Staff Report

VOLUME IV

Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments

Responses to Comments

CALIFORNIA
Water Boards

Division of Water Quality

State Water Resources Control Board
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

NOVEMBER 2006

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STAFF REPORT

REVISION OF THE CLEAN WATER ACT SECTION 303(d) LIST OF WATER QUALITY LIMITED SEGMENTS

RESPONSES TO COMMENTS

VOLUME IV

FINAL
November 2006

Staff Report by the
Division of Water Quality
State Water Resources Control Board

REVISION OF THE CLEAN WATER ACT SECTION 303(d) LIST OF WATER QUALITY LIMITED SEGMENTS

Responses to Comments

Volume IV

Introduction

This volume of the Staff Report contains the written responses to all comments received by State Water Resources Control Board (SWRCB) before October 11, 2006 on the draft 2006 section 303(d) list recommendations.

The draft recommendations on revisions to the section 303(d) list were made available on September 30, 2005 for public review and comment (SWRCB, 2005a; 2005b; 2005c). This volume presents a compilation of the SWRCB responses to all comments received during the December 6, 2005 and January 5, 2006 workshops (SWRCB, 2005d; 2006a) and to all written correspondence received on or before January 31, 2006.

Draft final staff reports were made available for public review on September 20, 2006 (SWRCB, 2006b, 2006c, 2006d). Responses to comments on these revised documents received on or before October 10, 2006 are included in this volume. Comment letters received between October 11, 2006 and October 20, 2006 were addressed by staff generally at the October 25, 2006 Board meeting (SWRCB, 2006e).

The persons or organizations listed in Table 1 submitted written comments or presented oral testimony during the public workshops or on the revised staff reports. Each person or organization submitting comments or providing oral testimony is identified by number. All remarks, observations or recommendations were summarized from each comment letter or transcript of oral testimony and assigned a comment number. All comments that addressed the same issue were grouped and a response was developed for the grouped comment. Unique comments were answered individually. A summary of all comments submitted and the SWRCB response to each comment on the draft recommendations is presented in Table 2.

Key to Reading the Comments and Responses

Comments related to each section of the September 2005 draft recommendations (SWRCB, 2005a; 2005b; 2005c) are addressed. General comments, comments unrelated to the 2006 section 303(d) list development, and comments that focused on listings not considered in the draft documents are presented separately.

Column 1 Comment Number: Each comment was assigned a comment number consisting of two parts that are separated by a period. Starting from the left, the comment number begins with a number representing the person or organization submitting comments or providing oral testimony during the public workshops. Numbers less than 200 were assigned to written comments submitted during the comment period ending on January 31, 2006. Numbers greater than 200 were assigned to comments received as oral testimony during the public workshops held on December 6, 2005 and January 5, 2006. Numbers greater than 300 were assigned to written comments received between September 20, 2006 and October 10, 2006.

The number after the period represents the individual comment presented in the written submittal or testimony.

Column 2 Summary of Comment: This column presents a summary of the comment extracted from each comment letter or oral testimony. When comments are grouped, one comment was selected to represent the group.

Column 3 Response: This column contains the SWRCB staff response for the comment.

Column 4 Revision: This column states whether the staff report(s) or recommendations were revised based on the comment.

References

SWRCB. 2005a. Staff Report: Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments. 3 Volumes. Sacramento, CA: Division of Water Quality, State Water Resources Control Board.

SWRCB. 2005b. Evaluation of data and information related to the Clean Water Act section 303(d) list of water quality limited segments. Water body fact sheets supporting “Do Not List” recommendations. Sacramento, CA: Division of Water Quality, State Water Resources Control Board.

SWRCB. 2005c. Evaluation of data and information related to the Clean Water Act section 303(d) list of water quality limited segments. Water body fact sheets supporting “Do Not Delist” recommendations. Sacramento, CA: Division of Water Quality, State Water Resources Control Board.

SWRCB. 2005d. Transcripts of the December 6, 2005 workshop. Sacramento, CA: State Water Resources Control Board.

SWRCB. 2006a. Transcripts of the January 5, 2006 workshop. Sacramento, CA: State Water Resources Control Board.

SWRCB. 2006b. Draft Final Staff Report: Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments. 3 Volumes. Sacramento, CA: Division of Water Quality, State Water Resources Control Board.

SWRCB. 2006c. Draft Final Staff Report: Evaluation of data and information related to the Clean Water Act section 303(d) list of water quality limited segments. Water body fact sheets supporting “Do Not List” recommendations. Sacramento, CA: Division of Water Quality, State Water Resources Control Board.

SWRCB. 2006d. Draft Final Staff Report: Evaluation of data and information related to the Clean Water Act section 303(d) list of water quality limited segments. Water body fact sheets supporting “Do Not Delist” recommendations. Sacramento, CA: Division of Water Quality, State Water Resources Control Board.

SWRCB. 2006e. Transcripts of the October 25, 2006 Board meeting. Sacramento, CA: State Water Resources Control Board.

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Table 1: List of Commenters

1. Alexis Strauss
   U.S. Environmental Protection Agency, Region 9
2. Tim O'Laughlin
   O'Laughlin & Paris LLP
3. Denver Nelson
4. David Powell
   El Dorado Irrigation District
5. Noreen Evans
   State Assembly
6. Adam W. Olivieri
   Santa Clara Valley Urban Runoff Pollution Prevention Program
7. Rick Coates
   Coast Action Group
8. Steven Arita
   Western States Petroleum Association
9. Tracy Egosque and 2 environmental groups
   Santa Monica Baykeeper
10. Rosemary Benz and Sandra Benz-Williams
11. Ray Hiemstra
    Orange County Coastkeeper
12. Eddie A. Rigdon
    Metropolitan Water District of Southern California
13. Donald P. Freitas
    Contra Costa Clean Water Program
14. Herb Baldwin
    Sierra Pacific Industries
15. H.R. Downs
    O.W.L. Foundation
16. Eric Johnson
17. Chris Crompton
    County of Orange
18. Don McEnhill
    Russian Riverkeeper
19. Larry Robinson
    City of Sebastopol
20. Anna Sears and 29 authors
    Sonoma County Ludwigia Task Force
21. Diane Dillon
    County of Napa
22. Cat Kuhlman
    North Coast RWQCB
23. Nancy Kay Webb
    Representing Coast Action Group and 11 other environmental groups
24. David Beckman and 27 environmental groups
    Natural Resources Defense Council
25. Dan Schurman, A. Sears, and J. Meisler
    Laguna de Santa Rosa Foundation
26. Robert L. Carey
    W.M. Beaty & Associates

27. John Herrick
South Delta Water Authority

28. Stephen Fuller-Rowell
Sonoma County Water Coalition

29. Douglas Emery

30. Jack Healy
Marin/Sonoma Mosquito Vector Control District

31. Mike Sandler
Community Clean Water Institute

32. Warren Tellefson
Central Valley Clean Water Association

33. Jim Maresca
Russian River Chamber of Commerce

34. Anne Hudgins
Sierra Club

35. Darlene Ruiz

36. Anna Sears
Laguna de Santa Rosa Foundation

37. Robert Rynearson
Fall River Resource Conservation District

38. Brain S. Gordon
Department of the Navy

39. Dennis Bostad
Sweetwater Authority

40. Dennis Kirchner
Searles Valley Minerals

41. David Richardson
Russian River Watershed Association

42. Brian Brady
Rancho California Water District

43. Kirsten James
Heal the Bay

44. Cynthia Elkins
Center for Biological Diversity

45. Eileen Anderson
Center for Biological Diversity

46. Arthur Godwin
Mason, Robbins, Gnass & Browning

47. Patrick Campbell
Bell-Carter Olive Company

48. Stephen Levesque
Campbell Timberland Management, LLC

49. Dan Madden
City of Turlock

50. Shanta Keeling
Central Coast RWQCB

51. Jos. F. Jackson
Fallbrook Public Utility District

52. Greg Jones
City of Chico

53. Richard H. Hajas
Camrosa Water District

54. Kira Schmidt
Santa Barbara Channelkeeper

55. Pete Osmolovsky
Central Coast RWQCB

56. Kirk Rodgers
U.S. Bureau of Reclamation

57. Timothy P. Nanson
City of Simi Valley

58. Greg Scoles
City of Santa Rosa

59. Kirk Ammerman
City of Chula Vista, Department of Public Works Operations

60. Mark S. Norris
City of Oxnard

61. Cynthia Royer
North San Mateo County Sanitation District

62. Stephen R. Horner
Barnum Timber Company

63. Mic Stewart
Metropolitan Water District of Southern California

64. Don Seymour
Sonoma County Water Agency

65. David Beckman
Natural Resources Defense Council

66. Alexis Strauss
U.S. Environmental Protection Agency, Region 9

67. Priya Verma
Heal the Ocean

68. Karna E. Harrigfeld
Stockton East Water District

69. Sharon Bernie-Cloward
San Diego Port Tenants Association

70. Robert Horvat

71. Robert Perdue
Colorado River Basin RWQCB

72. Marty Dumpis
San Gabriel River Ranger District

73. Rita L. Robinson
City of Los Angeles, Bureau of Sanitation

74. James Pedri
Central Valley RWQCB

75. Alexis Strauss
U.S. Environmental Protection Agency, Region 9

76. Roger Henning
Palo Verde Irrigation District

77. Chris Minton
Larry Walker Associates

78. James Pedri
Central Valley RWQCB

79. Richard Schlesinger
City of Mission Viejo Public Works Department

80. Beth Christman
Truckee River Watershed Council

81. Roberta Larson and Charles V. Weir
California Association of Sanitation Agencies and Tri-TAC

82. Stephen Stump
Riverside County Flood Control and Water Conservation District

83. Victoria O. Conway
Los Angeles County Sanitation Districts

84. Donald Jensen
City of Santa Fe Springs

85. Robert Beardsley
City of Huntington Beach

86. Susan Damron
City of Los Angeles, Department of Water and Power

87. Alan Soneda
Pacific Gas and Electric Company

88. Lisa McCann
Central Coast RWQCB

89. Bob Von Schimmelmann
City of Orange

90. Letter from 213 citizens regarding Laguna de Santa

91. G.F. Duerig
Alameda County Flood Control and Water Conservation District

92. San Joaquin River Group Authority

93. Nasser Abbaszadeh
City of San Juan Capistrano

94. Benjamin Venti
City of Monterey Park

95. Michelle D. Smith
Humboldt Baykeeper

96. Thomas Mumley
San Francisco RWQCB

97. Cat Kuhlman
North Coast RWQCB

98. David Fike
City of Monrovia

99. Ken Farsing
City of Signal Hill

100. Patti Krebs
Industrial Environmental Association

101. Dennis Hall
California Department of Forestry and Fire Protection

102. Daniel Peterson
California Department of Water Resources

103. Gerard Thibeault
Santa Ana RWQCB

104. Robert F. Shanks
Sacramento Regional County Sanitation District

105. Brad Fowler
City of Dana Point, Community Development Department

106. Tim Frahm
San Mateo County Farm Bureau

107. Jonathan Bishop
Los Angeles RWQCB

108. John Yonai
The City of Commerce

109. Cynthia Paulson, J. Gain, and A. Hansen
Brown and Caldwell (Representing Turlock Irrigation District)

110. John Kappeler
City of Newport Beach

111. Joe Karkoski
Central Valley RWQCB

112. Daniel E. Wickham
Friends of the Russian River

113. Robert Almy
Santa Barbara County Public Works Department

114. William R. Kelly
City of Arcadia

115. Chris Crompton
County of Orange

116. David Merk
Unified Port of San Diego

117. Laurie Tippin
U. S. Forest Service, Lassen National Forest

118. Matt Carpenter
The Newhall Land and Farming Company

119. Travis Lange
City of Santa Clarita

120. Dennis Hall
California Department of Forestry and Fire Protection

121. David Merk
Unified Port of San Diego

122. Barry Martin
City of Oceanside

123. Sejal Choski and Carrie McNeil
San Francisco Baykeeper and Deltakeeper

124. Judie L. Tartaglia
U.S. Forest Service

125. Gabriel Solmer, L. Hunter M. Gonzalez, and M. McCoy
San Diego Coastkeeper

126. Brenda Adelman
Russian River Watershed Protection Committee

127. Michelle Pla
Bay Area Clean Water Agencies

128. Brenda Rogers

129. Larry Forester
Coalition of Practical Regulation

130. Harold Singer
Lahontan RWQCB

131. Kenneth D. Landau
Central Valley RWQCB

132. Sharon Strohrer
SWRCB, Division of Water Rights

133. Elaine M. Lukey
City of Carlsbad

134. Richard Watson
Coalition for Practical Regulation

135. Rodney Anderson
City of Burbank

136. Michael Abramson
Napa Sanitation District

137. Michele Dias
California Forestry Association

138. Daniel F. Pederson
California Department of Water Resouces

139. A.C. Entingh
United States Marine Corps

140. Tim Moore
Representing Big Bear Lake Municipal Water District

141. Joseph McGahan
San Luis & Mendota Water Authority

142. Chris Zirkle and Mark Stone
City of San Diego

143. John Robertus
San Diego Regional Water Quality Control Board

144. DeeAnne M. Gillick
Representing the County of San Joaquin

145. Steve Bigley
Coachella Valley Water District

146. Steven M. Anderson
Representing the Elsinore Valley Municipal Water District

147. Krista Clark
Association of California Water Agencies

148. Robert Perdue
Colorado River Basin RWQCB

149. Lisa McCann
Central Coast RWQCB

201. Bruce Gwynne
North Coast RWQCB

202. Craig Johns
City of Santa Rosa

203. Dan Schurman
Laguna de Santa Rosa Foundation

204. Noreen Evans
State Assembly

205. Denver Nelson

206. Brenda Adelman
Russian River Watershed Protection Committee

207. Mike Sandler
Community Clean Water Institute

208. Alan Levine
Coast Action Group

209. Bob Rawson
International Wastewater Solutions Corporation

210. Peter Ribar
Campbell Timberland Management

211. Cynthia Elkins
Center for Biological Diversity

212. Peter Kozelka
U.S. Environmental Protection Agency, Region 9

213. Jim Curland
Defenders of Wildlife

214. Sejal Choksi
San Francisco Baykeeper

215. Linda Sheehan
California Coast Keeper Alliance

216. Joe Karkoski
Central Valley RWQCB

217. Tim O'Laughlin
O'Laughlin & Paris LLP

218. John Herrick
South Delta Water Authority

219. Arthur Godwin
Mason, Robbins, Gnass & Browning

220. Debra Liebersbach
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221. Cynthia Paulson, J. Gain, and A. Hansen
Brown and Caldwell (Representing Turlock Irrigation District)

