



January 12, 2006

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Subject: Comments on Draft 2006 303(d) list

303 (d) Deadline:
1/31/06

Dear Mr. Wilson:

The City of Thousand Oaks, the City of Simi Valley, Camarillo Sanitary District, Ventura County Waterworks District, and Camrosa Water District appreciate the opportunity to comment on the proposed 2006 303(d) list. In addition to a few general comments we feel there are a number of constituents that should be removed from the 303(d) list based on incorrect initial listing processes and the inappropriate application of objectives found in the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This letter provides a summary of the above agencies' comments on the proposed 2006 303(d) list.

In the 2006 303(d) listing process, the State Board has appropriately taken the approach of reevaluating existing listings based on the newly established Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) to identify faulty listings. We strongly support this approach and the majority of the comments in this letter are based on the examination of readily available information in the administrative record for the 303(d) lists developed in 1996, 1998, and 2002. We believe this information was available to the State Board during the development of the 2006 list and should be considered during this listing cycle for identifying faulty listings as was done for other waterbodies throughout the state. Additional data, that was not available to the State Board during the 2006 listing cycle, is available to support some of the comments below and can be provided.

The listings developed for Region 4 in 1996, 1998, and 2002 are based on the following documents generally referred to throughout this letter as Water Quality Assessments (WQA):

- LARWQCB 1996 Water Quality Assessment and Documentation (WQA)
- LARWQCB 1998 Biennial Listing of Impaired Surface Waters Pursuant to the Clean Water Act, Section 303(d)
- LARWQCB 2002 Update: Clean Water Act Section 305(b) Report and Section 303(d) List of Impaired Waters – Los Angeles Region

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Summary of Comments

We would like to express our support for the recommendation to delist algae in Calleguas Creek watershed (CCW) Reaches 4, 5, 9B, 10, 11, and 13. The original listings provide no evidence to identify if a pollutant is causing excess algal growth.

Table 1 presents a summary of the comments outlined in the letter. The remaining portion of the letter provides the detailed discussion supporting the reasons for delisting pollutant reach combinations in the CCW.

Table 1. Summary of Comments

Reach	Constituent	Reasoning for delisting
4	Boron, chloride, sulfate, TDS	This listing was established by the USEPA who interpreted the narrative criteria in the Basin Plan to equal the numeric objectives set for Reaches 3, 9A, 9B, and 10. The administrative record shows the objectives set for Reaches 3, 9A, 9B, and 10 were intended to be applied to those reaches and are based on existing water quality not the protection of beneficial uses.
4	Chlorpyrifos in Fish Tissue	The original listing was based solely on an EDL. The Listing Policy does not allow the use of EDLs in listing or delisting decisions. Additionally, the data do not exceed the chlorpyrifos screening value of 10,000 ug/kg set for the protection of human health from the consumption of fish/shellfish.
5	Chlorpyrifos in Fish Tissue	The listing in Reach 5 was based on the data collected in Reach 4 and should be considered for delisting for the same reasons.
5	Dacthal in Sediment	In 2002 dacthal was delisted in sediment and fish tissue for all reaches of the CCW except for Reach 5. The Regional and State Boards recommended delisting dacthal in sediment because there are no approved valid approved guidelines for Dacthal.
11	Sulfate and TDS	No data are presented or referenced in the 1998 WQA and Reach 11 is described as unassessed in the 1996 WQA. As such it is unclear which data were used to list Reach 11. Additionally, the available data do not show an exceedance of the sulfate objective and that only 2 of 32 (6%) samples exceeded the Basin Plan objective for TDS, which is below the number of exceedances needed to list outlined in Table 3.2 of the Listing Policy.

