plan. Several comments were directed at our procedures and we made appropriate changes; however, none of the comments claimed we failed to follow the procedures. In December the Regional Board held a public hearing and adopted the Plan.	Comment acknowledged.	No	
45.1	We recommend that the SWRCB consider reranking to “high” the four “moderate” THS identified by the SDRWQCB.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Regional Consolidated Toxic Hot Spots Cleanup Plan, San Diego Region
45.2	The U.S.EPA has estimated that as much as 80% of the contamination in San Diego Bay comes from upland sources (runoff). The San Diego Bay Watershed Task Force believes that the most critical element in the protection and cleanup of San Diego Bay is programs and projects that cease the discharge of such contamination into San Diego Bay.	Comment acknowledged.	No	Regional Consolidated Toxic Hot Spots Cleanup Plan, San Diego Region
45.3	We have noticed that three of the four moderate priority sites are at the mouths of significant creeks. The locations of these sites and the substances that	Comment acknowledged.	No	Regional Consolidated Toxic Hot

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	were found strongly suggest that the contamination is from upstream runoff.			Spots Cleanup Plan, San Diego Region
45.4	We have advised the RWQCB that we are recommending that the Board of Port Commissioners authorize \$100,000 to be included in our FY 1999/2000 budget for each “moderate” priority site.	Comment acknowledged.	No	Regional Consolidated Toxic Hot Spots Cleanup Plan, San Diego Region
45.5	We understand that the process utilized by the RWQCB and the ranking that they obtained is appropriate and within the scope of the guidelines. ...the same analysis, conducted by other, qualified persons, could have produced different results.	Comment acknowledged.	No	Regional Consolidated Toxic Hot Spots Cleanup Plan, San Diego Region
45.6	The RWQCB has made it clear that, regardless of the ranking of these five sites, they believe that the information demonstrates that there are problems at each site that require attention. As a result, they intend to take action at all five sites simultaneously.	Comment acknowledged.	No	Regional Consolidated Toxic Hot Spots Cleanup Plan, San Diego Region
45.7	We recommend that all five sites be ranked as high priorities, and respectfully request that they all be ranked as “high” priorities.	Please refer to the responses for Comments 1.2 and 1.4.	Yes	Consolidated Cleanup Plan, Volume I
46.1	Request an extension of the public comment period to June 15, 1999.	The close of the comment period was changed from 5:00 p.m. on June 3, 1999 to 5:00 p.m. on June 4, 1999.	No	

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47.1	Generally support the proposed Consolidated Toxic Hot Spots Cleanup Plan. Support is dependent on approval of the variances the CVRWQCB is seeking for its cleanup plans that address pesticides. These plans address diazinon used as a dormant spray, pesticides in urban stormwater, and pesticides in irrigation return flow.	Comment acknowledged.	No	pp. 236-246 of the draft FED.
47.2	These variances are necessary to reduce regulatory redundancy when addressing water quality problems caused by currently registered pesticides.	Comment acknowledged.	No	
47.3	In earlier testimony to the SWRCB and CVWQCB, DPR maintained that when pesticides occur in water in transitory pulses, the BPTCP need not be applied because SWRCB and DPR are already mandated to protect water quality from the adverse effects of pesticides.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
47.4	Basin planning under the Water Code and pesticide regulation under the Food and Agricultural Code provide the state with powerful authorities for addressing water quality impairments due to pesticides, including impairments occurring in enclosed bays, estuaries, or adjacent waters. The MAA between SWRCB and DPR harmonizes and makes more efficient agency activities related to pesticides and water quality.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
47.5	Together, the 303(d) mandates and the authorities granted to the state to fulfill them will result in improvements in water quality, regardless of the application of the BPTCP.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
47.6	Urge the SWRCB to approve the variances proposed by CVRWQCB.	Comment acknowledged.	No	Regional Toxic Hot Spots

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				Cleanup Plan, Central Valley Region
48.1	The Consolidated Plan draft should reflect ongoing progress on mercury issues in the San Francisco Bay Region.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, San Francisco Bay Region
48.2	Recommendations on pages 137 – 140 do not take into account the recently established Mercury Council. The inclusion of these recommendations may undermine the work being done by the Mercury Council and is inappropriate and premature.	The FED and Regional Cleanup Plan have been revised to reflect this new information.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Francisco Bay Region
48.3	Text on page 133 needs to be updated to reflect current progress made by the RWQCB and the Mercury Council.	The FED and Regional Cleanup Plan have been revised to reflect this new information.	Yes	Regional Toxic Hot Spots Cleanup Plan, San Francisco Bay Region
48.4	The Santa Clara Basin Watershed Management Initiative is developing a watershed management plan that is intended to prioritize and address problems in the watershed. The linkage to this initiative is unclear.	The FED and Regional Cleanup Plan have been revised to present a brief discussion of this work.	Yes	FED and Regional Toxic Hot Spots Cleanup Plan, San Francisco Bay Region
48.5	The Consolidated Plan does not distinguish between sites that pose a significant versus a minimal risk to public health, and thus, it is not possible to judge whether significant public resources are being appropriately expended on the most significant problems.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	
48.6	Listing the entire Bay as a THS is counter to the	This comment was addressed when the SWRCB	No	