222. Robert L. Carey
W.M. Beaty & Associates

223. Lee Mao
U.S. Bureau of Reclamation

224. Carrie McNeil
DeltaKeeper - BayKeeper

225. Robert Meacher
Plumas County Board of Supervisors

226. Jose Angel
Colorado River Basin RWQCB

227. Nadim Zeywar
Colorado River Basin RWQCB

228. Renee DeShazo
Los Angeles RWQCB

229. Marco Gonzales
Coast Law Group

230. Kirsten James
Heal the Bay

231. Heather Hoecherl
Heal the Bay

232. David Beckman
Natural Resources Defense Council

233. Dana Palmer
Santa Monica Baykeeper

234. Richard Watson
Coalition for Practical Regulation

235. Rick Alexander
Sweetwater Authority

236. Jeff Pasek
San Diego Water Department

237. Ruth Kolb
City of San Diego

238. Ken Farsing
City of Signal Hill

239. Dr. Gerry Greene
City of Downey

240. Rodney Anderson
City of Burbank

241. Jim Marchese
Los Angeles Department of Public Works

242. Heather Lamberson
Los Angeles County Sanitation District

243. Larry McKenney
County of Orange

244. Tim Moore
Representing Big Bear Lake Municipal Water District

245. Andy Henderson
Building Industry Association of Southern California

246. Clayton Miller
Construction Industry Coalition on Water Quality

247. Susan Paulson
Newhall Land and Farming Company

301. Michael Flake
California Department of Transportation

302. Mark Miller

303. Nancy Kay Webb

Table 2: Responses to Comments and Testimony

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
Staff Report, Volume I			
11.1	ERM levels do not provide a sufficient level of protection to marine life. The levels outlined by Long to create the ERM were not intended to be used as a standard to evaluate sediment or water quality. Commenter proposes that the standards used to determine water and sediment quality be created specifically for that purpose rather than as part of a study with a different focus. If a currently existing set of standards are to be used, it is suggested that the Threshold Effects Level (TEL) developed by McDonald et al. is the preferred set or at a minimum the Effects Range Low (ERL) developed by Long et. al. By using these lower standards to evaluate sediment and water quality for metals, the state will provide better protection for humans and wildlife from the bioaccumulative effects of toxic metals.	The sediment guidelines used during the process for developing the 2006 section 303(d) list comply with the requirements of section 6.1.3(1) of the Listing Policy. This section requires that sediment guidelines be predictive of sediment toxicity in at least 50 percent or more of samples analyzed. The ERM values used satisfy this requirement. TELs and ERLs do not predict sediment toxicity in marine or estuarine sediments. Consequently, these values were not used in the assessments.	No
17.12, 85.4, 110.1, 115.5, 138.1	Fish tissue data alone should not be used for listing without corresponding water column and/or sediment data. Tissue data alone is not indicative representation of the water body.	The Listing Policy calls for the use of tissue data when it is available. In most cases tissue data is compared to guidelines that are aimed at protecting consumption and aquatic organisms. Sediment and water data are typically compared to values that are intended to protect aquatic life.	No
22.4, 97.5	A clear description with a map of appropriate scale should be provided for each recommended list change, and do the same for each of the watershed pollutant pairs where the recommendation is no change in status.	The Listing Policy calls for a map and description of the watershed be included in the fact sheets. While staff are working to upgrade Geospatial Water Body System (GeoWBS) to link with the fact sheet information, staff were unable to complete this task in time for the development of the 2006 list. For future lists this comment will be implemented.	No
24.1	Support the listings for temperature and invasive species.	Comment acknowledged.	No
24.12, 43.51, 125.4, 232.4	The State Board should clarify that the situation specific weight-of the evidence approach was intended to act as a 'safety net,' and thus Section 3.11 and 4.11 require an evaluation of all available evidence under the situation specific weight of the evidence approach whenever there is any information that indicates nonattainment of standards.	The situation-specific weight of evidence factors are not a 'safety net' but rather a separate factor to be used when data and information are available that cannot not be evaluated clearly under the other listing or delisting factors. The situation specific weight of evidence factors were envisioned to be used when the available lines of evidence conflicted, making it difficult or impossible to determine if water quality standards are attained. While most lines of evidence are addressed by the listing and delisting factors, there may be circumstances when, due to additional or conflicting lines of evidence, there may still be a case for listing or delisting. In these cases the reasons for listing or delisting must be expressed. It seems to undermine most of the listing and delisting factors if the very	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		same data are used to come to an opposite conclusion. For example, if a water segment has exceedances of an ERM but there is no toxicity (section 3.6 of the Policy), the use of the ERMs alone is not supported by the Listing Policy and not supported by all scientists who work with contaminated sediments. Using ERMs alone would not be reasonably allowed under the situation specific listing or delisting factors because the Board would have to abandon its previous rationale. This abandonment would be arbitrary and capricious unless there is some applicable reason to take an opposite approach. If some additional line of evidence was available (perhaps some type of biomarker measurements) not previously envisioned by the Policy then the case could be made to list or delist.	
24.13	Sediment chemistry data should be evaluated under situation-specific weight of evidence. Some water bodies are recommended for not listing even though a sufficient number of samples exceed the guidelines. Example: 6 of 24 sediment samples in L.A. Harbor-Cabrillo Marina exceed the Cu sediment guideline. Because there was no observed toxicity, it was not listed. There are not specific listing factors provided in Section 3 of the Policy for pollutants in sediment. The exceedance of a sediment quality guideline is indication that there is an impairment. Since there is no specific section addressing this, pollutants in sediment must be evaluated using a situation-specific weight of evidence under Section 3.11 of the Policy.	Section 3.6 of the Listing Policy requires that the pollutant in sediment be associated with toxicity measurements before placing a water segment on the 303(d) list. The Listing Policy requires evidence of observed toxicity to establish a connection between the pollutant in the sediment and toxicity impacts to the aquatic habitat in the water body segment.	No
24.2, 43.4, 43.49, 230.6	The State Board should not apply the Listing Policy retroactively to reevaluate listings made prior to the adoption of the Policy, except in very limited circumstances. In its review, however, State Board staff appear to apply the Listing Policy retroactively in a much more wholesale manner using the new Listing Policy factors. Staff's proposed approach fails to recognize the substantial deference that must be given to prior administrative decisions and ignores the limited circumstances set forth in the Listing Policy for reevaluating previous listings for delisting.	Each time California's section 303(d) list is changed (as it was most recently in 2002), most of the list is brought forward unchanged from the previous list. Once the revised list is adopted by State Water Board and approved by USEPA, it becomes the official list and all previous lists are no longer effective. With respect to the 2006 list proposals, the Listing Policy is being applied only to the 2006 list proposals. While some older listings are being proposed for revision, these changes have been made considering all available data and information in the administrative record. When changes are not proposed, staff have deferred to previous decisions and included all previous listings in the currently proposed list. The delisting factors in the Policy have not been ignored and, when applied, either support or do not support the listing. While the Listing Policy allows specifically interested parties to request existing listings to be reassessed, nothing in the Policy prevents State or Regional Boards from reassessing past listing decisions. If data were not reviewed regarding a listing then deference was given to the past decision and that previous decision was brought forward unchanged to the current listing process.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
24.3, 43.10	As an overarching premise, the Section 303(d) listing process should err on the side of protecting water quality and beneficial uses. Where uncertainty exists, decisions should be made in favor of protecting water quality, as well as human health and the environment. The staff has applied a very lax standard, i.e. that a water body is clean until proven dirty, to proposed delisting decisions (as well as listing decisions) in the Draft Revisions. No evidence that a water body is currently in attainment is provided to back up the majority of the proposed delistings. The necessary burden is to demonstrate that the water quality standard is being met, not that there is insufficient information to show it is not being met.	The purpose of the section 303(d) list is to identify waters not meeting water quality standards that still need TMDLs (CWA section 303(d) and 40 CFR 130.7). The standard being applied by staff is required to be used by the Listing Policy (please refer to Tables 3.1 and 3.2 of the Policy). The issue of which hypothesis to test was evaluated and vetted extensively during the development of the Listing Policy.	No
24.4, 43.13, 123.1, 212.6, 215.3, 231.5, 232.3, 247.4	The State Board failed to consider all readily available data and information when developing the draft revisions to the 303(d) list. The Listing Policy clearly states that 'all readily available data and information shall be evaluated.' Listing Policy at § 6. It further states that the 'RWQCBs and SWRCB shall actively solicit, assemble, and consider all readily available data and information.' A review of the proposed list shows that the State Board has so far failed to implement these bedrock requirements. Board staff has admitted that perhaps as little as 25% of available data has, in fact, been reviewed. In many instances staff proposes to delist well-studied waters notwithstanding the availability of high quality data that contradicts staffs conclusions. Both of these results are at odds with applicable regulations, guidance, the Listing Policy, and the basic 'safety net' Policy rationale for Section 303(d).	All data and information in the administrative record were reviewed. In all cases where it appeared that standards were not met a fact sheet was prepared documenting the data assessment. With the staff resources available it was impossible to prepare fact sheets for each and every water body-pollutant combination. As described in Volume I of the Staff Report rational priorities were established for reviewing data and information. Much new data and information was submitted during the comment period and if the inclusion of the data resulted in a change in the staff recommendation it was included in the fact sheets.	No
24.5, 43.20, 231.11	Staff is proposing numerous delistings based on the assertion that there is no existing and/or acceptable evaluation guideline under the provisions of the new Listing Policy. This is improper for two reasons. First, this rationale is not included in the list of three situations in which delisting may be considered. Listing Policy at 11. Second, this line of reasoning is inappropriate in the absence of any evidence indicating that the segment is in attainment with water quality standards. In short, it is evident that these proposed delistings are based solely on a 'guess' that there is no impairment, with no scientific evidence or data indicating that water quality standards, including beneficial uses, are being attained. The State Board should direct staff to retain these listings as well until such time as substantial information is gathered to indicate that water quality standards are being met.	The use of evaluation guidelines is controversial, but the use of the guidelines are a transparent way to interpret or to make explicit judgments regarding attainment of narrative water quality objectives. In the absence of numeric guidelines, staff have employed 'best professional judgment' to assess narrative standards. Professional judgment depends on the experience and expertise of the person rendering the judgment. Even people with reasonably similar experience could judge similar situations differently. To avoid the potential to make arbitrary and capricious judgments regarding listing recommendations, staff could not assess data without some way of determining if the judgment was scientifically defensible or reproducible. In most instances where guidelines are not available, if the listing was maintained it would be virtually impossible to remove a listing no matter how many measurements were available because there would always be questions about the environmental significance of the measurements. It is true that the status quo situation is to assume standards are met. This is assumed because the Listing Policy requires us to assume the null hypothesis to be: standards are met.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
24.6, 43.21	Staff contends that several previous listings based upon MTRLs and EDLs should be removed from the list because the new Listing Policy does not recognize these guidelines. This is another good example of how such staff's proposed retroactive application of the Listing Policy fails. Once again, this is not one of the three express situations in which previous listings may be reevaluated under Section 4 of the Listing Policy. Moreover, staff has not provided any affirmative evidence that the water bodies proposed for delisting are not currently impaired under the situation-specific weight of the evidence standard or otherwise. Finally, the proposed approach again ignores the deference due to prior agency decisions. The Precautionary Principle should be heeded where the constituents of concern have no other established guidelines, as is the case here. As threatened waters must also be listed under Section 303(d), these waters should remain listed for this reason as well, particularly in the absence of affirmative evidence showing attainment of standards.	Any delisting recommendations that were made based on the fact MTRLs were used and do not include a reevaluation of data have been revised. MTRLs and EDLs are poorly or not related to beneficial use protection and therefore are specifically excluded from use under the provisions of the Listing Policy (section 6.1.3(2)). To the extent possible, when a previous listing was reviewed and the guideline was not appropriate then the data were reviewed using an appropriate OEHHA or USEPA guideline. The use of guidelines to interpret narrative standards is a precautionary approach. Evaluation guidelines are being used as a transparent surrogate for the narrative water quality objective to be used only in the listing process. Threatened waters are addressed under sections 3.10 and 4.10 of the Listing Policy.	Yes
24.7, 43.52, 43.3	The list violates the law by failing to list impaired waters where there is a narrative standard or guideline for the pollutant at issue. A number of delistings covered under various narrative standards in the Basin Plans, based on that they are 'conditions', not pollutants. This is inconsistent with the Policy, CWA and Porter-Cologne Act. If narrative listings can't be made, there may be no incentive to address the problem and investigate the source. The logical and appropriate way to address this is to list water bodies for the nuisance condition where a narrative nuisance standard is not being attained. See section 3.7 of the Policy. This section contains no requirement to list for a specific pollutant instead of a nuisance condition. Board staff's proposed rationale that only pollutants may be listed must be rejected and relevant listings reassessed. It is also asserted that quantitative data is necessary for a nuisance listing. Section 3.7.1 of the Policy allows listing for nuisance conditions if 'nutrient concentrations cause or contribute to excessive algal growth.' This is independent of needing to pinpoint whether the cause is N or P or some combination of the two, to list either N or P, or whether there are applicable numeric objectives for N or P. Sections 3.7 and 4.7 shouldn't be interpreted as narrowly as has been in the proposed revisions. When there is no quantitative data, the State and Regional Boards must evaluate the nuisance condition under Sections 3.11 and 4.11 based on all available information. The Policy 'was amended to include a situation-specific weight of evidence listing or delisting process by which Regional Boards can list or delist any water body pollutant combo even if it does not meet the listing requirements of the Policy as long as the decision can be reasonably inferred from the data and information.' (Response to comments at B.27.)	The Listing Policy requires that waters be placed in the Water Quality Limited Segments category of the section 303(d) list if the 'standards nonattainment is due to toxicity, a pollutant, or pollutants.' The Water Board allowed only one condition of a water body (i.e., toxicity) to be placed on the list for the reasons specified in the documents containing the justification for the Listing Policy. The Listing Policy was written carefully to distinguish between problems caused by pollutants and non-pollutant problems. Excess algae growth may be due to high nutrient concentrations or it may be due to non-pollutant causes like loss of streambed cover. Pollutants are amenable to TMDL while non-pollutant caused problems are not. Section 3.7 of the Listing Policy is not written as stated by commenter. Nuisance qualitative assessments must be backed by either a nutrient-related guideline (section 3.7.1) or another type of guideline (section 3.7.2). Guidelines are not needed in all circumstance; reference conditions can be used to make the assessment in lieu of the guideline. Under this section of the Policy visual assessments alone do not provide a basis for listing. Some numerical assessment is needed to link nutrient concentrations with the problematic condition.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
24.9, 123.9	The list violates the law by failing to list impaired waters where there is an 'alternative program' in place. Section 303(d) requires States to identify waters for which 'the effluent limitations required by section 301(b)(1)(A) and 301(b)(1)(B) of this title aren't stringent enough to implement any water quality standard applicable to such waters.' An example is sediment concentrations for Cd, Cu, Ag, and Zn in Peyton Slough exceeded the evaluation guidelines; sediment toxicity was very high; and the benthic communities were only marginally viable. Regional Board recommended to list, however State Board did not. The reason was that it was being addressed through a Cleanup and Abatement Order. Using this rationale does not exempt impaired waters from their required listing. Numerous impaired waters will never be properly listed and subject to a TMDL.	The impairments no longer exist at Peyton Slough. This water body is not being recommended for listing for these constituents because the cleanup has progressed and the polluted sediments have been capped. The pre-cleanup conditions do not exist in 2005. For other water bodies with a remedial program in place, in order to follow the intent of section 2 of the Listing Policy, water bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. Such water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	Yes
32.3	The fact sheets do not provide consistent information regarding hardness data used to calculate hardness dependent metals criteria. In some instances, there is no information that indicates if actual hardness data or if default hardness values were used to calculate the applicable criteria. The fact sheets should be revised to clearly articulate the hardness values used to calculate the water quality criteria. The State Board is encouraged to only use water quality data with paired hardness values. In the absence of information that supports the selected hardness value, the data should not be considered of sufficient quality to make water quality attainment determinations.	State Board staff used hardness data associated with water samples. Generally, if hardness data was not available, dissolved metals data were not compared to CTR criteria. In a few cases, Regional Board staff requested that average hardness data be used to evaluate some metals data. This type of analysis is not precluded by the CTR.	No