CCW Reach 4 (Revolon Slough) – Mineral Water Quality

Boron, chloride, sulfate, and TDS are listed in Reach 4 (Revolon) Slough. This listing was established by the USEPA who interpreted the narrative criteria in the Basin Plan to be equal to the numeric objectives set for Reaches 3, 9A, 9B, and 10 (Calleguas and Conejo Creek). The objective are based on the anti-degradation policy and were set in 1975 and updated in 1978 based on the existing water quality at a point in the watershed. The 1978 amendment to the 1975 Basin Plan revised certain salts objectives for the Calleguas Creek watershed. Attachment 1 includes the revision pages taken from the Regional Board's Administrative Record that discuss the 1978 revisions to the Basin Plan. As seen in Attachment 1, the objectives were revised because:

“the current Basin Plan objectives for surface water and groundwater in this portion of the basin are inconsistent in view of the continuity of these waters. The proposed changes correct this inconsistency. In addition the proposed numbers reflect current water quality. Within this reach there are two controllable point source discharges: Thousand Oaks Hill Canyon and Camarillo STP. Both discharge into Conejo Creek tributary to Calleguas Creek and comply with waste discharge requirements prescribed by this Board. The proposed changes will not have any significant effect upon the existing or potential beneficial uses.” (RWQCB, 1978)

The numeric objectives for chloride and sulfate were changed and the reach designations changed from at Potrero Road to above Potrero Road. The 1978 water quality objectives were based on existing data from 1975-1977. These data were collected at what was then the Camarillo State Hospital and is now the California State University Channel Island (CSUCI) campus (Figure 1 and Attachment 1). The objectives are based on the anti-degradation policy and were set in 1975 and updated in 1978 based on the existing water quality in the watershed at the time. As such, these objectives are not based specifically on the protection of any of the beneficial uses listed in the Basin Plan.

Table 2. Summary of Changes to 1975/1978 Basin Plans

Constituent	1975 Objective (at Potrero Road)	1978 Objective (above Potrero Road)	Max 1975-1977 Data ¹ (mg/L)	Mean of 1975-1977 Data ¹ (mg/L)
TDS	850	850	N/A	N/A
Chloride	50	150	169	124 (27 samples)
Sulfate	400	250	300	193 (27 samples)
Boron	1.0	1.0	N/A	N/A

N/A- Data were not presented because these objectives were not revised in 1978.

¹ Data were collected at what is now the CSUCI campus

The discussion about the changes made in 1978 indicate that the objectives in the Basin Plan were only intended to apply to the lower Calleguas and Conejo Creek reaches of the watershed (Reaches 3, 9A, 9B, and 10), not Reach 4. The stated reasons for changing the objectives were that the objectives are inconsistent based on the continuity of the waters and only reference the Hill Canyon and Camarillo WTPs as discharging to the reach to which the objectives apply. Additionally, the monitoring station on which the objectives are based is located in the lower Calleguas (Reach 3) at the CSUCI gauging station. Surface flow from Reach 4 does not interact with discharges from the Calleguas Creek system (Reaches 3, 9A, 9B, and 10) until the estuary at Reach 1. Exceedance of objectives developed in other reaches of the CCW that do not interact with Reach 4 does not constitute a basis for determining impairments.

The administrative record clearly shows that 1) the boron, chloride, sulfate, and TDS objectives were set based on existing water quality concentrations not on the protection of specific beneficial uses; and, 2) that the objectives were intended to be applied to Calleguas and Conejo Creek. Therefore, no objectives for boron, chloride, sulfate, or TDS exist for Reach 4 of the CCW. As such, these impairments should be delisted as there is no water body-specific objective available for these constituents.