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	intent of the law and would be more appropriately addressed in the TMDL program.	developed the Guidance Policy (SWRCB, 1998a).		
48.7	The proposed process to delist a site is vague and ambiguous relative to delisting criteria. How does the SWRCB define “adequately remediated?” Does this term mean: approved remediation actions have been implemented; constituents of concern are below background levels; a reduction in concentration with an expectation of continued reductions has been demonstrated; or that a significant change in the factor(s) used to list the site has occurred?	The phrase “adequately remediated” is intended to allow the RWQCBs significant discretion in determining if cleanup actions have addressed the site. The phrase could mean each of the alternatives presented in the comment. “Adequately remediated” could be made more specific but it is probable that more detailed guidance would not be applicable to the specific situation being evaluated by the RWQCB.	No	Consolidated Cleanup Plan, Volume I
48.8	Clarification of the delisting process is needed to allow delisting of sites. In addition, without specific criteria, it is not feasible to conduct the analysis of possible alternatives required by CEQA.	Please refer to the response for Comment No. 48.7. We see no reason that the RWQCB cannot consider alternatives under CEQA in the absence of specific delisting criteria.	No	Consolidated Cleanup Plan, Volume I
49.1	We remain very concerned with the prospect that the SWRCB may affirm or possibly let stand, the interpretation of the Toxic Hot Spots Policy advanced by the CVRWQCB, as incorporated in Appendix B, Volume II of the FED, PP 5-1, et seq.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
49.2	Evidence provided by the agricultural industry demonstrated: (a) the supersensitivity of <u>C. daphnia</u> ; (b) the low levels of residues; (c) the infrequency of such residues; (d) the chemical breakdown rate; and (e) the fact that the residues do not accumulate.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).		Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
49.3	The statutory definition of THS is limited to spots where such materials have accumulated.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	
49.4	The existence of accumulation is pivotal as to whether or not a THS exists. If the levels are instantaneous, temporary or decreasing, there is not a THS. Temporary levels of pesticides in agricultural runoff, or levels which occur in seasonal episodes,	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	

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	including winter storm runoff, categorically are not accumulating and, therefore, do not qualify as a THS.			
49.5	The Water Code clarifies that pesticide residues are not “hazardous substances”.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	
49.6	Nonaccumulating drainage does not constitute a “spot” and is not conducive to a spot cleanup plan.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	
49.7	Language inserted by the SWRCB (page 8 in Appendix A) regarding pesticide residues clarified that drainage pulses in the water diminishing and flowing down the drain do not constitute a hot spot as those issues are managed under separate statutory and MAA programs. Conversely, if such residues accumulate in the sediment or accumulate in a stable water body that does appropriately fit in the toxic cleanup program.	Comment acknowledged. The provision of the Guidance Policy states that problems that are caused by infrequent pulses of pesticide residues are to be addressed outside the BPTCP.	No	
49.8	The CVRWQCB interpreted “infrequent” to be one exceedance in three years. This incorrect interpretation will trigger the THS designation on virtually every agricultural drainage.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
49.9	The CVRWQCB departed from the SWRCB policy by adopting the “two hits and you’re a hot spot” approach. Page 121 of the FED fails to set forth the entirety of the State Board policy, but merely references the CVRWQCB Oct. 23, 1998 interpretation of the word “infrequent”.	Interpretation of “infrequent” as used in the Guidance Policy is a RWQCB decision.	No	
49.10	The CVRWQCB is seeking a waiver to relieve their Board from developing a clean up plan, which is the entire purpose of the statute. Therefore there is no purpose in designating agricultural areas as hot spots.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region

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49.11	The CVRWQCBs proposed hot spot cleanup plan fails to satisfy the statutory requirements necessary so as to allow the State Board's approval of the plan. The CVRWQCB proposal is deficient in five of the eight prerequisite requirements of CWC Sections 13392 and 13394.	The SWRCB is considering whether to grant variances for the need to comply with all BPTCP requirements.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
49.12	The designation of such drains and their associated farm areas as THS would have direct and dire consequences on farmers' abilities to finance and manage their farms.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
49.13	Pesticides are not accumulating and there is not a "hot spot". Pesticides are also not hazardous substances as defined by the Water Code.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	
49.14	There are better programs for managing non-point runoff containing pesticides, such as: the MAA, the CWA, the TMDL watershed process, and the Porter-Cologne state law. Adapting a "point source" program, such as the BPTCP to non-point, pulse type pesticide detections will not add any additional measures of protection to California's waterways.	This comment was addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).	No	
49.15	The State Board should reverse the CVRWQCBs action and direct the CVRWQCB to comply with the State Board's Toxic Hot Spot policy.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
49.16	Suggest modifying the State Board's guidance language on page 8 of Appendix A as follows: (1)remove the word "infrequent"; (2) redefine such pulses as "temporal"; or (3) amend the language so that only residues that are accumulating shall be regarded as a THS.	It is unfair to the RWQCB to change the definition of a toxic hot spot after they have made a judgement on the frequency of the pesticide pulses. The SWRCB allowed the RWQCB to determine the definition of "infrequent." With regard to whether pesticide residues are accumulating, this comment was	No	Consolidated Cleanup Plan, Volume I

