



O R A N G E C O U N T Y  
**COASTKEEPER**®

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July 10, 2017

**SENT VIA E-MAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)**

State Water Resources Control Board  
Attn: Jeanine Townsend, Clerk to the Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

**Re: Comment Letter—303(d) List portion of the 2014 and 2016 California Integrated Report**

Dear Ms. Townsend,

Orange County Coastkeeper (“Coastkeeper”) appreciates the opportunity to comment on the proposed revisions to the Clean Water Act Section 303(d) List of Impaired Waterbodies in Region 8 and Region 9. Coastkeeper is a nonprofit clean water organization whose mission is to promote and restore water resources that are drinkable, fishable, swimmable, and sustainable. Overall, Coastkeeper is in support of the proposed revisions and newly listed waterbodies added to the 303(d) List of Impaired Waterbodies.

We wish to begin this letter by taking this opportunity to voice our strong support for the efforts of the State Water Resources Control Board (“State Water Board”) that have led to the inclusion of current and new listing decisions in Region 8 and Region 9.

Our comments below offer support for several components of the 2014 and 2016 California Integrated Report, and Clean Water Act Sections 303(d)/305(b) Draft Report (“Draft Report”). Specifically, Coastkeeper would like to voice its support for the State Board’s Recommendation to keep the following waterbodies on the 303(d) list.

Santa Ana Delhi Channel

The Santa Ana Delhi Channel (“Channel”) is located within the Newport Bay watershed and drains into the far northwestern portion of Upper Newport Bay.<sup>1</sup> It is home to the Santa Ana Channel Diversion Project, which aims to construct a facility that will capture, treat, and divert urban runoff

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<sup>1</sup> Orange County Public Works (OC Watersheds).

from the Channel by pumping the effluent into the Orange County Sanitary Sewer System.<sup>2</sup> However, until that project is completed Coastkeeper suggests the Channel should continue to be on the 303(d) list.

Coastkeeper disagrees with Santa Ana Regional Water Quality Control Board's ("Regional Board") recommendation to delist the Santa Ana Delhi Channel for Indicator Bacteria. The Santa Ana Delhi Channel requires that the REC-2 beneficial use objective of 409 cfu/ml be maintained.<sup>3</sup> This objective has not been met; therefore, the waterbody must remain on the 303(d) list.<sup>4</sup> Coastkeeper aligns with the State Water Board recommendation not to delist the Santa Ana Delhi Channel, citing the outdated form of testing for Indicator Bacteria.

#### Cucamonga Creek Reach 1 (Valley Reach)

Cucamonga Creek is located just upstream of Chino-Corona Road in the City of Corona.<sup>5</sup> Reach 1 extends from this confluence to the point where 23rd Street crosses the channel into the City of Upland. Baseflow in Cucamonga Creek consists primarily of effluent from IEUA RP-1, and nuisance runoff resulting in its original addition to the 303(d) list in 1998. This waterbody requires the REC-2 beneficial use objective of 409 cfu/100 mL be maintained.<sup>6</sup> From the research conducted by the Regional Board, this objective has not yet been met.<sup>7</sup> For this reason, Coastkeeper disagrees with Regional Board's conclusion to delist Cucamonga Creek Reach 1, and supports the State Water Board Recommendation not to delist this waterbody.

#### Chino Creek Reach 1B

Chino Creek Reach 1B extends from the convergence of Mill Creek, to the beginning of the concrete-lined channel south of Los Serranos Road. Coastkeeper supports the State Water Board's determination that it is inappropriate to delist this waterbody for chemical oxygen demand without further analysis of more recent data.<sup>8</sup> Specifically, evidence is needed supporting the Regional Board's assertion that closing a nearby sewage treatment plant changed the environment to such a degree that the beneficial uses are no longer impaired.<sup>9</sup> At this time, the most current samples show that the applicable water quality standards for the pollutant are exceeded.<sup>10</sup> Therefore, it is improper to delist Chino Creek Reach 1B, and Coastkeeper aligns with the State Water Board in its recommendation to not delist this waterbody.<sup>11</sup>

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<sup>2</sup> City of Santa Ana Delhi Channel Diversion Project.

<sup>3</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 33892.

<sup>4</sup> *Id.*

<sup>5</sup> Santa Ana Watershed Program - Cucamonga Creek.

<sup>6</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 34154.

<sup>7</sup> *Id.*

<sup>8</sup> *Draft California 2014 and 2016 Integrated Report*, Santa Ana Region, at 14.

