

NEWHALL LAND

The Newhall Land and Farming Company
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10/25/06 BdMtg Item 10
303(d) List
Deadline: 10/20/06 5pm

October 20, 2006

Song Her, Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Comments on the 2006 Revised Section 303(d) List

Dear Song Her,

We appreciate the opportunity to comment on the draft final 2006 Revision of the Clean Water Act (CWA) Section 303(d) List of Water Quality Limited Segments (2006 List). Our comments will focus on the proposed draft final listings for the upper Santa Clara River.

We support the State Water Resources Control Board (SWRCB) for the proposed listings for Santa Clara River Reach 5. Specifically, we support the decision to not list aluminum, ammonia, diazinon, and polychlorinated biphenyls (PCBs) in Santa Clara River Reach 5, and for the deletion of Santa Clara River Reach 5 from the list for nitrate and nitrite. We also support the SWRCB for the decision to not list ammonia and nitrate + nitrite-nitrogen in Santa Clara River Reach 6, and for the inclusion of Santa Clara River Reaches 5, 6, and 7 on the "Water Quality Limited Segments Being Addressed" category of the 303(d) list for chloride.

Newhall Land previously commented on the proposed listing of toxicity in Santa Clara River Reach 6 in our comment letter dated January 31, 2006. No response to this comment was included in Volume 4 of the September 2006 Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments Staff Report. Therefore, we would like to restate this comment for your consideration:

- **Toxicity, SCR Reach 6** Section 3.6 of the Listing Policy states, "If the pollutant causing or contributing to the toxicity is identified, the pollutant shall be included on the section 303(d) list as soon as possible (i.e., during the next listing cycle)." Appendix B of the 2005 SWAMP report *Water Quality in the Calleguas Creek and Santa Clara River Watersheds* identifies diazinon as the probable cause of toxicity in the Reach 6 (Bouquet Creek) samples. Therefore, the proposed general toxicity listing in Reach 6 should be replaced with diazinon, consistent with these scientific findings and the guidelines of the Listing Policy.

Thank you again for the opportunity to comment on the 2006 List. Please contact me at 661-255-4259 to discuss our comments or any address questions you may have.

Sincerely,

THE NEWHALL LAND & FARMING COMPANY

Matt Carpenter
Director, Environmental Resources

cc: R. DeShazo
J. Bishop
M. Subbotin