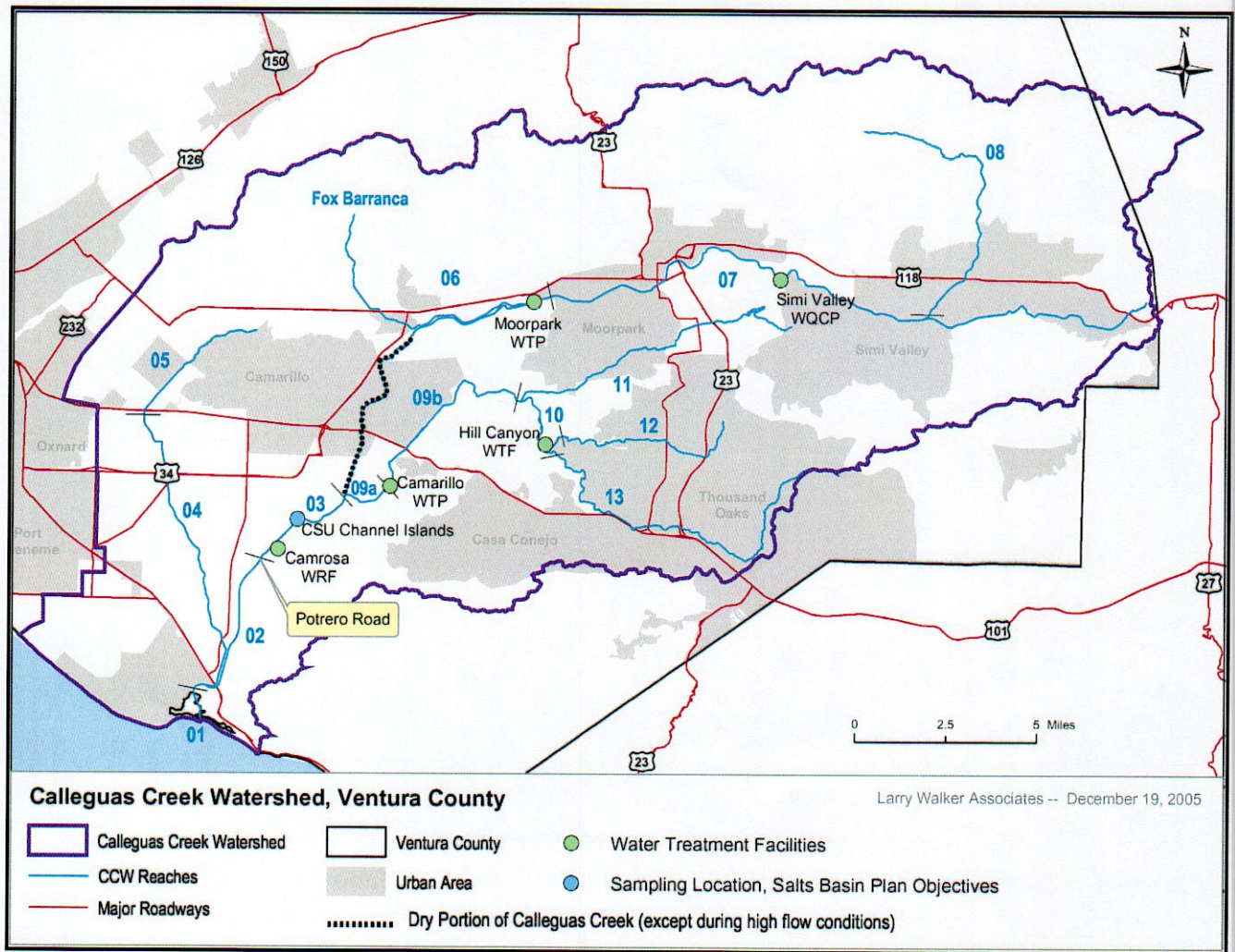


Figure 1. Calleguas Creek Watershed

CCW Reach 4 (Revolon Slough) – Chlorpyrifos in Fish Tissue

In 1996, chlorpyrifos in fish tissue was listed based information presented in the 1996 WQA. The 1996 listing of chlorpyrifos in fish tissue in Reach 4 in the WQA reads as follows: “Tissue (‘93): chlorpyrifos (EDL95)³”. The “³” references that the data were collected through the California State Water Resources Board’s Toxic Substances Monitoring Program (TSMP). The EDL95 (Elevated Data Level 95%) represents the “standard” that was exceeded. Table 3 presents fish tissue data collected by the TSMP in 1993 that are the basis for the 1996 listing. These data were collected on Revolon Slough at Wood Road from a combined sample of 22 *Pimephales promelas*. Additional data, presented in Table 3 were collected on Revolon Slough at Wood Road in 1994 and 1997.