32.5	Disagree with the State Water Board's use of total recoverable data in ambient waters for iron and manganese as compared to the secondary maximum contaminant level (MCL) to determine if there is impairment. Secondary MCLs are drinking water standards adopted by the DHS. They apply to drinking water at the tap as it is delivered by drinking water agencies to consumers. All drinking water must be filtered to comply with the Federal Safe Drinking Water Act. Only dissolved data should be compared to secondary MCLs for manganese and iron.	When the MUN beneficial use is applied to a water body, the appropriate values to apply are the MCLs, and comparing total recoverable data to the MCLs is appropriate.	No
43.1	Overall, we support the State Board's efforts in developing a more standardized and uniform approach for listing impaired waters in the State of California under CWA Section 303(d).	Comment acknowledged.	No
43.11, 43.12, 230.4	Although there are no numeric standards or guidelines for some pollutants, narrative standards still apply. The State's Porter-Cologne Water Quality Control Act (Porter-Cologne) acknowledges both narrative and numeric water quality objectives. 40 C.F.R. § 131.3(b). Yet, in the	The Listing Policy sets up an approach for assessing whether water quality standards are met or not met. This process involves using numeric guidelines to evaluate data and information. When guidelines are not available, trend data were used in some circumstances to	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	majority of cases, staff has failed to present any data or information in the Draft Revisions to demonstrate that narrative standards are met in these water segments. The onus is on the State Board to demonstrate that these water segments are no longer impaired before removing them from the 303(d) list. Only where the State has affirmative and demonstrable knowledge that water quality standards are being attained and maintained should they remove a water segment from the list. The State Board must make this clear in reviewing the Draft Revisions and approving the 2006 list.	propose listings. All other information that could possibly afford a substantial basis for the listing was evaluated in order for a recommendation to be inferred. If nothing substantial was available, arbitrary judgments about listings were not made. Individual staff judgment can vary substantially even among staff who have similar experience. To avoid arbitrary recommendations, some reproducible way must be available to interpret the available data and information. In many circumstances, after public comment was received, changes were made to the proposed recommendations based on the site-specific information brought forward in comments.	
43.14	Staff has not interpreted or applied certain aspects of the Listing Policy consistent with that intent. Notably, as most of these are concerns with regard to proposed delistings, they can be resolved easily by the State Board declining to apply the Listing Policy retroactively.	The Listing Policy has been implemented as it is written. Nothing in the Policy prevents the re-evaluation of listings made in the past.	No
43.16	State Board staff apparently is misinterpreting this language when it appears in Section 4 of the Policy to mean that the weight of evidence approach does not have to be employed as a 'check' when delisting appears appropriate under the specified delisting factors but would not be appropriate when all evidence is considered. Staff's interpretation is flawed. First, if the Listing Policy is faithfully implemented, staff's interpretation amounts to a distinction without a difference. Proceeding in a step-wise fashion through the biannual Section 303(d) process requires consideration of all readily available information as a fundament of the process. Even if staff believe that delisting is appropriate without employing a weight of the evidence analysis under Section 4, the evidence available must in any case be considered under Section 3. It cannot be ignored without violating basic Section 303(d) principles. So, whether Staff employs the weight of the evidence approach under Section 4, or under Section 3, this analysis must be undertaken before a Section 303(d) list of impaired waters can be completed. Staff's interpretation of Section 4 is wrong, in any case. This interpretation would set a far less stringent standard for delisting than to list water bodies. This plainly was not the intent of the Board nor is it the standard set forth in the Listing Policy. The State Board should direct its staff and the regional boards on the appropriate application of section 4.11 of the Listing Policy to situations where any evidence exists to support retaining a listing even if the precise requirements of Sections 4.1 to 4.10 are not met or all of the	The Listing Policy provides two ways to remove waters from the section 303(d) list: The delisting factors including section 4.11 (the Situation-Specific Weight of Evidence Delisting Factor), and the introduction to section 4 (if the data were faulty in some way). The delisting factors are dependent on having data and information to make the assessment. For all types of data these factors can be used effectively. For previous listings where a judgment of impairment was made based on individual opinion and no data or information backing the judgment, the delisting factors cannot be used because there is nothing to evaluate. If these irrational listing are allowed to stand until something is available to say water quality is good, this assessment approach is analogous to using the null hypothesis that 'a water body does not meet water quality standards.' This hypothesis was rejected by the Water Board during the development of the Listing Policy because the potential to place waters on the list with inconclusive (in this case, no data) would be great. Since Regional Boards and USEPA have come forward with listings not backed by data and where they believe TMDLs are not warranted (i.e., their judgments have changed from when these waters were originally listed), these errors in judgment should be acknowledged. Monitoring and TMDL resources could then be directed to real water quality problems that are bolstered by conclusive data. The Staff Report (Volume I) has been modified to include language from Federal regulation describing good cause to remove waters and pollutants from the list.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	required data sets do not exist. This is the only interpretation consistent with the Listing Policy as a whole and the recognized equal burden of proof applicable to both listing and delisting decisions.		
43.17	Sediment quality data are sufficient for listing decisions on their own merit. As there is no specific section addressing this, pollutants in sediment must be evaluated using a situation-specific weight of evidence under Section 3.11 of the Listing Policy. The magnitude of the SQG exceedance may also be considered in conducting this situation specific weight of evidence analysis. The State Board therefore should require its staff and the regional boards to evaluate available sediment quality data using the Section 3.11 situation-specific weight of evidence approach, regardless of the availability of overall sediment toxicity data.	This statement is not correct. The Listing Policy address sediment quality data under sections 3.6 and 4.6 of the Listing Policy. Using sediment chemical concentrations alone was analyzed during the development of the Listing Policy and the conclusion was that in order for sediment chemical concentrations to be used, the sediment must have either sediment toxicity or benthic community impacts. The approach for assessing chemical measurements in sediments is consistent with the State Water Board's process and approach for developing sediment quality objectives.	No
43.18, 43.18, 65.9, 229.1, 230.5, 232.6	Staff also has made express unilateral assumptions that go beyond the Listing Policy. For instance, on pages 11-12 of the Staff Report, staff provides a list of assumptions, in addition to those contained in the Listing Policy, which it used to evaluate potential delistings. These additional assumptions include delisting previously listed segments if 'data or information justifying the original listing was anecdotal' or 'data or information to support the original listing simply does not exist.' This approach illegally avoids the Listing Policy's requirement to show that the segment would not have been listed absent the faulty or non-existent original data. The State Board should remove these additional assumptions from the process. They constitute revisions to the Listing Policy and thus must be undertaken as part of a separate process to revise the Policy. The State Board also should clarify that in the absence of any new data showing attainment of water quality standards, these listings should remain on the 2006 list. They may be reviewed again by the regional boards in the next round of listing using Section 4.11, the site-specific weight-of-the-evidence approach.	When the Listing Policy was developed there was an underlying assumption that each and every listing had a rational data or information supported basis. The faulty data statements at the beginning of section 4 of the listing policy were focused on those listings that are simply mistakes. Three examples are presented but the State Water Board did not limit consideration to other factors that might cause a listing to be faulty or mistaken. If the reason for a listing cannot be found or if it is known the listing was based on nothing, then it is reasonable to conclude that the listing is faulty. All of the faulty or mistaken listings were suggested by USEPA or the Regional Water Boards. Perhaps scarce monitoring resources could be directed to confirming that standards are met but this would divert funding from high priority projects.	No
43.19, 230.3, 232.7	Staff's proposed rationale for not listing nuisances because they are conditions rather than pollutants is erroneous. Staff also asserts that quantitative data is necessary for a nuisance listing. Again, this is erroneous. Translators for assessing narrative conditions are not limited to numeric objectives and guidelines. Consistent with the very language of the Policy, the State Board should clarify that Sections 3.7 and 4.7 should not be interpreted as narrowly as staff has done in the proposed revisions. Further, where there is no quantitative data, the State and regional boards must evaluate the nuisance condition under Sections 3.11 and 4.11 based on all available information.	Sections 3.7 and 4.7 of the Listing Policy have been interpreted as they are written. These sections should be interpreted in the context of the whole Policy. Section 2.1 requires that: 'Waters shall be placed [on the] list if it is determined, in accordance with the California Listing Factors, that the water quality standard is not attained; the standards nonattainment is due to toxicity, a pollutant, or pollutants; and remediation of the standards attainment problem requires one or more TMDLs.' Conditions include excess algae growth, bioassessments, and other adverse biological effects and should be used in association with pollutant data to assess need for listing.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
43.2, 230.2	Commenter has several concerns with the State Board's proposed interpretation of and application of the Listing Policy in developing this standardized approach for the 2006 303(d) list. These include numerous inconsistencies in the application of the Listing Policy, the failure to evaluate all readily available data and information, the improper reevaluation of prior listings for which TMDLs have already been adopted, and an extremely narrow construction and use of the situation specific weight-of-evidence factors for listing and delisting, and inadequate consideration of narrative standards.	Staff evaluated all readily available data and information including water bodies which have TMDLs adopted, and interpreted the situation specific weight-of-evidence factor as written in the Listing Policy. Many changes have been made in the staff recommendation to use the site-specific weight of evidence listing factor. In addition, many clarifications have been made in how waters with TMDLs are addressed.	Yes
43.6	The State Board must make a substantial showing in order to overcome the presumption of correctness that applies to the original Regional Board decision. Notably, staff has made certain express assumptions to avoid this recognized burden altogether (See pages 11-12 of Volume I of the Staff Report). This is a clear violation of the law. The State Board is required to provide substantial evidence in all cases to overturn prior agency decisions. Moreover, in most cases the regional boards had sufficient evidence to place these water bodies on the 303(d) list when the original administrative decision was made. The regional boards are much more knowledgeable about their local water bodies and local conditions than the State Board is or can be, particularly in the current process where State Board staff has been tasked with reviewing a huge amount of information for the entire state. Thus, it is not appropriate, or legal, for the State Board to propose to overturn these prior administrative decisions without providing substantial evidence to show that the earlier decision was not correct. This is a high burden, and in most cases, the State Board has not met it in the Draft Revisions.	Many of the previously proposed delistings have been revised to include the data and information to support to continued listing of these waters. In each fact sheet supporting a listing or delisting, staff have provided the rationale for the recommendation. In each assessment the rationale is substantial and in compliance with the provisions of the Listing Policy.	Yes
43.8	From an overall Policy perspective, the proposed retroactive delisting approach, in addition to being contrary to law, is not adequately protective of water quality for all of the same reasons set forth above. In addition, delisting based on applying the new Policy retroactively provides a perverse incentive to avoid monitoring or collecting further data on currently listed segments where there is limited numerical data. California must provide incentives for additional monitoring, not dissuade it, if we are to fully characterize the condition of our waterways.	The Listing Policy requires a substantial amount of data for listing and delisting. In many ways the requirements of the Listing Policy creates a large incentive to monitor by setting the bar for how much numerical data is needed to add or remove waters from the list. To change the listing status, monitoring data is needed. Listings that are based on conditions (like algae growth) or potentially precautionary actions of local health departments (like beach postings) do not create any incentives to monitor because these factors are not pollutants and guidelines are often not related to pollutants of concern.	No
53.1	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.	Comment acknowledged.	No
53.2	Support the approach staff has taken in re-evaluating old listings with the new Policy. The majority of the comments in this letter are based on the examination of readily available information in the administrative record	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	for the 303(d) lists developed in 1996, 1998, and 2002.		
57.2	No consideration was given to the effect of natural background concentrations on receiving water quality.	Natural background concentrations are considered when objectives are developed and many Basin Plans have exclusions for exceedances caused by natural sources. When available, these exclusions were used when water data were evaluated.	No
57.3	The water quality objectives are not based on the protection of any of the beneficial uses listed in the Basin Plan, but are solely based on the anti-degradation Policy.	The water quality objectives set for this water body in the Basin Plan are intended to protect the public health and welfare and maintain or enhance water quality in relation to the designated existing and potential beneficial uses within a water body.	No
57.8	Natural sources of pollutants lead to exceedances of water quality objectives.	Comment acknowledged.	No
59.1	The San Diego Bay Shoreline, Chula Vista Marina for Bacteria Indicators should be deleted from the Schedule for Completion of TMDLs (Table 9). The reason for this is as follows. In table 7 (Deletions from the 303(d) list), San Diego Bay Shoreline, Chula Vista Marina for Bacteria Indicators has been proposed to be deleted from the 303(d) list, however in Table 9 (Schedule for Completion of TMDLs) San Diego Bay Shoreline, Chula Vista Marina for Bacteria Indicators has been retained. It is appropriate that once a water body is deleted from the 303(d) list, the associated TMDL program also be deleted.	This has been corrected in Table 11 of the Staff Report.	Yes
65.11, 66.8, 66.6, 104.1, 126.8, 213.3, 215.2, 231.4, 233.2	The State's assessment of narrative standards attainment should be guided by the principles that (1) narrative standards must be applied in the assessment process (40 CFR 130.7(b)(3)), all existing and readily available water quality-related data and information should be used to assess water quality (40 CFR 130.7(b)(5)), and (2) assessment criteria can and should be developed to assess all types of available data and information (EPA, 2002).	The State's Listing Policy lays out a procedure for addressing narrative standards. Section 6.1.3 presents the State's approach for determining compliance with narrative water quality objectives. This procedure was used to avoid making arbitrary and capricious decisions on narrative standards attainment. In some cases, determinations could not be made because evaluation guidelines were meaningless (I.e., they did not represent water quality objective attainment or protection of beneficial uses).	No
65.12	There seems to be a lack of acceptable guidelines for determining an impairment.	Many of the pollutants that have the potential to impact water quality do not have numeric water quality objectives, criteria, or evaluation guidelines. In the absence of numeric standards the Listing Policy provides a mechanism to use trend data to assess compliance with standards (section 3.10). In addition, if there is another mechanism for assessing water bodies that requires on a substantial bias in fact from which the decision to list can be reasonably inferred (section 3.11). These two alternative approaches can be used if the information and data are available to make a scientific and reproducible argument that a water body should be placed on the section 303(d) list.	No
65.6, 230.7, 231.7, 233.3	The Policy does not take a precautionary approach - errs on the side of not listing rather than listing - hence failure to use the weight of evidence	The precautionary nature of the Listing Policy was addressed in the supporting justification developed for the Listing Policy (please refer to	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	approach.	Appendix B of the Listing Policy Final FED). The Listing Policy errs on the side of implementing the provisions as they are written. Listing and delistings were proposed if the data assessment satisfied the provisions of the Policy. The reasons for listing and delisting (sections 3 and 4 of the Policy) were used in the weight of evidence approach established by the Policy. Data not covered by the decision rules or that contradicted the decisions rule were evaluated in every listing or delisting decision under the section 3.11 or 4.11 of the Listing Policy. If the data assessed does not meet the requirements set forth in the Listing Policy, adopted in September of 2004, then a water body cannot be listed. All data provided during the solicitation period to the State Board was assessed in preparing the current draft 303(d) list. A weight-of-evidence approach was used to determine attainment or non-attainment of water quality objectives.	
65.8	There has been a lack of involving the Regional Boards in this process. It was expressed in sections 6.2 and 6.3 that the regional boards would do the 2004 list and that has not happened. The Regional Boards should be involved in a second tier review of the list.	Staff from the Regional Water Boards have reviewed each of the recommendations for the section 303(d) list. Comments provided by each of the Regions have been incorporated to the extent the comments did not conflict with the provisions of the Listing Policy. The Policy states that after 2004, the Regional Boards would initiate the listing process. The process started by State Water Board in 2004 required so much work that it was necessary to extend the time for completing the new list until 2006.	No