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	SECTION/ AREA
		addressed when the SWRCB developed the Guidance Policy (SWRCB, 1998a).		
50.1	Commenter believes that impaired water bodies and THS exist because regulatory agencies have failed to enforce the clear statutory provisions of laws such as the CWA and the Porter-Cologne.	Comment acknowledged.	No	
50.2	We believe that Staff's recommendation regarding the WDR reevaluation guidance contained in the FED contravenes and is inconsistent with the specific statutory requirements of Water Code Section 13395.	It is an impossible task to complete WDR revision within one year of the Plan's adoption. The approach recommended in the Consolidated Cleanup Plan is doable within existing resources and complies with the requirements of Section 13395.	No	Consolidated Cleanup Plan, Volume I
50.3	Staff's recommendation regarding the Implementation of Remediation at identified THS contravenes and is inconsistent with the specific statutory requirements of WC Section 13392 and 13395. Region 5 should begin revising the WDRs of sources identified as contributing to or causing THSs, identify recoverable costs and conduct other aspects of remediation as funds become available.	The Central Valley RWQCB approaches for addressing toxic hot spots is consistent with the SWRCB Guidance Policy. The RWQCB decided that they will address toxic hot spots by first developing TMDLs.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
50.4	Failure to develop and adopt sediment quality objectives contravenes and is inconsistent with the requirements of Section 13393. Staff should begin development of sediment quality objectives as required by the Water Code. A shortage of funding is no reason to delay or not develop sediment quality objectives.	Development of sediment quality objective is required by the Water Code. In 1994 it became clear that funding levels would not allow completion of all the tasks outlined in Chapter 5.6 of the Water Code. Priority was given to completion of monitoring throughout California's bays and estuaries because this information would be most useful in completion of the Regional and Consolidated Cleanup Plans. While desirable, the sediment quality objectives are not needed to complete the cleanup plans.	No	Consolidated Cleanup Plan, Volume I
50.5	There is no provision for the issuance of a variance from Section 13390 et seq.; Chapter 5.6 BPTCP, therefore, staff should deny Region 5's request for a variance.	While this statement is true, the SWRCB acknowledged that there may be circumstances that would need an alternate approach not covered by the Guidance Policy. The SWRCB adopted a variance procedure to address these circumstances. The RWQCB application for a variance is allowed procedurally.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
50.6	We believe staff should insert Section 302(a) of the	Comment acknowledged.	No	Regional

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	CWA and EPA regulations at 40 CFR 122.4(1), 122.44(d) and the definition of a compliance schedule at 40 CFR 122.2 into the implementation sections of Region 5's cleanup plans. Insert CWC Sections 13392, 13394(h) and 13395 into the introductory sections of Region 5's cleanup plans because the CVRWQCBs proposed cleanup plans are inconsistent and do not comport with the statutory requirements of the California Water Code and the federal CWA.			Toxic Hot Spots Cleanup Plan, Central Valley Region
50.7	Region 5 failed to submit a pesticide cleanup plan as required by Water Code Sections 13392 and 13394, and should be required to do so.	The RWQCB has applied for a variance from these provisions as allowed by the SWRCB Guidance Policy (SWRCB, 1998a). The SWRCB is considering whether to grant the variance.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
50.8	Region 5 improperly deleted the urban dissolved oxygen as required by Water Code Sections 13394 et seq., and it needs to be reinstated.	The Central Valley RWQCB's Cleanup Plan contains a cleanup plan for dissolved oxygen.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
50.9	Pesticides are the most pervasive and well-documented source of aquatic life toxicity in the Sacramento and San Joaquin Rivers and the Sacramento-San Joaquin Delta Estuary. The presence and duration of pesticide toxicity cannot be considered "infrequent". The State Board needs to accept Region 5's finding that pesticide detection patterns in the Central Valley are frequent.	Comment acknowledged.	No	Regional Toxic Hot Spots Cleanup Plan, Central Valley Region
50.10	The SWRCB needs to present findings and recommendations to the Legislature that a THS Program is clearly needed in California.	Comment acknowledged.	No	Consolidated Cleanup Plan, Volume I
50.11	Failure to follow the statutory provisions of the	Comment acknowledged.	No	Consolidated

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	SECTION/ AREA
	Water Code will lead to unreasonable delays in cleaning up THS or possibly prevent the remediation of THS.			Cleanup Plan, Volume I