The chlorpyrifos in fish tissue listing should be removed from the 303(d) list based on section 4 of the Listing Policy. The Listing Policy calls for the delisting of waters if the decision is found to be faulty and it is demonstrated that the listing would not have occurred in the absence of such faulty data.

The original listing was based solely on an EDL. The Listing Policy does not allow the use of EDLs in listing or delisting decisions.

Additionally, the data used for the listing are well below the chlorpyrifos screening value of 10,000 ug/kg for the protection of human health from the consumption of fish and shellfish presented on page 8 of the Draft Staff Report Supporting the Recommended Revisions to the Clean Water Act Section 303(d) List Volume 1.

Based on the readily available data and information presented in the 1996 and 1998 WQAs, the weight of evidence indicates that there is insufficient justification for maintaining the chlorpyrifos listing in fish tissue. As such, the Reach 4 chlorpyrifos listing in fish tissue should be removed from the 2006 303(d) list.

Table 3. Summary of Chlorpyrifos Fish Tissue Data Collected by the TSMP in Revolon Slough at Wood Road

Sample Date	Wet Chemical Tissue Concentrations	Lipid Weight Organic Chemical Tissue Concentrations
6/20/1993	100 ug/kg	1900 ug/kg
6/23/1994	10 ug/kg	166 ug/kg
7/16/1997	18 ug/kg	250 ug/kg

Bolded indicates results believed to be the basis for the listing
Note: *Pimephales promelas* (fathead minnow) was the test species.

CCW Reach 5 (Beardsley Channel) – Chlorpyrifos in Fish Tissue

The listing of chlorpyrifos in fish tissue in Reach 5 is based on data collected in a different reach and an incorrect initial listing process. Tissue samples were never collected in what is now Reach 5. In 1996, the final 303(d) List considered Reaches 4 and 5 as only one reach. In 1998, that one reach was split into two. It appears that when the reach was split, the 1996 listings were applied to both of the new reaches without considering that the data were collected in Reach 4. The listing is based on data collected downstream from this segment and is not representative. Additionally, as discussed in the previous section, the Reach 4 listing of chlorpyrifos in fish is faulty as it based on an EDL.

The Listing Policy calls for the delisting of waters if the decision is found to be based on faulty data and it is demonstrated that the listing would not have occurred in the absence of such faulty data. The data that was used for the original listing was collected in the downstream reach (Reach 4) and EDLs, which are considered to be faulty, formed the basis of the listing. As such, the Reach 5 chlorpyrifos listing in fish tissue should be removed from the 2006 303(d) list. In a similar case State Board staff recommended delisting cadmium in Ballona Creek because data collected in a downstream reach were applied inappropriately.

Calleguas Creek Reaches 4 (Revolon Slough) – Trash

In 1996, trash was listed based on the 1996 WQA. The 1996 trash listing in Reach 4 in the WQA reads as follows: "Trash". However, there is no reference to where or when the data were collected or who collected the data. Trash was considered to prevent the reaches from supporting contact and non-contact recreation.

A reach was considered to not support recreational uses if objectives were exceeded in greater than 25 percent of observations (Table 2 of 1996 WQA). The categories used for assessing field observations of trash included "none, trash observed, and significant amount of trash observed" (Table 9 of 1996 WQA). However, no objectives are expressly stated and it is unclear whether the "trash observed" and/or "significant amount of trash observed" categories represented an exceedance of an objective.

In summary there are no data to evaluate the listing and there is no way to determine what objectives were used. Due to the lack of information this listing is faulty and should be removed from the 303(d) list based on section 4 of the Listing Policy.

Calleguas Creek Reach 5 (Beardsley Channel) – Dacthal in Sediment

Based on Regional Board recommendations for the 2002 303(d) List, dacthal was delisted in sediment and fish tissue for all of the relevant listed reaches of the CCW except for Reach 5. The Regional and State Boards' recommendations for delisting dacthal in sediment in Reach 4, which is directly down stream of Reach 5, were as follows:

Regional Board: "Delist because there are no valid approved guidelines for Dacthal."