66.14	The State should evaluate whether it needs to consider newly submitted data and information on a case-by-case basis.	All data submitted with comments was reviewed. In cases where the new data in combination with the data used previously in the assessment resulted in a change in the draft recommendation, fact sheets and decisions were modified to incorporate this new data. In cases where initial review showed that no change to the recommendation would result from combining the new and old data, fact sheets and decisions were not revised.	No
66.2	There is concern that several aspects of the Policy may be at odds with federal listing requirements and state water quality standards: listing thresholds used to apply numeric water quality standards for toxic and some conventional pollutants, minimum sample size requirements, and interpretation of narrative water quality standards (e.g., for nutrients). Commenter urges the State to use the weight of evidence provisions of the Policy to guide revisions of several assessment determinations.	For each data set, the numeric listing provisions of the Listing Policy were applied if the requirements for list or delisting were met, a provisional recommendation for listing or delisting was made. The record was then reviewed for any other information that supported or contradicted the provisional recommendation (as required by section 3.11 or 4.11 of the Listing Policy). When all data and information were considered in the weight of evidence approach described in the Policy, all data and information were assessed. All assessments were consistent with existing water quality standards. The rationale for all listing decision rules are presented in supporting documents for the Listing Policy.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
66.3, 212.7	The State's application of a binomial statistical method to assess toxic pollutant attainment of water quality standards appears inconsistent with the CTR provision which states that pollutant concentrations should not exceed more than once in three years on average, and has resulted in omission of several waters that should be listed for toxic pollutants.	This issue was reviewed and addressed during the development of the State Water Board's Listing Policy. The approach used is an adaptation of an approach suggested to states in the USEPA-developed CALM guidance.	No
66.4	We recommend direct application of allowable exceedance rates where specified in Basin Plans. In cases where the Basin Plans do not specify allowable exceedance frequencies for conventional pollutants, we recommend application of a 10% exceedance rate for conventional pollutants, as recommended by EPA assessment guidance (EPA, 2002; EPA 1997). Several additional waters (e.g. Chumash Creek in Region 3 for DO) should be listed based on these considerations.	This approach was reviewed during the development of the Listing Policy. The USEPA 'raw score' approach was rejected because it did not adequately account for the various types of errors that are possible when making assessments of waters.	No
66.5	The State's assessment approach applies a 25% exceedance frequency that appears inconsistent with applicable water quality objectives and federal listing guidance. Several waters, including Mission Bay near San Diego, appear to meet listing requirements.	This exceedance frequency was reviewed and addressed during the development of the State Water Board's Listing Policy. The Policy requires its use with other factors in assessing attainment of standards related to conventional and other pollutants. The approach used is suggested to be used by states in the USEPA-developed CALM guidance.	No
73.1	It is the commenter's understanding that the 2006 list consists of the 2002 list combined with new listings and delistings proposed by State Water Board staff in conjunction with Regional Water Board staff.	This understanding is correct.	No
73.12, 73.24	The changes on area impacted should be clearly demarcated using both narrative and graphic descriptions and included in the report. Also in the Los Angeles Region several of these Areas of Change have beneficial uses that are incorrectly identified. The descriptions should include readily identifiable geographical markers and graphic or photographic overlays. Additionally, the beneficial uses need to be revised so that they are consistent with the Los Angeles Region Basin Plan.	The Listing Policy calls for maps to be created for fact sheets. However, during this listing cycle it has been impossible to create geocoded maps. The State Board anticipates that GeoWBS will soon include the capability to include maps in fact sheets for future listing cycles. The administrative record for the 2006 section 303(d) list includes data, maps, and/or sample locations on which decisions are based. Sample locations are also described in the fact sheets for each decision. The beneficial uses have been corrected in these fact sheets.	Yes
73.18	Criteria are not available to determine impairment for trophic conditions (eutrophic, mesotrophic and oligotrophic water bodies). Research is required to define which water bodies go under which category .These trophic categories were developed for coastal waters and closed water bodies such as lakes and reservoirs. Also, they are used to mean different things; some use them simply to indicate the relative level of nutrient concentrations, others use them (particularly the 'eutrophic' adjective) as shorthand for the effects of severe nutrient enrichment (e.g., low DO, high organic detritus levels, fish kills, pH exceedances, etc.). These terms are used without explanation. Often a water body gets a 'eutrophic' listing simply because it receives anthropogenic sources of nitrogen and phosphorus, with no demonstration of actual impairment of	Completing the research, assigning trophic categories, and creating criteria are outside the scope of the 303(d) Listing Policy.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	beneficial uses.		
73.2	Commend the effort State Water Board staff has undertaken to collect and review all readily available environmental data and information and evaluate a portion of these data using the Listing Policy.	Comment acknowledged.	No
73.21	Many of the TMDL listings in Region 4 are subject to a Consent Decree. Table 9 of the staff report does not identify if the TMDL completion dates are dates that are part of the Consent Decree or dates open to the discretion of the SWRCB. Furthermore, some of the 303(d) listings subject to the Consent Decree may be removed from the 303(d) list due to the SWRCB's assessment for the 2006 list. In these cases, the SWRCB should identify how it will address the requirements of the Consent Decree. Request that Table 9 in Volume 1 Staff report identify the 303(d) listings that are subject to Consent Decree time lines to assist all stakeholders in evaluating the proposed schedule. Additionally, the Bureau requests a reply on how the SWRCB will address 303(d) listings subject to the Consent Decree that may be removed due to the SWRCB's assessment of the 2006 list and how this will relate to the requirements of the Consent Decree.	All factors in Section 5 of the Listing Policy were considered in developing Table 11 (formerly Table 9). These dates are coordinated with the requirements and mandates placed on completing TMDL's including consent decree. The dates in Table 11 of the Staff Report were developed in coordination with Regional Board staff who made sure consent decree TMDLs are completed.	No
73.22	The current process for a data records review is problematic. In anticipation of the 303(d) listing process, the Bureau requested copies of all data submitted to the SWRCB for Region 4 that was to be considered as part of the 2004 Listing Process. Much of the data and information received by the Bureau was in the form of printed spreadsheets that had been reduced in size to fit on a letter sized page. In many instances, the headings were cut off, and were thus unreadable. From the record keeping perspective, the RWQCBs and the SWRCB should consider posting all information that was used in previous listings and the 2006 Listing on the SWRCB's website. By providing public access to this information, the public can view all lines of evidence used in the decision-making process which provides transparency to the 303(d) listing process. In particular; some of the old listings carried over from the 1996, 1998 and 2002 Lists do not identify the reports and information used to make the original listing decision.	Posting all data and information is a goal we would like to attain. Given existing staff resource limitations, posting all the data received could not be completed this year.	No
73.23	Appreciate the SWRCB's efforts to correct some of these early faulty listings in the 2006 Listing process. However, a more thorough review of all earlier listings is warranted. By providing the reports and information used to make these early listing decisions on the SWRCB's website, the public can review the listings that are of concern.	With the available staff resources it was not possible to review the assessments of all previous listings. These reviews will likely occur in future listing cycles or as TMDLs are developed.	No
73.25	Staff report page 5 --- Contents of the fact sheet 3rd sentence: The sentence should read: If data were reviewed for a water body-pollutant combination not currently on the section 303(d) list, it was considered for	This correction has been made.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	listing (using the listing factors in section 3 of the Listing Policy). Conversely, if data were reviewed for a water body pollutant combination currently on the section 303(d) list, it was considered for delisting (using the delisting factors in section 4 of the Listing Policy).		
73.27	In addition to the previous comments on listings there are incomplete, incongruent or inaccurate listings and delistings based on the report and data provided by the State and the 2004 State Listing Policy.	Comment acknowledged.	No
73.4, 73.10, 241.2	Fact sheets should be prepared and included for all waters and pollutants on the list and these should be included in the 2006 report. Fact sheets should be developed for all listings not just for changes on the list. These fact sheets should be updated biennially, so that stakeholders can be better informed on the reasons for a listing decision and review of water quality trends.	Ultimately, the goal is to have fact sheets for every water body and pollutant. The staff resources to undertake this task were limited and so priorities for developing fact sheets were used (please refer to Volume I of this staff report).	No
73.5	Use a primary line of evidence in conjunction with a TMDL to satisfy Section 2.2 or Section 3.11 of the Listing Policy. Referencing a TMDL does not provide the necessary information to evaluate the original listing or the 2006 listing decision. Without the supporting data included in the Report, stakeholders cannot verify if the conditions for placement in the water quality limited segments category have been met or if water quality standards have been attained.	The data from many of the water bodies that have TMDLs were reviewed as part of the development of the list. When new data were available they were reviewed and assessments made. Water bodies removed from the list in 2002 just because a TMDL was completed were placed back on the list to avoid errors of concluding that standards were met. These listings will be reassessed in the future as TMDL implementation proceeds. In addition, waters where TMDLs have been completed (through June 2006) were included in the 'being addressed' category.	Yes
73.6, 73.3, 241.1	Compile one section 303(d) list. The format of this draft staff report is confusing as to .the overall changes to the 2002 list and the proposed 2006 list. A simple table was provided that identifies by region the 2002 CWA 303(d) listings and includes all the proposed changes each with a status indicator (e.g. 'Do Not Delist', 'No Change') would provide clarity as to these changes and as to what listings were evaluated under the Listing Policy.	The final draft list is now available that includes a table similar to the one from the 2002 Section 303(d) list that shows a summary of all listings.	No
73.7	Due to the absence previously of a standardized procedure, agree with SWRCB staff that many of the pollutant/pollutant combinations were improperly listed on the 1998 and 2002 Lists which are now being carried forward onto the 2006 list.	Comment acknowledged.	No
73.8, 73.16, 84.1, 108.1, 129.7, 234.2	Support the recommendations for a number of water body listings for conditions being deleted from the 303(d) list. Waters listed for algae or beach closures are inappropriate because these are water body conditions and not pollutants as required by 40 CFR §130.7(b)(4) or the 2004 Listing Policy. For the 2006 list, the SWRCB may have missed some of the previous listings. Supports the SWRCB in moving away from listings based on a category of pollutants. Request that water bodies listed for a condition be evaluated and if appropriate removed from the	Listings were reviewed in the light of the whole record. If the fact sheets were not developed for a water body-pollutant combination, then no changes were made to the list. Removing 'conditions' from the list without any evaluation may have the unintended consequence of saying a water quality problem does not exist when in fact it does.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	list until further data indicates impairment due to pollution or toxicity. The Bureau requests that category pollutants such as ChemA, PAHs, and bacterial measurements be reviewed and listed for the appropriate indicators or pollutants. The Bureau also requests that listings for enteric virus be evaluated under the Listing Policy as there are no criteria to evaluate impairment.		
73.9	Support a new application process, whereby an interested party can request that an existing listing be reassessed under the provisions of the new Listing Policy if it has not been subject to the new Policy previously. This application process is different from the delisting provisions of the Policy.	Comment acknowledged.	No
81.4	Commenters support separately tracking water body segments which are being addressed via other regulatory programs. This allows the State Water Board, Regional Boards and stakeholders to direct limited resources to the development of those TMDLs that are needed to attain water quality Standards.	Comment acknowledged.	No
81.5	It does not appear that all readily available data and information have been evaluated as part of this listing.	Every submittal in the administrative record has been reviewed and that review has been documented. For waters and pollutants where there was a high likelihood that standards were not met a fact sheet was developed to show the basis for the listing decision. Ideally fact sheets should have been developed for each and every data set reviewed but this was not possible with the staff resources available.	No
83.1	Commenter commends the State Water Board on this revision of the section 303(d) list. In applying the recently adopted 303(d) Listing Policy, the State Board's 303(d) listing process is noticeably more transparent and consistent, and the proposed listing decisions in most cases have a well-documented, rigorous and scientifically valid basis (especially when compared with many of the listing decisions made in the past, particularly for a number of items placed on the list prior to the 2002 listing cycle). Although the commenter did not agree with every aspect of the Listing Policy, its use in developing the proposed 2006 303(d) list has markedly improved the overall listing process. Additionally, The Board and its staff is commended for the excellent work on this extremely important effort to update the 303(d) list.	Comment acknowledged.	No
83.2	The commenter reached different conclusions than staff on several listings because they were able to identify additional data that, when considered together with the data considered by the State Board, demonstrate attainment. In all instances, these data meet the definition of 'existing and readily available data,' and therefore must be considered by the State Board. In most cases, these data were collected as part of NPDES permit monitoring requirements and were submitted to the	In situations where a fact sheet had been developed the data were reviewed. If it changed the staff recommendation, it was included in the assessment. All of the provided analyses were reviewed. In the interest of efficiently using staff resources, new fact sheets were not developed in cases where it was likely that listing status would not change.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Regional Board in discharge monitoring reports, and therefore these data were in the possession of the Regional Board. In some cases, the data were collected between June 2004 and the present (after the Data Solicitation), and a large enough dataset is now available to meet the minimum number of samples required for listing/delisting. In all of these instances, re-examination of the proposed decision with respect to listing is warranted to ensure that sound listing decisions are made that are in accordance with the Listing Policy. The State Board should reconsider these listings based on the analysis provided.		
83.3	The State Board is commended for improving the rigor of the 303(d) list, as well as for providing 'fact sheets' that contain explanations of the basis for State Board decision-making. Support the State Board's use of a Water Quality Limited Segments Being Addressed category of the 303(d) list for the portion of listings where an impairment will be mitigated through an existing program and a TMDL for the impairment is not warranted or where a TMDL has already been established.	Comment acknowledged.	No
83.40	Santa Clara River Reach 3, Santa Clara River Reach 5, Santa Clara River Reach 6, Hopper Creek, Santa Clara River Reach 11, Piru Creek, Pole Creek, Sespe Creek, Wheeler Canyon/Todd Barranca -- Total Dissolved Solids, Sulfates, Chloride: These listings should all be made high priority and scheduled for TMDL completion within the next listing cycle. It would be beneficial for all parties, including the Regional Board, if all of the salt-related listings in this watershed could be made a high priority and scheduled for completion during the next listing cycle so that these studies (or additional side-by-side) efforts could encompass all of the salt-related impairments in the watershed on the same timeline with combined resources. This would allow more expeditious and efficient development of these TMDLs, and would enable the watershed to attain applicable water quality objectives as quickly as possible.	These schedules were developed in coordination with the Regional Boards using section 5 of the Listing Policy. While some efficiency may be gained by placing these on the same timeline, the Regional Water Boards are taking a different approach with other pressing water quality problems that can be addressed more quickly.	No
94.2	Would like to see in the future, a more extensive summary of test results than currently provided by the proposed listings. Also, make data more accessible to the public.	Comment acknowledged.	No
96.8, 103.11, 103.10, 130.13, 130.12, 130.14, 130.17, 130.19, 130.20, 142.7, 149.1, 237.5	Revise these TMDL completion dates to: Napa River Nutrients to 2008 San Francisquito Creek Sediment to 2008 Sonoma Creek Nutrients and Sediment both to 2008 Tomales Bay Mercury to 2009 Tomales Bay Sediment to 2010 Walker Creek Sediment to 2009 PCB's (dioxin-like) in all S.F. Bay segments to 2006 (the same as for	These changes have been recommended by Regional Water Board staff after considering the criteria in section 5 of the Listing Policy.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	PCB's) Selenium in all S.F. Bay segments to 2009.		
103.2	Please add another column to indicate the date of the original impairment listing. Please add previous years 303(d) lists to the State Board site as well as the data used to support these lists.	A new column has not been added because it is not a requirement of Federal regulations nor of the Listing Policy. At this time, tracking such information would be an additional burden on staff resources with little benefit to the listing process.	No
103.9	TMDL's are not the only option for addressing water bodies on the 303(d) list. The title of Table 9 should be changed to 'Table 9 - Schedules for Completion of TMDL/Other Appropriate Regulatory Action'.	Programs other than a TMDL may be included under Table 11 (formerly Table 9). However, to be consistent with section 2 of the listing policy which describes a TMDL completion schedule as part of the 303(d) list, no change to the title of Table 9 has been made.	No
