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DEPARTMENT OF PUBLIC WORKS

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February 17, 2004

Chairman Arthur G. Baggett Jr.
Members of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Proposed Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List and Functional Equivalent Document

Dear Chairman Baggett and Members of the Board:

The County of San Diego appreciates the opportunity to comment on the State Water Resources Control Board's *Draft Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List and Functional Equivalent Document*. The County provided input on the 2002 revision of 303(d) list for the San Diego region, and has actively tracked the progress of the AB982 Public Advisory Group in the development of this policy.

We appreciate the efforts of State Board staff to develop a reasonable and objective approach to assessing California's surface waters, and believe that the Draft Listing Policy is generally supportive of the need for consistent and scientifically sound criteria using data quality and quantity requirements, and statistically valid data evaluations and implementation provisions. However, we would also urge the State Board to consider the following issues prior to adoption of a final Policy.

- **Establishment of an official "planning and monitoring list"**. The County strongly supports the use of a "planning and monitoring list" that is developed and maintained separately from the 303(d) list. The National Academy of Sciences strongly recommended the use of such a list in its report to Congress, noting that it would avoid inappropriate listings, unnecessary TMDL development, and unwise use of already limited resources. This list is especially important in cases where data are currently insufficient to determine if impairments exist; it can also provide an invaluable and useful tool for local agencies in prioritizing the use of water quality management resources.
- **Listing of Water Bodies Due to Trends in Water Quality**. The County is concerned that the "trends in water quality" and "alternative data evaluation" sections in the current draft policy may create loopholes for creating listings that are not scientifically or statistically sound. In some

cases, this might allow water bodies to be listed in the absence of information that water quality standards are being attained, rather than based on evidence that these standards are not being met. We encourage the State Board to adopt a policy that will ensure scientifically defensible and appropriate methods are applied consistently in evaluating all potential 303(d) listings.

- **Implementation of New Policy on Existing 303(d) List.** The County is concerned that the current draft policy allows for the review of historical listings *only* when there is "new evidence" not previously considered by the Regional and State Boards. This is a change from the July draft and may lead to the development of TMDLs where impairments have either not been adequately demonstrated by current standards, or where an adequate record supporting their listing does not exist. We request that the State Board adopt a policy that both allows and compels staff to evaluate previously listed water bodies if, based on current policy and available data, that review might reasonably lead to a different listing decision. A decision to limit that review only to instances where "new evidence" is produced may unnecessarily constrain this review process.

The County of San Diego appreciates the opportunity to provide comments on this important policy. Please contact Jon Van Rhyn at 858-495-5133 if you have any questions regarding this letter.

Sincerely,



JON VAN RHYN, Program Manager
Department of Public Works
Watershed Protection Program

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