State Board: "After reviewing the available data and information and the RWQCB documentation for this recommendation, SWRCB staff conclude that the water body should be removed from the section 303(d) list because approved valid guideline for Dacthal in sediment do not exist."

Similar delisting recommendations were made for the removal of dacthal in fish tissue listings in the remainder of the Watershed: Reaches 4, 9A, 9B, 10, 11, and 13. As there are no sediment quality guidelines published in the peer-reviewed literature or developed by state or federal agencies for dacthal, the sediment listing for dacthal in Reach 5 should be removed from the 303(d) list.

CCW Reach 11 (Arroyo Santa Rosa) – Mineral Water Quality

Sulfate and TDS were listed as impairments in Reach 11 (Arroyo Santa Rosa) during the 1998 listing process. However, no data are presented or referenced in the 1998 WQA and Reach 11 is described as unassessed in the 1996 WQA. As such it is unclear which data were used to list Reach 11 for sulfate and TDS. Additionally, since the closure of the Olsen Road Water Reclamation Plant in 2002 there is no flow in this reach except during wet weather conditions that cause sufficient runoff to generate flow. Sulfate and TDS data available for this reach are presented in summary in Table 4. These data were collected primarily for the Olsen Road Plant's NPDES permit. All of the data presented in Table 4 were collected prior to the plant's closure. One water sample collected during wet weather conditions was analyzed for sulfate and TDS in February 2004.

As shown in Table 4, there have been no exceedances of the Basin Plan objective for sulfate. Only 2 of 32 (6%) samples exceeded the Basin Plan objective for TDS, which is below the number of exceedances needed to list outlined in Table 3.2 of the Listing Policy. It is possible the listing is based on data collected downstream from this segment.

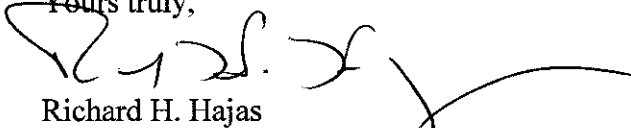
Regardless of what data were used to list the reach in 1998 the available data collected in the reach do not meet the requirements for listing sulfate and TDS. As such, the sulfate and TDS listings for Reach 11 should be removed from the 2006 303(d) list.

Table 4. Chloride and TDS Concentrations in Reach 11 Surface Water

Constituent	n	Range (mg/L)	Median (mg/L)	Criterion (mg/L)	# of Exceedances	% Exceedance
Sulfate	33	86 – 460	167	250	0	0%
TDS	31	246 – 905	728	850	2	6%

Thank you for your consideration of these comments. If you have any questions, please feel free to contact me rhajas@camrosa.com at (805) 482-8214.

Yours truly,



Richard H. Hajas
General Manager, Camrosa Water District

on behalf of:

Richard Hajas, Camrosa Water District
Dean Morales, City of Thousand Oaks
Reddy Pakala, Ventura County Waterworks District
Joe Deakin, City of Simi Valley
Lucie McGovern, Camarillo Sanitary District

w/attachment

RETURN TO PLANNING

Attachment 1

Water Quality Control Plan Report



SANTA CLARA RIVER BASIN (4A)

STATE WATER RESOURCES CONTROL BOARD

REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION (4)