123.12	The fact sheet descriptions are inadequate to evaluate the listing proposal. The following information should be contained in the fact sheets in order for the public commenting process to be meaningful. 1. Explicitly list the evaluation guideline or parameters used; 2. Explain why that particular guideline or parameter is appropriate for that particular water body; 3. Provide values and the uncertainty in those values for all numeric data used to assess water quality; 4. List all evidence relevant to the decision and provide specific citations to references; 5. Ensure that the guideline units are the same as the data used to assess water quality; and 6. When Listing Factor 3.11 is relevant, explain in detail how it was applied and how it affected the conclusion to list or not list.	While more detailed descriptions are better, staff struck a balance between more detailed summaries and the need to assess hundreds of pollutant-water body combinations. In all cases, guidelines are presented in each fact sheet, guidelines are attached to beneficial uses, uncertainties were evaluated in Listing Policy supporting documents, references are cited, units were checked, and to the extent possible rationale is provided for listings based on section 3.11.	No
123.13	Strongly concurs with the listing of invasive species. Strongly encourage staff, in addressing this TMDL, to work collaboratively with the existing Interagency Aquatic Invasive Species Council created in California Fish and Game Code Section 6952.	Comment acknowledged.	No
130.15	Bridgeport Reservoir - Schedules for Completion of TMDL: Lahontan RWQCB plans to address the listings by developing site-specific objectives and/or amending the Basin Plan to recognize the role of hydromodification and reservoir management in maintaining eutrophication conditions in the reservoir. No comment on studies or dates are given.	Until the Basin Plan has been amended to address these listings, TMDL completion dates will stand.	No
130.16	Truckee River- Schedules for Completion of TMDL'S and, WQ Objective for Sediment (Delist for Sediment): A review of monitoring data collected (by the Lahontan RWQCB) since this stream was listed for sediment shows the Truckee River does not meet current criteria for listing; however, it is threatened by discharges of sediment from stormwater runoff. The Regional Board plans to designate	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	the Truckee River watershed portions of Placer and Nevada counties and the Town of Truckee as needing Phase II municipal stormwater permit coverage. When the permit is in place, it will be appropriate to move this listing to the 'Water Quality Limited Segments Being Addressed' category.		
130.18	Donner Lake- Schedules for Completion of TMDL'S: The impairment verification study for Donner Lake will be completed within the year. Lahontan will not consider a schedule for TMDL development until study results are available.	The completion date has been removed.	Yes
130.21	Susan River - Schedules for Completion of TMDLs: The State Water Board Staff Report completion dates (Vol. 1, pg. 70) were apparently taken from the TMDL Planner-Tracker database. The schedules are not current. A study was conducted. The study did not associate observed toxicity with any specific pollutant, though certain pesticides were present where toxicity was identified. Unless and until a pollutant is identified Lahontan RWQCB does not expect to develop a TMDL to address the listing. The study is posted online at: http://www.waterboards.ca.gov/lahontan/TMDL/Susan_River/docs/toxicityreport.pdf No timetable given	Based on this comment, Table 11 of the Staff Report has been revised.	Yes
130.22	Discrepancy In Summary Tables: Table 5 on page 13 of vol. 1 of the Staff Report summarizes the total numbers of new listings and delistings recommended for each Region. It shows 8 new listings and 24 delistings for the Lahontan Region. However, there are different numbers in the full list of recommendations. Six new listings are recommended for the Lahontan RWQCB on page 25 of the Staff Report, and 22 delistings on page 36. The final tables should be made consistent with each other. Two of the Lahontan 'new' listings are actually for completed and fully approved TMDLs. Two other listings (for Searles lake and Mono Lake) are actually 're-listings' of waters delisted due to 'programs in place' in 2002. One new listing (of Crowley Lake for DO and ammonia) is accompanied by a delisting (for N and P). These situations should be clarified through footnotes to the final draft section 303(d) list that goes before the State Board.	The inconsistencies have been corrected.	Yes
130.23	For reasons previously listed, TSMP data and Screening Values should not be used in Section 303(d) listing for any water body unless and until: -Additional tissue sampling has been done to verify the impairment. -A fish consumption advisory has been issued by OEHHA or local government health authorities; and/or -Impairment is corroborated by ambient water and/or sediment quality	The Listing Policy allows the use of guidelines that satisfy the conditions set forth by section 6.1.3 of the Listing Policy. In addition section 3.5 of the Policy allows the use of tissue data alone to make listing determinations.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	data.		
137.2	Commenter contends that the methodology used to develop the 2006 list is based on improper assumptions from the 2002 list's administrative record.	The proposed listings and delistings are based on provisions outlined in the Listing Policy approved by the State Board in 2004. Some approaches taken may be similar to the 2002 listing process, however the current draft decisions are not based, in any way, on the methodology used for the 2002 section 303(d) list.	No
137.9	The Clean Water Act only allows listings of water bodies that are impaired, at least in some part, by point sources of pollution. Therefore, the adoption of this 'one-size-fits-all' approach is an abuse of discretion violating the federal Administrative Procedures Act and federal Clean Water Act section 303(d) listing criteria.	All pollutants can be placed on the 303(d) list regardless of the source of the pollutant(s).	No
142.1	Commenter recommends that all impaired water body segment listings be for particular pollutants and not for conditions, and to consider all available data.	Comment acknowledged.	No
212.9	Weight of Evidence section in the Policy says that using a single line of evidence & using other benchmarks, for example DDT, which is a bioaccumulative, could protect for higher organisms including human health. Suggest developing a sediment benchmark by taking a CTR water value & back-calculating using sediment-to-water ratios to determine a corresponding sediment value. Both results would be compared to the derived CTR value and you could determine the number and magnitude of exceedances.	This approach is the same as the USEPA Equilibrium Partitioning approach for calculating sediment quality criteria. The USEPA approach has been reviewed by scientists working on the State's sediment quality objectives program and has been found to not be workable or predictable. Hence, because of these findings, this approach was not used to determine the number and magnitude of exceedances.	No
215.6	More monitoring data is needed for impaired waters in order to list.	The Listing Policy presents the types and amounts of data that are needed for listing determinations.	No
224.2	Commenter requests that SWRCB address additive and synergistic effects of pesticides.	To the extent these effects were reflected in standards, they were used.	No
229.4	Delisting water bodies due to an insufficient number of samples: These waters should stay on the list to require additional data to be submitted before delisting.	Staff applies sample size guidelines as stated in tables 3.1, 3.2, 4.1 and 4.2 when analyzing data and making listing decisions.	No
231.10	There should be a higher burden of proof to delist.	The Policy requires a higher burden of proof to delist for toxic pollutants than to list.	No
231.6, 231.9	Based on the fact sheets, it is difficult to tell how the different multiple lines of evidence were weighed into make different decisions and what some of the decisions were based on. Hence, not a transparent process.	When numerical data were assessed and were comparable, the data sets were simply added together. Toxicity and community degradation were combined as outlined in the Listing Policy and described in Listing Policy supporting documents.	No
234.1	There were inappropriate reasons for delisting.	The data assessed met the requirements of the Listing Policy. Based on the Policy and the data, State Board staff were able to make the best	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		professional judgment on whether the water body was to be delisted.	
Staff Report, Volume II, North Coast Region Fact Sheets			
3.1	The Klamath River has not been listed for sediment in spite of sediment listings for other Klamath tributaries.	The data for the Lower Klamath River supports listing. If it is found that the data supporting this listing is on tribal lands the USEPA should place this listing on the tribal land section 303(d) list.	Yes
3.2, 3.3, 208.4, 211.1	Concurs with staff recommendation to list the Lower Klamath River for sedimentation.	Comment acknowledged.	No
5.1, 15.2, 16.1, 18.1, 18.4, 19.1, 20.9, 22.2, 22.5, 23.6, 23.2, 23.5, 23.1, 23.3, 23.9, 23.4, 23.7, 25.3, 25.1, 28.1, 29.10, 29.9, 29.5, 30.1, 30.2, 31.2, 33.4, 33.1, 33.2, 33.3, 34.1, 34.3, 36.2, 36.1, 66.7, 90.1, 90.3, 97.4, 112.1, 112.11, 126.3, 126.11, 126.10, 126.5, 126.7, 126.6, 203.6, 203.5, 204.1, 204.4, 204.6, 206.1, 206.6, 206.2, 207.6, 207.7, 208.1, 208.2, 209.1, 212.2	Commenter opposes the delisting of Laguna de Santa Rosa for nitrogen and phosphorus. Nearly $2 million has been spent in support of a revival plan. The effectiveness of the plan rests on maintaining the Laguna's listing status. The commenter disagrees with the State Board delisting of the Laguna de Santa Rosa for nitrogen and phosphorus. Solid scientific evidence is needed before listing.	The fact sheets and decisions for these pollutant water-body combinations have been changed and the new recommendation is that they remain on the 303(d) list.	Yes
5.2	The Laguna is a defining feature of Sonoma County and needs to be restored and managed.	Comment acknowledged.	No
5.3	The TMDL is the appropriate regulatory framework for determining nutrient levels, without which the Laguna will continue to experience growth of Ludwigia, accelerated sedimentation, decreased flood capacity, and increased mosquito habitat that may harbor West Nile Virus.	Comment acknowledged.	No
5.4	Delisting the Laguna would set a bad precedent for the restoration and	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	management of other impaired waterways in the state.		
7.1	The Laguna de Santa Rosa is polluted with mercury contaminated effluent from the county landfill which discharges to the city of Santa Rosa's Llano Road Treatment Plant which then discharges into the Laguna de Santa Rosa.	Comment acknowledged	No
10.1, 15.5, 15.3, 15.4, 18.3, 19.3, 20.2, 20.1, 20.11, 20.10, 20.6, 20.3, 20.7, 25.2, 28.3, 29.4, 29.3, 30.3, 33.7, 36.3, 203.2, 203.1, 204.5, 204.3, 206.8	Ludwigia chokes off water flow, prevents waterfowl from using the habitat and creates low DO levels.	The fact sheets have been revised to include a line of evidence that acknowledges the presence of Ludwigia, its impact on mosquito control, the potential for problems with West Nile virus, and the potential for nutrients to increase growth and biomass of this exotic plant.	Yes
10.2	The observed decline in wildlife will have a negative impact on future generations.	Comment acknowledged.	No
15.1, 19.2, 22.1, 24.10, 28.2, 33.5, 33.6, 34.2, 90.2, 97.6, 126.13, 126.12, 206.4, 215.4, 231.8, 232.5, 235.6	Commenter requests additional hearings on the Laguna issue be held locally.	The Listing Policy calls for the State Water Board to assume responsibility for completion of the 2004 section 303(d) list. For the development of subsequent lists, Regional Water Boards will develop the first drafts of the section 303(d) list and then forward to the State Water Board for consideration. The 2004 list was delayed and the current list update is a combination of the 2004 and 2006 list updates.	No
16.2	On a recent kayak trip on the river the commenter experienced foul odors, floating clops of sludge, and floating animal carcasses.	Comment acknowledged.	No
18.2	Nutrient loads and impacts continue through the lower portion of Mark West Creek to the mainstem Russian River.	Comment acknowledged.	No
20.4, 20.5, 20.8, 29.1	It is recommended that an integrated pest management program be implemented, including a variety of short term and long term projects.	Comment acknowledged.	No
22.3	Excess nitrogen and phosphorus contribute to water quality impairments, including Ludwigia plant growth impairing REC-1 and REC-2 beneficial uses and low DO levels. To improve report clarity, the naming convention needs to include both the actual Basin Plan water body affected as well as the common name for that portion affected.	The fact sheets for these pollutants have been revised to include these conclusions.	Yes
23.10	The narrative standard is competent for evaluating the Laguna de Santa Rosa's nutrient problem. Federal regulations explicitly state that narrative	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	water quality standards should be assessed in developing the section 303(d) list. Porter-Cologne Water Quality Control Act		
23.11	Laguna beneficial uses most affected by the excessive nutrient levels are REC-1, REC-2, and COLD.	Comment acknowledged.	No
23.8	Commenter included two reports: Analysis of Russian River Water Quality Conditions by the North Coast Regional Water Quality Control Board, and an Environmental Impact Report.	Comment acknowledged.	No
29.6	An investigation of the dairy dumping that is occurring in the Laguna de Santa Rosa should be performed.	Comment acknowledged.	No
29.7, 29.2	Commenter was troubled that an herbicide would be permitted in an area of known waste by the North Coast RWQCB.	Comment acknowledged.	No
29.8	Qualitative and quantitative baseline biotic data should be collected at all trophic levels in the Laguna de Santa Rosa.	Comment acknowledged.	No
31.1, 202.2	Concur with listing for Russian River HU, Lower Russian River HA, Guerneville HSA for pH in Pocket Creek. Will continue to submit ongoing monitoring data.	Comment acknowledged.	No
31.10	Commenter objects to the recommendation to delist the Pocket Canyon Creek portion of the Guerneville HSA for turbidity.	The data supplied does not support a listing recommendation.	No
31.3, 41.1, 58.3, 58.2, 64.1, 97.2, 202.1, 207.8	Using the current Basin Plan objectives for specific conductance as a basis for including Santa Rosa Creek on the 2006 303(d) list is inconsistent with the Listing Policy and is inappropriate, because the objective applied to Santa Rosa Creek is that for the upper Russian River.	The fact sheet has been deleted. There are no water quality objectives for specific conductance that apply to Santa Rosa Creek.	Yes
31.4	Pleased to have data cited in LOE's. Would have appreciated more interaction with the State Board. Commenter concurs with State Board's proposal to not delist the Russian River near Cloverdale and Healdsburg for turbidity.	Comment acknowledged.	No
31.5	Commenter concurs with proposal to not delist the Laguna de Santa Rosa for dissolved oxygen and turbidity.	Comment acknowledged.	No
32.1, 41.3, 41.4, 58.5, 82.1, 85.3, 97.3, 103.1, 115.3, 130.1, 130.2, 143.13, 202.3	The listing of the Laguna de Santa Rosa for mercury based on screening values (SVs) developed by Brodberg and Pollock is inappropriate. The SVs are useful as a guide to determine if more intensive sampling and analysis is necessary or, where health evaluations are to be recommended.	The use of the OEHHA screening value for interpreting narrative water quality objectives is allowed by section 6.1.3(2) of the Listing Policy. The values also represent levels where potential impacts on human health may occur. These values were evaluated for this purpose during the development of the Listing Policy.	No
41.2	The Russian River HU, Lower River HA, Guerneville HA should not be	This change has been made. The fact sheet now states that the listing	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	listed for pH. The listing was based solely on data collected from Pocket Canyon Creek, a tributary to the lower Russian River.	should be focused on Pocket Canyon Creek.	
44.2	Please add Humboldt Bay, the S. F. San Joaquin River, and the Middle Fork Kings River for exotic species. Scientific data and studies show these segments are impaired for exotic species. Exotic species have caused deleterious impacts and degradation on the beneficial uses of these water bodies. Data supporting these listings have been submitted with the comment letter.	The additional data provided was reviewed. Some data were incorporated into some of the existing fact sheets as supporting lines of evidence. This new data will be sent to the Regional Water Boards so they may address these potential listings during the next listing cycle. Other data could not be used because staff could not easily determine the specific and exact water bodies sampled. Additional monitoring data that shows trends in population and community degradation (refer to sections 3.9 and 3.10 of the Listing Policy) and that states the specific water bodies sampled is necessary.	Yes
48.1, 70.1, 70.5, 87.2, 137.3, 137.12	It is not appropriate for staff to use thresholds established by Sullivan (2000) to set regulatory standards for temperature in streams in California.	Nothing in the Sullivan report suggests that the temperature values cannot be applied in California. At a seven-day mean temperature of 14.8 degrees Celsius, juvenile coho salmon in the laboratory showed a 10% reduction in maximum growth (RMG) rate. This and other laboratory data have limitations, but nevertheless the authors of the report found the values to be of fundamental value in explaining observed fish growth in natural streams.	No
48.2	There is no evidence to suggest that Coho in Northern California respond to fluctuations in temperature the same way Coho respond in other parts of the Pacific Northwest.	The study used was the most inclusive and best available for staff to assess the impacts of temperature on salmonids. Staff acknowledges that differences may exist between the Pacific Northwest and the state of California. However staff believe that these species respond similarly to temperature in both areas and no scientific studies in the record state otherwise.	No
48.3	The staff report does not consider the inherent potential of a watershed's temperature regime. There is tremendous spatial and temporal variability observed throughout coastal watersheds. There are select stream reaches that may never achieve the 14.8 degree maximum for Coho simply due to landscape factors such as orientation, underlying geologic formations and vegetative characteristics.	Temperature data evaluation is very difficult and that is one reason the Listing Policy provides significant guidance on how best to develop listings or delisting with a reasonable amount of data (please refer to section 6.1.5.9 of the Listing Policy). If high temperature is due solely to natural conditions there are provisions in the Basin Plan that would exclude these objectives from being applied. Nothing in the record suggests that the listings proposed are due solely to natural conditions.	No
48.4, 48.6, 48.5	Without consistent temporal and spatial sampling across a watershed it does not seem appropriate to pool the data for analysis.	The foundation of data review is in the Listing Policy is to use a weight-of-evidence approach. All available data was used and an assessment of the temperature regime was determined. No strong justification was provided that using pooled versus unpooled data changes the assessment.	No
48.7	Since 1999 increased regulations require a greater level of canopy retention along the watercourses of the Hawthorne property.	Comment acknowledged.	No
48.8, 70.4, 210.2, 210.4	Commenter disagrees with the recommendation to list Pudding Creek and Noyo River tributaries for temperature	Data exists that supports temperature impairment of these water bodies.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
48.9	It is appropriate to evaluate the Ten Mile tributaries separately from the mainstem channel relative to proposed listings. Commenter is willing to further cooperate with staff in pursuit of a similar investigation in the Big and Noyo rivers.	Comment acknowledged,	No
58.10	Commenter willing to help fund the appropriate study of the Laguna to determine the limiting pollutant(s).	Comment acknowledged.	No