<sup>9</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 39265.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

Newport Bay (Lower)

Lower Newport Bay (“Lower Bay”) consists of the lower half of the Newport Bay watershed. The Newport Bay Watershed, in total, drains approximately 152.02 square miles into the Pacific Ocean within Southern Orange County.<sup>12</sup> The Lower Bay includes all stormwater drains and natural creeks, therefore its protection is vital to many of Orange County’s natural resources.<sup>13</sup> For this reason, Coastkeeper disputes the Regional Board’s recommendation to remove the Lower Bay from the 303(d) list. Although some areas of the Lower Bay were dredged in 2012, the Regional Board has not conducted the appropriate new tests to support its determination to delist this waterbody.<sup>14</sup> This point is supported by the fact that there are four distinct lines of evidence available in the administrative record that show samples exceeding the CTR criteria set forth for the pollutant, copper.<sup>15</sup> The Regional Board further concluded that there are a sufficient number of samples collected that exhibit sediment and water toxicity.<sup>16</sup> Therefore, Coastkeeper aligns with the State Water Board Recommendation to keep the Lower Bay on the 303(d) list.

Newport Bay (Upper)

Upper Newport Bay (“Upper Bay”) makes up the upper half of the Newport Bay watershed. Beginning at the PCH bridge and extending across the bay, it includes all drainage systems within Canyon Wash, the Costa Mesa Channel, and the Santa Isabella Channel.<sup>17</sup> Similar to its counterpart, the Upper Bay also suffers from concerns over toxicity. According to the Regional Board, there are four clear lines of evidence available in the administrative record proving that an abundant amount of the sediment and water samples showed exceedances of toxicity.<sup>18</sup> Coastkeeper cannot support this recommendation as it stands, and agrees with the State Water Boards conclusion that the Upper Bay should not be delisted for toxicity.

It is also inappropriate for this waterbody to be delisted for the pollutant, copper, because there is no new data for the Regional Board to support this decision. From 2004 through 2011, there has been evidence that the water and sediment exceed the CTR criteria needed for a waterbody to be delisted.<sup>19</sup> It would be unwise for this waterbody to be delisted without the proper testing needed to make this important decision. For these reasons, Coastkeeper sides with the State Water Board in its recommendation to keep Upper Newport Bay on the 303(d) list.

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<sup>12</sup> Orange County Public Works. (OC Watersheds).

<sup>13</sup> *Id.*

<sup>14</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 34702.

<sup>15</sup> *Id.*

<sup>16</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 38659.

<sup>17</sup> Orange County Public Works. (OC Watersheds).

<sup>18</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 34358.

<sup>19</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 32603.

Santa Ana River, Reach 3

The Santa Ana River, Reach 3 (“Reach 3”) is approximately 3.5 miles long, beginning at Prado Dam and continuing to the Mission Boulevard bridge in Riverside. This waterbody was 303(d) listed following monitoring results showing high bacteria levels throughout the waterbody.<sup>20</sup> Baseflow in Reach 3 consists of nuisance runoff, rising groundwater, and discharges from several publicly owned treatment works. Coastkeeper disputes Regional Board’s recommendation to delist Reach 3 for copper and lead.<sup>21</sup> According to their own conclusion, new data was collected for both copper and lead and the findings for both pollutants were insufficient to support a delisting.<sup>22</sup> Therefore we agree with the State Water Board Recommendation to not delist Reach 3 for copper and lead.

Prima Deshecha Creek

Located in Region 9, Prima Deshecha Creek is made up of several small unnamed drainages, as well as larger tributaries that make their way through the San Clemente Coastal Streams Watershed.<sup>23</sup> Originating near the Prima Deshecha landfill, the water body eventually drains into the Pacific Ocean at Poche Beach in San Clemente. The State Water Board found that the selenium and chlorpyrifos levels in the Prima Deshecha Creek exceeded the applicable water quality standards for the pollutants, and therefore recommended keeping the Prima Deshecha Creek on the 303(d) list.<sup>24</sup> As this position is supported by the weight of evidence and the data quantity requirements of section 6.1.5 and 6.1.4, Coastkeeper is aligned with the State Water Board in support of keeping the Prima Deshecha Creek on the 303(d) list.<sup>25</sup>

Thank you for the opportunity to comment on the draft 303(d)/305(b) Integrated Report. Please feel free to contact me with any questions or for additional feedback at 714-850-1965 ext. 307 or at colin@coastkeeper.org. We look forward to continuing to work together with the State Water Board to achieve fishable, swimmable, drinkable waters in our region through Clean Water Act listings, assessments, and corrective actions implementation.

Sincerely,



Sarah J. Spinuzzi  
Staff Attorney  
Orange County Coastkeeper

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<sup>20</sup> *Draft California 2014 and 2016 Integrated Report*, Santa Ana Region, at 14.

<sup>21</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 44700, 43859.

<sup>22</sup> *Id.*

<sup>23</sup> Orange County Public Works. (OC Watersheds).

<sup>24</sup> *Draft California 2014 and 2016 Integrated Report*, Appendix I, Decision No. 48513, 48504.

<sup>25</sup> *Id.*