Part I, PART II, VOL. I

March 1975

1975 Basin Plan Objectives

TABLE 4-1
MINERAL QUALITY OBJECTIVES FOR SURFACE WATERS

Stream/Station/	Objectives (mg/l)a/					
	TDS	sulfate	Chloride	Boron	Nitrogen	SRP
<u>Ventura River:</u>						
At Matilija Hot Spring	600	300	50	1.0	5	e/
At Casitas Vista Road	800	300	60	1.5	5	e/
At Shell Road	1,500	600	600	1.5	10	5.0
<u>Santa Clara River:</u>						
At West Pier Highway 99	900	450	80	1.5	10	5.0
At Los Angeles and Ventura County Line	1,100	550	90	1.5	5	10.0
At A Street, Fillmore	1,300	650	80	1.5	5	5.0
Santa Paula Bridge	1,300	650	80	1.5	5	5.0
At Saticoy Diversion Dam	1,100	550	60	1.5	5	5.0
At United States Highway 101	800	400	60	1.5	5	5.0
<u>Santa Paula Creeks:</u>						
At Santa Paula Water Works-Diversion Dam	600	300	60	1.0	5	5.0
<u>Sage Creeks:</u>						
(500 feet downstream from Little Sage Creek, at gaging station)	800	400	60	1.5	5	5.0
<u>Piru Creeks:</u>						
(at gaging station below Santa Felicia Dam)	950	500	50	1.5	5	5.0
<u>Calleguas Creeks:</u>						
At Potrero Road	850	400	50	1.0	5	e/

I-4-10

1978 Basin Plan Objective Revisions

MINERAL QUALITY OBJECTIVES FOR SURFACE WATERS

Stream/Station/	TDS	Sulfate	Chloride	Boron Nitrogen/	BERD/
	Objectives (mg/l) ^{a/}				
					SAR
<u>Ventura River:</u>					
At Matilija Hot Spring	600	300	50	1.0	5
At Casitas Vista Road	800	300	60	1.5	5
At Shell Road	1,500	600	600	1.5	10
<u>Santa Clara River:</u>					
At West Pier Highway 99	900	450	80	1.5	10
At Los Angeles and Ventura County Line	1,100	550	90	1.5	5
At A Street, Fillmore	1,300	650	80	1.5	5
Santa Paula Bridge	1,300	650	80	1.5	5
At Saticoy Diversion Dam	1,100	550	60	1.5	5
At United States Highway 101	800	400	60	1.5	5
<u>Santa Paula Creek:</u>					
At Santa Paula Water Works-Diversion Dam	600	300	60	1.0	5
<u>Sespe Creek:</u>					
Above Gaging Station (500 feet downstream from Little Sespe Creek) - at gaging station	800	400	60	1.5	5
<u>Piru Creek:</u>					
Below (at gaging station below Santa Felicia Dam)	950	500	50	1.5	5
Colleguan Creek:					
At Potrero Road	850	400	50	1.0	H10

Proposed Revision

00034

Page: 34 Piru Creek above gaging station below Santa Felicia Dam

Recommended Change:

Change Cl objective from 50 to 75 mg/L.

Justification: There are no point source discharges to Piru Creek. Chloride levels represent natural flow conditions which are not controllable by the Board. Most of the flow in the creek is state project water released from Lake Piru. The quality of state project water is not expected to improve and has typically reached levels of 61 mg/L chloride. No significant impact on beneficial uses is expected from this change in the chloride objective.
see also Table 3 attached

Page: 34 Calleguas Creek above Potrero Road

Recommended Change:

Change SO₄ objective from 400 to 250 mg/L

Change Cl objective from 50 to 150 mg/L

Change N objective from 5 to 10 mg/L

Justification: The current Basin Plan objectives for surface water and groundwater in this portion of the basin are inconsistent in view of the continuity of these waters. The proposed changes correct this inconsistency. In addition the proposed numbers reflect current water quality. Within this reach there are two controllable point source discharges: Thousand Oaks Hill Canyon and Camarillo STP. Both discharge into Conejo Creek tributary to Calleguas Creek and comply with waste discharge requirements prescribed by this Board. The proposed changes will not have any significant effect upon the existing or potential beneficial uses.
see also Table 4 attached

TABLE 4

Colleguas Creek

Station	Parameter	1970-1974		1975-1977	
		Range High	Arithmetic Ave	Range High	Arithmetic Av
Camarillo State Hospital, gaging sta.	SO ₄	-	-	300	193 (27)
	Cl	-	-	169	124 (27)
	N	-	-	14.9	4.84 (27)

Note:
The number in parentheses indicates number of samples