58.4	Guerneville HSA pH listing was based on sample taken in Pocket Creek and there is no evidence that other water bodies in the Guerneville HSA are impaired. Therefore, only Pocket Creek should be listed for pH, not the entire Guerneville HSA.	The final list shows that the pH listing only applies to Pocket Canyon Creek, a tributary to the Lower Russian River, within the greater Guerneville HSA.	Yes
58.6, 58.1, 202.7, 202.6, 202.5	Concurs with the recommended delisting of the Laguna de Santa Rosa for nitrogen and phosphorus but requests that SWRCB expand the information provided in the fact sheets.	Comment acknowledged.	No
58.7, 58.9	The EPA stated report for supporting the nutrient listing of the Laguna, Dodds and Welch (2000) may not be applicable to local streams because standards were derived from data collected from temperate streams all over the world.	A variety of studies were used to help support the assessment of nutrients in Laguna de Santa Rosa. None of the studies used taken separately is very helpful in assessing the impact of nutrients but taken together with the judgments and analysis of the Regional Water Board and USEPA, it can be reasonably inferred that nutrients impact the Laguna.	No
58.8	The recent increases in Ludwigia in the Laguna are not accompanied by corresponding increases in nutrients. The nitrogen and phosphorus objectives cited by EPA as a basis for listing the Laguna were explicitly identified by EPA as unsuitable for that purpose per the Malibu Creek TMDL.	The listing for nutrients in the Laguna shall be maintained because the weight of evidence shows that the beneficial uses of the Laguna are impacted.	Yes
62.1, 62.3, 62.5, 62.2, 62.4	Commenter has had concerns about the listing of Redwood Creek for sediment since 1993. Commenter (Barnum) has collected and compiled data related to this water body for over a decade and has submitted data for review in past listing cycles which was not considered. Redwood Creek is not impaired for sediment, temperature or any other pollutant. The evidence produced in this report of the considerable abundance of salmonids being produced in Redwood Creek does not suggest or support a designation of impairment from either sediment or temperature for Redwood creek. There are no point sources in the Redwood Creek watershed, therefore, any listing of Redwood Creek must be based solely on conditions resulting from non-point sources.	All pollutants can be placed on the 303(d) list regardless of the source of the pollutant(s). Staff had reviewed all the data and evidence that was placed in the administrative record during previous listing cycles. Redwood Creek is being recommended for listing in the Being Addressed category of the section 303(d) list because the Redwood Creek Sediments TMDL was approved by USEPA and is expected to result in attainment of the standard(s).	Yes
64.2	For Region 1, the State Board Staff Recommendations and the Fact Sheets identify the hydrologic area (HA) and hydrologic unit (HU) (as appropriate) for each individual water segment. This leads to two possible interpretations for Region 1 recommendations. Either only the	The naming terminology for water bodies in the North Coast Region was developed by Regional Board staff. Their preference is to describe the water body in this nested approach, from largest area to affected water body.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	specific water body is recommended for listing, or the water body and its HA, HU and HSA are also recommended for listing. Please revise the State Board Staff Recommendations and fact sheets to clarify and be consistent with other regions.		
65.1	Commenter has submitted a USGS report titled 'Mercury Concentrations in Fishes from Select Water Bodies in Trinity County, California, 2000-2002' which shows that USGS repeatedly found unsafe levels of mercury in the tissue of edible fish.	These data have been reviewed and summarized in the fact sheet.	Yes
65.10	NRDC collected their own water quality data (included as part of their comments) in a small drainage that originates below the Altoona Mercury mine and flows into the East Fork Trinity River. This data shows that the site immediately below the mine exceeded 1400 ng/L in August of 2005. This data also shows that mercury concentration in Soda Creek immediately above the confluence of the East Fork Trinity River was 219 ng/L, and that mercury concentrations in the East Fork Trinity River itself were 1.81 ng/L immediately upstream of Soda Creek and 4.52 ng/L immediately downstream of Soda Creek.	Trinity Lake is already listed for mercury under the name of Clair Engle. Of the other water bodies listed in the Health Advisory, only the East Fork of the Trinity River exceeded the OEHHA screening values for mercury and as a result, has been placed on the daft final 2006 303(d) list.	Yes
65.3	Trinity Lake, Lewiston Reservoir, Trinity River, East Fork Trinity River, Soda Creek, and all rivers and creeks draining into Trinity Lake should be listed for mercury.	Trinity Lake is listed for mercury under the name of Clair Engle Lake. To place the Trinity River and Soda Creek on the list for mercury, data is needed to make the evaluation. Currently there is no mercury data for these water bodies.	No
65.5	The Basin Plan objectives related to bioaccumulation of toxic substances in fish tissues are not being met since OEHHA has issued a fish consumption advisory for Trinity Lake, Lewiston Lake, Carville Pond, the Trinity River upstream of Trinity Lake, all rivers and creeks draining into Trinity Lake, and the East Fork Trinity River. This health advisory is included in the comments. According to the advisory, it is likely that abandoned gold and mercury mines contribute material to the mercury contamination of the Trinity River Watershed. In particular the Altoona Mercury Mine was identified in both the OEHHA and USGS reports.	The policy requires a water segment shall be placed on the section 303(d) list if a health advisory against the consumption of edible resident organisms, or a shellfish harvesting ban has been issued by the Office of Environmental Health Hazard Assessment (OEHAA), or Department of Health Services and there is a designated or existing fish consumption beneficial use for the segment. In addition, water segment-specific data must be available indicating the evaluation guideline for tissue is exceeded.	No
66.10, 66.16	There was no data to support the temperature listing for Lower Lost River (LLR). EPA's temperature listings for North Coast rivers in 1992 were based on evidence of salmonid habitat degradation due to elevated temperature conditions that does not specifically reference LLR impairments. As LLR does not support salmonid habitat and the 1992 listing record does not support a finding of temperature impairment, this listing was in error. Our review of the very limited recent temperature data for the LLR indicates there is insufficient evidence of temperature impairment to support this listing; therefore, we recommend removal of LLR for temperature. We understand staff at the North Coast RWQCB support this recommendation. Based on our nutrient problem	The Lower Lost River has been recommended to be delisted based on this comment.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	assessment, however, we recommend retention of nutrient-related listings for the Lost River.		
66.13, 66.15	For the Lower Klamath Glen sediment listing; please clarify geographical extent of proposed listing to ensure listing does not include waters in Indian Country. State lacks Clean Water Act jurisdiction to list waters in Indian Country.	The recommendation for the Lower Klamath River is to list for sedimentation/siltation on the 2006 section 303(d) list. However, if this listing is determined to be on tribal lands, USEPA should place this water body and pollutant on the section 303(d) list for the tribal lands. It is not the State Water Board's intent that this listing affect other actions related to decommissioning and removal of dams on the Klamath River.	Yes
66.17, 203.4, 203.3, 206.5, 206.7	For the Laguna de Santa Rosa nutrient delisting; the basis for assessment decision is unclear. The fact sheet suggests a numeric guideline is not available; this is an insufficient rationale for delisting. Data indicates nitrogen and phosphorus levels are far above available assessment guidelines. (See enclosure 2 for this comment letter). State should list nitrogen and phosphorus for exceedances of narrative WQOs.	The phosphorus and nitrogen fact sheets have been modified to include USEPA's assessment of available data. Even though numeric water quality objectives are not available, many of the nitrogen and phosphorus measurements exceed the USEPA-provided thresholds by a factor of 10. These data in conjunction with information about the infestation of Ludwigia is cause for not removing this water body from the list for nitrogen and phosphorus.	Yes
70.2	Only the highest tributaries can meet the standard of a mean average temperature of 14.8 degrees Celsius or less.	Comment acknowledged.	No
70.3	Recent trapping results from the North Fork Noyo River and the North Fork of the South Fork Noyo River show increased populations of Coho and steelhead. Population and temperature data show that fish populations are not dependent on a 14.8 degrees Celsius water temperature. A standard of 16.8 degrees Celsius would be more appropriate.	Because the actual data was not submitted with the comment letter, the data could not be evaluated.	No
95.1	High levels of both dioxin and pentachlorophenol have been found in sediments, crabs, oysters, and have been impacting beneficial uses in the entrance and Arcata Bay of Humboldt Bay. For decades surrounding mills used pentachlorophenol on their lumber. Dioxin continues to be discharged from these mills indirectly and directly into the Bay. Both have left soil, surface and groundwater contamination. Both are hydrophobic and bind to organic materials. Levels of both these contaminants violate the water quality standard for toxicity in the North Coast RWQCB's Basin Plan. Sediment data exists that shows exceedances for dioxin. Concentrations of these pollutants are found in sediment and tissue that exceed the CTR values for both. Data from SMWP; ACOE; Sierra Pacific Industries Consent Decree; and Humboldt Bay Harbor, Recreation, and Conservation District and the City of Eureka Sampling shows exceedances for both pollutants. The same factors that placed the San Francisco Bay on the 303(d) list for dioxin apply to Humboldt Bay. The data shows dioxin impairment is higher in Humboldt Bay, than in San Francisco Bay.	The State Board is recommending to list Humboldt Bay for dioxin because 14 of 29 samples in the northern and southern bay sections exceed the OEHHA Screening value and this exceeds the allowable frequency listed in Table 3.1 of the Listing Policy.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
97.1	Delist the Lost River for temperature and nutrients because new data has been submitted with the comment letter. In considering a delisting decision, the available data are not adequate in quantity to apply the binomial distribution approach as described in Section 4.1 and table 4.2 in the Policy.	These data have been reviewed and the analysis modified. The Lost River is now being recommended for delisting for temperature. The Lost River is also being recommending for delisting for nutrients.	Yes
101.1	Do not list the South Fork of the Noyo River (above its confluence with Kass Creek near the boundary of the JDSF) for temperature. The reasons are that it would affect the Jackson Demonstration State Forest (JDSF), the Sullivan (2000) values are applicable to the state of Washington and not California, data for the South Fork was not cited in the fact sheet, and the receiving water for the South Fork is the mainstem of the Noyo River which meets the objectives for temperature in the North Coast RWQCB Basin Plan. The data from the South Fork of the Noyo River should be considered prior to listing.	The South Fork of the Noyo River above its confluence with Kass Creek is not being listed for temperature. The Noyo River temperature fact sheet has been revised to accurately reflect the sampling locations for this listing. The temperature criteria established by Sullivan (2000) are appropriate. During the review of these temperature values, the temperature conditions of Northern California were taken into consideration. The temperature guidelines used (Sullivan et al., 2000) have been used widely in the North Coast Region and satisfies the requirements of section 6.1.3 of the Listing Policy. In the absence of site-specific or region-specific values, these guidelines should be used. The temperature data were evaluated with respect to the current and historic presence of cold water fish. It is understood that temperature in streams is not uniform in space or time. Consistent exceedance of these temperature threshold values is a strong indication that temperature values are impairing aquatic life, and that water quality standards are being exceeded. Since there is no clear numeric value for temperature compliance in the Basin Plans, the Sullivan study is a good study that is representative of the protection of aquatic life beneficial uses.	No
112.10	Santa Rosa has no justification for requesting relaxation of standards that your own staff has assiduously worked towards.	Comment acknowledged.	No
112.12	Commenter has included a symposium paper, 'Phosphorus, What is Phosphorus and Why is it Important?'	Comment acknowledged.	No
112.2	The EPA clearly and strongly states that of the nutrients nitrogen and phosphate only phosphate is controllable.	Comment acknowledged.	No
112.3	Compilations of nutrient readings in the extant data, both NCRWQCB and the City of Santa Rosa, exhibit a high correlation, significant at the 0.01 confidence, between the phosphate and both chlorophyll or algal cell count.	Comment acknowledged.	No
112.4	In over 95% of upstream-downstream sampling at Santa Rosa Subregional System release points there is significant and measurable increase in phosphate concentration. Total phosphorus load, based on flow and concentration in the releases is often within the range to suggest the City's releases are the predominant, even sole, source of the elevated levels.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
112.5	Laboratory benchmark scale experiments cited by the City of Santa Rosa purport to show nitrogen limitation in these waters. However, these experiments were poorly designed and have no relevance to conditions in the field since they eliminated the sources of atmospheric nitrogen that would be available in field conditions.	Comment acknowledged.	No
112.6	The City of Santa Rosa has no nitrogen reduction program since they neglect to control phosphate.	Comment acknowledged.	No
112.7	Sediment stores of phosphate in the Laguna are the primary point of release to the water column during the summer growing period. The City of Santa Rosa releases the largest portion of phosphate enriched wastewater in winter when fine sediments are prevalent in the water column where they act as foci for adsorption.	Comment acknowledged.	No
112.8	The only biologically relevant DO readings in the Laguna are those taken between midnight and dawn.	Comment acknowledged.	No
112.9	The City's sampling of their subsurface water in their irrigation fields shows that virtually all of the phosphate applied to land through irrigation is sequestered by the soils and never reaches the Laguna. The City should be recognized for the great strides it has made in managing their wastewater over the past 30 years.	Comment acknowledged.	No
120.1, 137.1, 137.4, 137.6, 137.7, 137.8, 210.1, 225.8, 225.3	The State Board established a surrogate standard for the narrative standard in the North Coast Basin Plan without the public process required to do so. The 303(d) process is not for the purpose of changing existing standards or setting new ones. Unless narrative standards are replaced with numeric standards through the proper process, narrative standards must be implemented on a case-by-case basis (where translation of the narrative standard into specific regulatory requirements can be examined carefully for its nexus and proportion to the discharge). It is inconsistent with Porter-Cologne for the State Board to interpret a narrative standard without a valid translator methodology adopted through a public process. Moreover, the State Board failed to provide any basis to support the derivation of such a numeric standard from the Basin Plan's narrative statement, which remains in place today.	State Board staff did not develop a new standard in any way. Staff are implementing the provisions of the Listing Policy. The Sullivan (2000) temperature guidelines used shows explicitly the basis for interpreting narrative water quality objectives in the Basin Plan(s).	No
120.2	The South Fork of Noyo River watershed above Kass Creek near the JDSF boundary should not be included in the listing without considering the available water temperature data from the South Fork Noyo River watershed. Ample water temperature data exists, however none was cited in the fact sheet as being used in the proposed listing. WQOs are being met.	The South Fork of the Noyo River above its confluence with Kass Creek is not being listed for temperature. The Noyo River temperature fact sheet has been revised to accurately reflect the sampling locations for this listing.	Yes
120.3	Commenter has provided the Draft Environmental Impact Report for the Proposed Jackson Demonstration State Forest. This report includes 24	The data were assessed from the draft EIR. Based on this assessment, this additional data was not included into the fact sheet because the	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	data points for temperature for the South Fork Noyo River. The URL for this report is also included in the comment letter.	recommendation to 'List' would not have changed.	
126.4	Commenter fully agrees with the comments submitted by Nancy Kay Webb on December 2, 2005.	Comment acknowledged.	No
126.9	It is unreasonable to expect that the numeric standard should be established before a listing could occur.	Comment acknowledged.	No
137.11	Consider the following documents: 'Regional Assessment of Stream Temperatures Across Northern California & Their Relationship to Various Landscape-Level and Site Specific Attributes' Hillslope Monitoring Program (monitoring results from 1996-2001). These documents support the CFA's comments.	The document was considered but does not change any of the conclusions of the site specific fact sheets.	No
137.5	A study shows that the high incidence of temperature exceedances in the West is due to criteria being applied in places or at times that temperatures are naturally warmer than the criteria. The suggested remedy to this is that state water quality programs use modeling tools to predict natural patterns of stream temperatures to set achievable temperature criteria. Current standards fail to consider the temporal and spatial variability in water quality that occurs naturally in a watershed. The numeric standard is seriously flawed because it establishes a 'one-size-fits-all' standard for all North Coast Region watercourses, regardless of variations in climate, soils, geology, and land uses within the region. The use of numeric targets simply cannot be met in all times at all places given this variability.	The guidelines used are defensible and have been used in the past for listing and TMDLs. The listing process allows a certain number of exceedances before a listing is required.	No
202.4	Requests clarification for the naming of Russian River HU, Middle Russian River HA, Laguna de Santa Rosa. Clarify to avoid ambiguity.	The naming terminology for water bodies in the North Coast Region was developed by Regional Board staff. Their preference is to describe the water body in this nested approach, from largest area to affected water body.	No
202.8	The fact sheets should reflect more of the basis for staff's recommendation and decisions.	State Board staff created fact sheets that adequately address and meet the requirements of the Listing Policy. They are as detailed as necessary to explain the rationale for the listing recommendations.	No
204.2	The nutrients are contributing to the unhealthy condition in the Laguna. Absent a compelling reason and solid scientific evidence, the State Board should not take any action that could potentially make things worse in the Laguna. Without scientific evidence, solid scientific evidence, to support it, delisting the Laguna could potentially create an arbitrary precedent that could possibly damage efforts to restore other waterways throughout the State of California.	The phosphorus and nitrogen fact sheets have been modified to include USEPA's assessment of available data. Even though numeric water quality objectives are not available, many of the nitrogen and phosphorus measurements exceed the USEPA-provided thresholds by a factor of 10. These data in conjunction with information about the infestation of Ludwigia is cause for not removing this water body from the list for nitrogen and phosphorus.	Yes
205.1	Commenter supports the staff's recommendation to list the Klamath River as sediment impaired.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
205.2	Commenter showed a series of pictures of the Klamath River and the sediment produced.	The photographs provided were reviewed. These photos did not provide any rationale for changing the staff recommendation.	No
205.3	The Klamath River clearly is sediment impaired. The problem now is that data is hard to come by because there is no historic data.	Comment acknowledged.	No
207.1	Commenter is pleased to have their data cited as lines of evidence in several of the decisions that were made in the 303(d) list revision. Comments submitted by commenter are also available on this website: www.ccwi.org	Comment acknowledged.	No
207.4	Concerned with the proposal to delist Pocket Canyon Creek for turbidity. The reason is that the conclusions based on baseline data. Monitors are sent out once per month without regard to whether it's a storm event or not. The goal is to collect baseline data in anticipation of a timber harvest plan. And the way baseline data is collected is to go out once per month throughout the year. And the standard for listing turbidity is if turbidity is seen to be 20 percent above baseline. So using commenters baseline data, to show 20 percent above baseline doesn't really make sense. Would like to refer the State Board to other data which might show that as occurring or not occurring. That would be the Russian River First Flush Monitoring. The data that's been collected by the Russian River First Flush would show 20 percent above baseline, meaning 20 percent above the data that we've collected.	The State's listing policy lays out a procedure for addressing narrative standards. Section 6.1.3 presents the State's approach for determining compliance with narrative water quality objectives. This procedure was used to avoid making arbitrary and capricious decisions on narrative standards attainment. The Listing Policy sets up an approach for assessing whether water quality standards are met or not met. This process involves using numeric guidelines to evaluate data and information. When guidelines are not available, trend data were used in some circumstances to propose listings. All other information that could possibly afford a substantial basis for the listing was evaluated in order for a recommendation to be inferred. Pocket Canyon Creek showed no exceedances of the 25 NTU guideline out of 27 samples.	No
207.5	There's also data available from the Russian River Keeper, which is based in Healdsburg on the Russian River First Flush. And a company, Prunuske Chatham, PCI, based in Occidental, California, has storm event water quality data in the Jenner area. Some of that storm-water data could show the high turbidity. But at this point, commenter objects to the Pocket Canyon being delisted based on our data.	The data supplied does not support a listing recommendation. Any additional data should be submitted during the next listing cycle.	No
208.3	It is a violation of Federal law if not all pollutants are listed as data shows impairment.	Comment acknowledged.	No
209.2	The City of Santa Rosa will pay $250k to restore the Laguna.	Comment acknowledged.	No
210.3	Commenter concurs with recommendation to not list Ten Mile tributaries for temperature, Big Salmon Creek for temperature and sedimentation, and Usal and Wages Creeks for temperature.	Comment acknowledged.	No
211.2	State Board staff should list Salmon Creek for sedimentation and Bear River for sedimentation and temperature.	No data were supplied to support this recommendation.	No
211.3	Supports the use of the Sullivan et al. report for temperature threshold values.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
Staff Report, Volume II, San Francisco Bay Region Fact Sheets			
6.1, 96.2	Stevens Creek is incorrectly recommended for listing for chlordane, dieldrin, Hg, and PCB's based on levels in fish. The data are from fish in Stevens Creek Reservoir.	The fact sheets for Stevens Creek have been deleted from the 303(d) list for these constituents. Fact sheets for Stevens Creek Reservoir have been created for these constituents.	Yes
6.3	The information used by the SWRCB to support the listing of Stevens Creek Reservoir was improperly referenced and was not made available for public review. The references that are used to support the listing are not identified in Appendix 2 of Volume I of the Staff Report. The fact sheet references 'TSMP, 2002' and 'Environmental Chemistry Quality Assurance and Data Report from the Toxic Substances Monitoring Program, 2001-2002; Department of Fish and Game'. In the commenter's attempts to access this information, it became clear that the information was not collected via the TSMP, as referenced and that the raw data or an associated report has not been publicly released.	The Toxic Substance Monitoring Program reference is located in Appendix 2, Volume I of the Draft 2006 303(d) list, September, 2005. The TSMP database is available on the State Water Resources Control Board web site in the Water Quality section. This database contains the Stevens Creek Reservoir data.	No
6.4	The commenter opposes the listing of Stevens Creek as impaired for toxicity for the following reasons: The Staff Report does not identify a pollutant responsible for the observed toxicity as requires by 40CFR Section 130.7. The information used by the SWRCB to support the listing of Stevens Creek was improperly referenced and was not made available for public review. The references that are used to support the listing are not identified in Appendix 2 of Volume I of the Staff Report. The fact sheet references 'TSMP, 2002' and 'Environmental Chemistry Quality Assurance and Data Report from the Toxic Substances monitoring Program, 2001-2002; Department of Fish and Game'. In the commenter's attempts to access this information, it became clear that the information was not collected via the TSMP, as referenced and that the raw data or an associated report has not been publicly released.	According to Section 3.6 of the Listing Policy, waters may be placed on the section 303(d) list for toxicity alone. 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).	No
6.5, 13.3	The commenter strongly supports the State Board Staff recommendation to remove the San Francisco Bay and all its segments from the 303(d) list for diazinon.	Comment acknowledged.	No
13.1, 13.2	The OEHAA advisory for Lafayette Reservoir was based on fish tissue sampling and analysis conducted by the Surface Water Ambient Monitoring Program (SWAMP) in September 2002. Based on the results of the SWAMP study, two species (Goldfish and Channel Catfish) exceeded the OEHHA screening value for total mercury. However, it is unclear why tissue from Goldfish were analyzed for contaminant concentrations since this species is not frequently consumed. Recommend removing Goldfish from the analysis and reconsider listing Lafayette Reservoir for PCBs and mercury.	This assessment was made using all available data and information in the administrative record. The goldfish sample was used in the assessment as a surrogate for species that are commonly consumed. If these data were excluded it is probable that a listing would not occur. However, to avoid a possible error in judgment the Goldfish data were used.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
21.1, 96.4, 136.1, 136.3, 136.2	The commenter is concerned regarding data used to list the Napa River for Hg; questioning the State Board's usage of the Listing Policy.	Based on new information, the recommendation to list this water body for this pollutant has been changed.	Yes
21.2, 21.6	The fact sheet does not document whether the presence of Hg is or has originated from a controllable source.	All pollutants that do not meet water quality standards in the water bodies can be placed on the 303(d) list regardless of the source of the pollutant(s). The State Board and RWQCBs have the flexibility to add, remove, or not list waters depending on whether standards are exceeded and without regard to sources or types of pollutants.	No
21.3	It is suggested that more studies and research be conducted to identify mercury sources.	Comment acknowledged.	No
21.4	Commenter disagrees with the COMM beneficial use used since most of the Napa River is not used for commercial fishing.	While the COMM beneficial use is not one of the identified uses in the Basin Plan, recreational fishing does occur in the River. This existing use must be protected. The COMM beneficial use covers both commercial and recreational collection of fish and other organisms including uses involving organisms intended for human consumption or bait purposes.	No
21.5, 21.7	The data used to support this listing is marginal and minimally meets the State Board's evaluation guidelines.	The data used still satisfies the requirements of the Listing Policy for placement of a water body and pollutant on the section 303(d) list.	No
61.1, 61.4, 96.6	Commenter is concerned that the mercury listing for the San Mateo Coastline is not supported by data cited by the State Water Resources Control Board.	According to Table 3.1 of the Listing Policy, with five samples the minimum number of measured exceedances needed to place a water segment on the Section 303(d) list for toxicants is two. The data collected meets this requirement. This listing, however, represents a small section of the coastline and has been revised to reflect this area change. This water body name was changed to 'Pacific Ocean at Pillar Point'. There is no rationale for averaging the data from multiple species for comparison to the mercury guideline.	Yes
61.2	The data used for this proposed listing does not meet the requirements for Data Quantity Assessment standards of the Listing Policy. This is due to the fact that all five samples were collected in May of 2000 at one station which is located 0.7 miles offshore and 25 miles south of the Golden Gate. The commenter does not feel that this is spatially or temporally representative of the area being proposed for listing.	The Listing Policy allows wide discretion in establishing how data and information are to be evaluated, including the flexibility to establish water segmentation as well as the scale of spatial and temporal data and information that are to be reviewed. The data were collected at one site, but on multiple dates. This meets the requirements of the Listing Policy. This listing does represent a small section of the coastline and has been revised to reflect this area change. This water body name was changed to 'Pacific Ocean at Pillar Point'.	Yes
61.3	Some of the species tested have been studied and found to spend extended periods of time in the San Francisco Bay (which is listed for mercury). These travel patterns make it difficult to determine where the impairment actually exists.	The State Board staff is taking the approach of being pre-cautious with such data. The data for these species have been used although they may not be year-round residents or natives of this water body, and that there is a possibility these fish species accumulated the pollutant(s) nearby. However, this data cannot be ruled out without additional data to support the removal of this water body from the 303(d) list.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
66.18	For the 'do not list' recommendations for Peyton Slough for Cd, Cu, Zn; fact sheets show 4 out of 5 sediment toxicity excursions and sediment exceedances for Cd (3 of 6 samples), Cu (4 of 6 samples) and Zn (5 of 6 samples). Fact sheets provide insufficient evidence that existing Cleanup and Abatement Order will be sufficient to attain applicable standards (see EPA 2006 Guidance on 4b listings, pp. 54-56). Recommend listing for Cd, Cu, and Zn.	The RWQCB has adopted a cleanup order that will result in attainment of the water quality standard. The cleanup has progressed and the polluted sediments have been capped. The pre-cleanup conditions do not exist in 2005. The recommendation is to not list Peyton Slough for these constituents. This information is included in the fact sheets.	Yes
66.19	For recommendation to delist San Leandro Bay for DDT and Se; fact sheets show sediment toxicity observed and provide sediment results for DDT and Se. Not having a DDT or Se guideline is insufficient rationale for delisting. Segment appears to violate narrative WQOs. State should provide additional analysis to support delisting or retain pollutant(s) on 303(d) list for this segment.	While there is toxicity, there is no defensible way to know that the toxicity is due to DDT or Se. In southern California bays TIEs have shown that DDT does not contribute to sediment toxicity. The direct toxic effects of Se are not certain.	No
91.2, 102.1	Remove Del Valle Reservoir for Hg and PCB's from the list. The listing is based on fish tissue sampled from a small amount of stocked fish at the reservoir collected in April 2001. Additional sampling has already been completed, but the results will not be available for at least 6 months. Sediment sampling has not been conducted. Sediment sampling needs to take place, investigating whether the stocked fish were contaminated prior to release into the reservoir needs to occur, and results need to be reviewed of the sampling which has already been conducted.	Without additional monitoring data to show that the water body is meeting water quality standards, it is not possible to remove this water body from the list. Also, smaller sample sizes can be used if the frequency of sample exceedances is large, i.e., the number of exceedances is equal to or greater than the minimum number of samples identified using the balanced error approach with the exact binomial approach. Please refer to the Listing Policy (Tables 3.1 and 3.2). To remove water bodies from the list, additional monitoring data is necessary to show that water quality objectives are no longer exceeded.	No
96.1	Lake Chabot in Solano County is incorrectly listed for chlordane, DDT, dieldrin, Hg and PCB's because the data is from fish in Lake Chabot in Alameda County.	This has been corrected in the fact sheets and recommendations.	Yes
96.3	San Mateo Coast for Hg sites a narrative bioaccumulation objective from the San Francisco Bay RWQCB Basin Plan that doesn't apply. Water quality objectives for ocean waters are in the Ocean Plan.	This has been corrected in the fact sheet. Also, the name of the water body segment has changed to 'Pacific Ocean at Pillar Point' due to the small section of coastline to which the data applies.	Yes
96.5	Do not list Hill Slough for Hg because it is not supported by sufficient data. The two 1997 TSMP tissue samples should be considered a single sample, and hence do not meet the data quantity requirements of the Policy, for reasons similar to those described for the Napa River Hg listing. Also, question the spatial representativeness of the single station sampled.	The data was reassessed and the correction was made to the fact sheet.	Yes
96.7	San Leandro Bay should be listed for PCB's. BPTCP data sets used to support listing of other water segments for PCB's and the listing of this water body of other pollutants also include data to support this listing.	A new line of evidence has been added and the fact sheet has been changed to 'list in being addressed category'.	Yes
123.10	The list inappropriately leaves out waters for which the Regional Boards failed to identify an evaluation guideline. This is illegal. If the weight of	Peyton Slough is identified as a toxic hot spot in the SWRCB Consolidated Toxic Hot Spots Cleanup Plan (SWRCB Resolution No. 99-	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	the evidence suggests that the beneficial uses of a water segment are being impaired, then that water must be placed on the 303(d) list. Evaluation guidelines are merely guidelines. They can, but do not have to be, water quality standards, criteria, objectives, or any other standard against which a value is measured. Board Staff must consider if Peyton Slough should be listed for chlordane, pyrene, selenium, and ppDDE and whether Stege Marsh should be listed for dacthal dichlorobenzophenone, endosulfan, endosulfan sulfate, Heptachlor epoxide, hexachlorocyclohexane, mirex, oxadiazon, selenium, toxaphene, and ppDDE. For all of these, the water body was kept off the list because of the existence of another program and because 'it cannot be determined if the applicable WQSs are being exceeded,' or because 'it cannot be determined if the pollutant is likely to cause or contribute to the toxic effects.' In Stege Marsh, sediment toxicity was extremely high and DDT sediment concentrations ranged from 304 to 542 ng/g, more than twelve times the consensus midrange effects concentration value developed by the Los Angeles Region Contaminated Sediments Task Force. An impaired water body may not be kept off of the 303(d) list on the grounds that Board Staff failed to identify appropriate evaluation guidelines and apply the weight of the evidence listing factor. Specific studies are cited in the comment letter as recommendation for Board staff to obtain and review.	065). For this segment, this plan is being implemented through a Cleanup and Abatement Order. The Order establishes requirements for a remedial design report and implementation schedule, documentation of the remediation of Peyton Slough, and five-year status report on the effectiveness of the implementation of the approved cleanup plan. The first phase of the remediation has been completed. The slough channel has been realigned to a new channel east of the old alignment. The new channel is located in relatively uncontaminated wetland habitat. In 2005, an engineered cap has been placed over the old channel. This contains the sediments in place so they are no longer exposed to the environment. The fact sheet has been changed to explain the water body status. The recommendation is to not list Peyton Slough for these constituents due to this. For Stege Marsh there are no applicable defensible guidelines available to evaluate the data against. A sediment quality guideline is not available that complies with the requirements of section 6.1.3 of the Listing Policy. In 2005 during the development of the 2006 303(d) list, State Board staff evaluated the data for these listings, however since no guidelines existed that could be used these water body pollutant combinations were not added to the list.	
127.1	Commenter agrees with the diazinon delisting for various segments of San Francisco Bay.	Comment acknowledged.	No
136.4	The data are about ten years old and therefore of questionable value at this time. Data was collected in 1995 and 1997.	The Listing Policy places no limit on the age of data that have been used. In fact, the Policy calls for all data to be used.	No
136.5	A mercury listing in the Napa River is redundant with the mercury listing in San Francisco Bay because the Napa River is a tributary.	These separate listings represent two separate water bodies.	No
136.6	Water column data show opposite trend from fish tissue data. This data is presented in table 2 in the comment letter.	These data have been reviewed and incorporated into the fact sheet.	Yes
136.7	Commenter has included a submittal of numeric data on the Napa River for consideration in the 2006 303(d) list.	This data was assessed for the Napa River mercury listing. A new line of evidence with this data was included into the fact sheet.	Yes
214.1	Regarding waters that are listed on the do-not-list category: State Board staff admits that there are water quality exceedances, however they say that they're not going to list them because there's another program that's already addressing that pollutant. An example of this is in Region 2, the failure to list Peyton Slough for Cadmium, Copper, Chlordane, Silver and Zinc. This violates the Listing Policy, because impaired waterways	The RWQCB has adopted a cleanup order that will result in attainment of the water quality standard. The cleanup has progressed and the polluted sediments have been capped. The pre-cleanup conditions do not exist in 2005. Peyton Slough is placed in the 'List in Being Addressed Category'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	should be on the list until they're cleaned up. Requests that staff double check these waterways and keep them on the list until they are addressed.		
214.2	There are at least 3 instances so far where existing and available data was not gathered or evaluated, and that violates EPA regulations 40 CFR 130.7. One example of this includes a failure to list San Francisco Bay, San Pablo Bay, and Suisun Bay for PBDEs, a toxic flame retardant. State Board staff said there were only 2 studies in the administrative Record, and that these studies were anecdotal reports and not specific. But there were referenced quite a few more studies and these include 3 studies by She done in 2002, Holden in 2003 and North in 2004. All of these studies identified PBDEs in bay harbor seals, fish and local wastewater effluent. So these studies were available and we believe they should be taken into account. State Board staff also rejected listing for PBDEs because fish are mobile, the linkage analysis was weak and would be stronger if tissue was looked at from filter feeding organisms. There was actually a 2004 study and presumably the data was collected before 2004 that showed that clams, which are filter-feeding organisms, had high levels of PBDEs and, in fact, the 2002 levels were higher than 2001 levels. So there is data since at least 2001 on clams. This study, the 2004 SFBI study, concluded by implying that there's not actually a lack of data regarding the impairment. There is a lack of data regarding the sources and pathways of PBDEs. This is something that a TMDL needs to address. Baykeeper believes that the weight of the evidence supports listing for PBDEs in these water bodies. Commenter does not think a TMDL should be completed until 2008.	All data and information related to PBDE concentrations in tissue and sediments were reviewed. The difficulty in the review was that there is no clear approach, numeric guideline or numeric standard to compare the data. Staff also attempted to review trends in PBDE and concomitant impacts on beneficial uses that may be impact by this substance. In the data available for California, no link could be established between PBDE concentration and impacts.	No
Staff Report, Volume II, Central Coast Region Fact Sheets			
24.14	The list violates the law by inappropriately downsizing the size of the water body that is listed. EPA's 2006 Integrated Guidance discusses the methodology for segmenting waters in the State's Integrated 303(d)/305(b) report. Segments should be larger than a sampling station, but small enough to represent a relatively homogenous parcel of water. EPA mandates that States 'document the process used for defining water segments in their methodologies'. The listing Guidance fails to do this because CA has not identified a uniform definition for 'segments'. GeoWBS was discontinued under the assertion that CIWQS would provide such features, however it is has been inadequate to implement this task. Impaired waters such as the Pacific Ocean at Arroyo Burro Beach, Pacific Ocean at Carpinteria State Beach, and Pacific Ocean at Jalama Beach in the Central Coast region have been downsized, with no supporting documentation, from a size of up to 3.3 miles to 0.06 miles.	The spatial extent of impact at the three beaches, Pacific Ocean at Arroyo Burro Beach, Pacific Ocean at Carpinteria State Beach, and Pacific Ocean at Jalama Beach were made smaller in response to the Central Coast Regional Board's request to the State Board in this listing cycle (CCRWQCB, 2004e). The Regional Board requested that these beaches be represented spatially similar to the convention used for other previously listed Santa Barbara beaches. Beach listings in the Region, that had only one sample point, at the storm drain discharge, were spatially represented as 50 yards each side of the storm drain discharge sample point. The size of the area listed is provided as an estimate. The establishment of a TMDL should address the problem, regardless of the distance cited in this listing. Until CIWQS is available, GeoWBS is being used.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
50.2, 50.3	A report titled 'Recommendation to delist Morro Bay, San Luis Obispo County, California For Metals From the 303(d) list' was submitted that shows that the USEPA value for arsenic is for inorganic arsenic. The values obtained in sampling were for total arsenic. When the most likely amount of inorganic arsenic is calculated in the two tissue samples mentioned, it was found that the inorganic fraction was well below the USEPA evaluation guideline.	These data have been reviewed and the analysis modified.	Yes
50.4	OEHHA believes it is the inorganic portion of arsenic that OEHHA are most concerned.	Comment acknowledged.	No
50.5, 50.1	The current fact sheet for arsenic in Morro Bay cites incorrect numbers for the tissue values. The tissue values taken in 2002 were 1.45 ppm and 1.74 ppm (total arsenic), while the fact sheet numbers are 1.95 ppm and 3.43 ppm. State Mussel Watch collected those in 1983 and they were compared to MIS values to list. The inorganic values for the total arsenic samples would be 0.145 and 0.174.	These data have been reviewed and the analysis modified.	Yes
50.6	Only 2 samples were taken and tested in 2002, not twelve as the fact sheet states. If you combine the 1983 samples with the 2002 samples that is only a total of 4 samples total.	These data have been reviewed and the analysis modified.	Yes
50.7	Commenter feels that it would not be in the Central Coast RWQCB's best interest to list for arsenic and spend resources on a TMDL when it does not appear there is a problem with arsenic in this water body.	Comment acknowledged.	No
54.10, 54.1, 54.5, 54.6, 54.7, 54.8, 54.9, 54.12, 54.4, 229.2	In formulating its recommendation to delist Goleta Slough the State Board asserts that it lost the original supporting data while at the same time ignoring widely known and respected studies on the Slough and failing to consider data in the Regional Board's files.	The additional data provided was reviewed and do not support listing. The Regional Board had requested that Goleta Slough and Carpentaria Salt Marsh be listed for sedimentation and metals. These listings were without supporting data and were requested to be removed from the 303(d) list by the Regional Board. It is difficult to determine what the causes and impacts of the sedimentation are based on the images provided.	No
54.11	According to a management plan for the area; to ensure the long term protection of the marsh ecosystem, sediment impacts need to be reduced. A workplan to manage flood waters and associated sediments was completed in 1968, however, large volumes of sediment still enter Carpentaria Salt Marsh.	Comment acknowledged.	No
54.13, 54.2	Commenter supports the recommendation to list Glen Annie Canyon and Franklin Creek as impaired for nitrate.	Comment acknowledged.	No
54.15	Commenter strongly supports the proposal to list Franklin Creek as impaired for nitrate as this listing is long overdue.	Comment acknowledged.	No
66.20	For recommendation to delist Chumash Creek for DO; available data	The frequency the standard is exceeded is too low to support continued	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	indicate Basin Plan WQO for DO is violated in 40 out of 245 samples. Listing should be retained.	listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 41 measurements above the standard are needed to maintain the listing. No additional data and information in the record would support maintaining the listing.	
67.1	Carpinteria Marsh should not be removed from the 303(d) list for sediment/siltation. The weight of evidence presented to delist is unsatisfactory. The argument for delisting for sedimentation is based on the claim that the original listing was faulty, based on staff observation, thus not based on data.	This listing was originally placed on a past version of the 303(d) list by the RWQCB. During this listing process, the RWQCB requested that this listing be removed because it was not based on any data or information.	No
67.2	EPA stipulates that anecdotal observations can be used as supporting evidence in making a 303(d) listing.	The Listing Policy requires that observational data not be used as that primary data set to support a listing recommendation. In this situation, the Regional Water Board provided information stating that he original listing was a mistake because it was based on no more than the opinion of a staff person.	No
67.3	The City of Carpenteria Local Coastal Plan, to provide for a greenhouse expansion plan, has the potential to significantly increase the discharge rate of sediment into the Carpenteria Marsh and thereby prevent the City from obtaining water quality standards. Continued protection of the Carpenteria Marsh through the 303(d) listing for sedimentation is crucial.	To place waters on the section 303(d) list, potential sources of pollutants have not been used as a listing factor. Data from the water body showing that water quality standards are not met are not provided to support a recommendation to list.	No
67.4	Goleta Slough should not be removed from the 303(d) list for sediment/siltation, or for metals. This decision is based on the claim that the original listing was faulty and the weight of evidence used to make this claim is based on the assertion that the data can not be found to support the original listing.	This listing was originally placed on a past version of the 303(d) list by the RWQCB. During this listing process, the RWQCB requested that this listing be removed because it was not based on any data or information.	No
67.5	Goleta Slough is a highly effective sediment trap. Enormous amounts of sediment that would reach the beach and the long-shore current are now trapped in the estuary.	Comment acknowledged.	No
67.6	The County of Santa Barbara spends hundreds of thousands of dollars every year to dredge the Slough for the purpose of removing excess sediment to control flooding.	The fact that a water body is dredged does not mean that water quality standards are not attained. Estuaries are natural repositories for sediments.	No
67.7	The Santa Barbara Airport, which is part of the filled land on the Slough, will be conducting a large scale construction project over the next ten years, with the potential to significantly increase the rate of sediment into the Goleta Slough and prevent water quality standards from being met.	To place waters on the section 303(d) list, potential sources of pollutants have not been used as a listing factor. Data from the water body showing that water quality standards are not met are not provided to support a recommendation to list.	No
67.8	The listing for metals in the Goleta Slough should not be removed from the 303(d) list because of airport operations and the construction project.	To place waters on the section 303(d) list, potential sources of pollutants have not been used as a listing factor. Data from the water body showing that water quality standards are not met are not provided to support monitoring this listing.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
88.1	There is a fact sheet for Santa Rita Creek that identifies it in San Luis Obispo County then references data source from City of Salinas in Monterey County. The Regional Board has checked and confirmed that there is a Santa Rita Creek in San Luis Obispo (SLO) County but the Regional Board is unaware of any water quality data from that Santa Rita Creek. The data referenced in the fact sheet is applicable to Santa Rita Creek near the City of Salinas in Monterey County. Simply edit the references to SLO County out of the fact sheet and identify it as in Monterey County and the problem will be resolved.	This correction has been made in the fact sheet.	Yes
106.2	Commenter has seen only a few short sections of Pescadero Creek and is unable to say anything about current conditions there.	Comment acknowledged.	No
106.3	Commenter has included a chronology for what CDFG has done in the Pescadero watershed since 1995.	Comment acknowledged.	No
113.3	In support of these recommendations. Commenter has attached supporting data with the comment letter.	Data has been reviewed by staff and the data does not support a change in the recommendation.	No
113.5	Defer the proposed listings for boron in the following water bodies, Arroyo Paradon, Gaviota Creek, and Rincon Creek because the boron is from natural sources, no evidence exists that beneficial uses are affected and the Basin Plan Objectives are inappropriate given the existing geologic work by the USGS. Incorrect units for boron data posted in CCAMP tables may have influenced recommendations to list several surface water bodies. Recommend that the State Board staff direct Regional Board staff to provide evidence for land use activities contributing to boron levels above the WQOs, impairments of beneficial uses, and appropriate regulatory process before recommending listing.	Changes in water quality objectives are beyond the scope of the 303(d) listing process. Because the actual data was not submitted with the comment letter, the data could not be evaluated.	No
Staff Report, Volume II, Los Angeles Region Fact Sheets			
1.1	In July 2002 the SWRCB submitted to USEPA a TMDL for trash-impaired segments of the Los Angeles River watershed. USEPA in August 2002 approved the trash TMDLs and indicated that the State's submission also included the identification of the Los Angeles River Estuary as impaired and found that to be reasonable and consistent with the requirements of the CWA section 303(d). USEPA considers that it is not necessary to separately approve the identification of a segment because the identification was submitted concurrently with the TMDL addressing the pollutant for which the segment was identified as impaired. The inclusion of the Estuary in the watershed TMDL is consistent with USEPA's longstanding view that TMDLs should be developed for entire watersheds, instead of in a piecemeal fashion.	The Los Angeles River Estuary is not being listed in the Being Addressed category of the 2006 303(d) list because the Los Angeles River Trash TMDL was completed by the Regional Board on September 19, 2001 (USEPA, 2002) to address impairments caused by trash. However, on July 19, 2006 the State Board rescinded approval of this TMDL and remanded it back to the Regional Board based on court ruling City of Arcadia v. State Water Resources Control Board (D043877). The Los Angeles River Estuary will be placed on the list for trash.	Yes
8.1	The new state 303(d) Listing Policy greatly improves the draft 2006 list.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Supports the proposed delistings for Dominguez Channel. In particular, Supports the delistings of Aldrin, ChemA, dieldrin, chlordane, and DDT in both reaches of the Dominguez Channel.		
8.2	Do not support the proposed listing of PAHs and PCBs in the Dominguez Channel. These listings are based on a single observance of toxicity and a single observance of benthic population degradation. These observations took place in 1996, data representative of an older condition, and one that is not temporally or spatially representative of conditions within the sediment of the Dominguez Channel. Furthermore, these data were not collected at the same times or locations as samples relied upon by the State Board to establish sediment chemistry in the Dominguez Channel. The State Board cites more recent data that show exceedances of sediment quality guidelines for specific PAHs and for total PCBs as the further basis for listing. However, exceedances of sediment quality guidelines alone are not indications that these compounds are causing impairment. The commenter requests that the State Board not list the Dominguez Channel for these constituents, but rather allow collection of additional data to confirm if the proposed listings are warranted. Such data should include concurrent measurements of sediment toxicity, benthic community status, and chemistry.	PAHs and PCBs in the Dominguez Channel are being removed from the 303(d) list. This conclusion is based on the staff findings that the original listing was based on data from the downstream estuary.	Yes
24.8, 24.15, 43.15, 43.5, 43.30, 73.128, 73.11, 73.65, 73.139, 73.92, 73.125, 107.13, 247.3	A primary line of evidence should be required and used in conjunction with a TMDL that will satisfy Section 2.2 or Section 3.11 of the Listing Policy. Referencing a TMDL does not provide information to evaluate the original listing or the 2006 listing decision. The use of a TMDL in a single line of evidence does not satisfy Section 2.2 of the Listing Policy or section 3.11. Without the supporting data included in the Report, stakeholders cannot verify if the conditions for placement in the water quality limited segments category have been met or if water quality standards have been attained. For example in the Burbank Western Channel the state fact sheet did not consider the data analyzed as a part of the Los Angeles River Metals TMDL. The data in the TMDL includes the analysis of 96 samples from the Burbank Western Channel (extending through December 2003); the State fact sheet lists only six sample events. Using the TMDL data analysis results from 96 samples, and including the six samples on the State fact sheet, would result in only 3 exceedances in 102 samples. This low number of exceedances does not meet the frequency requirements of the Listing Policy to list zinc for the Burbank Western Channel. As shown in this example, referencing a TMDL will not identify current environmental conditions that may indicate attainment of water quality standards or lack of data to support the original listing. It is clear in Section 2.2 of the Listing Policy that data in support of impairment must be present to make a listing decision and states that: Water segments shall be placed in this category if the conditions for placement in the water quality limited segments category	In order to follow the intent of section 2 of the Listing Policy, water bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	(section 3) are met and a TMDL has been developed and approved by USEPA and the approved implementation plan is expected to result in full attainment of the standard within a specified time frame. Without the data included in the report, the conditions for placement in the water quality limited segments category (section 3) have not been met in several cases.		
43.23	Commenter does not agree with the proposal to delist Arroyo Seco Reach 1 and Reach 2 for excess algal growth. An existing TMDL is not a valid justification for delisting and excess algal growth is eligible for listing.	Both reaches are being delisted for excess algal growth because excess algal growth considered a condition and not a pollutant, and it is uncertain if the growth data are backed by pollutant data showing exceedances of water quality standards. Also, the Los Angeles River Nitrogen TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard that should address the pollutant(s) contributing to this condition.	No
43.24	Staff proposes delisting Ballona Creek for PCBs, cadmium, silver, ChemA, chlordane, DDT, dieldrin, and sediment bioassays for estuarine and marine water based on the statement that 'it is likely that data from Ballona Creek Estuary were applied inappropriately to Ballona Creek.' Draft Rev. Reg. 4 at 206-229. Although the State believes a data mix-up was 'likely', there is no solid evidence provided to support this assertion. As the listings were made at the time the data were available, it should be presumed to be valid in the absence of any evidence to the contrary. No justification, legal or technical, has been provided for doing otherwise. In addition, the State Board intended that there also be a showing of current attainment before any pollutant-pollutant combination is removed from the list. This too was not done here. Similarly, the fact sheets for silver, cadmium and sediment bioassays claim that 'the data cannot be found that was used to list this condition.' 'Faulty data,' as defined in Section 4 of the Listing Policy, does not apply to lost data. This is one of the assumptions that staff made on its own and which is not consistent with the Listing Policy. As the State has not demonstrated that Ballona Creek is no longer impaired by these pollutants, these constituents should remain on the 303(d) list until data indicates, with certainty, that the water body is no longer impaired.	Fact sheets have been revised to more directly state that the data from the estuary were inappropriately applied to the concrete lined portion of Ballona Creek. The sample sizes that were assessed for both cadmium and silver was not large enough to determine if standards were met or exceeded with the confidence and power of the Listing Policy. Additional data is necessary to determine if standards are met to delist. Ballona Creek is being delisted for dieldrin, PCBs, chlordane, DDT, sediment toxicity and ChemA. Metals will remain on the list for Ballona Creek Estuary because the Ballona Creek Metals TMDL does not address these pollutants. No presumption is made that standards are achieved. PCBs, DDT and sediment toxicity will remain on the list in the 'Being Addressed' section of the 303(d) list because it is being addressed by the Ballona Creek Toxic Sediments TMDL.	Yes
43.26, 43.25	Commenter does not agree with the proposal to delist Burbank Western Channel for excess algal growth. An existing TMDL is not a valid justification for delisting and excess algal growth is eligible for listing.	This water body is being delisted for excess algal growth because excess algal growth is considered a condition and not a pollutant, and it is uncertain if the growth data are backed by pollutant data showing exceedances of water quality standards. Also, the Los Angeles River Nitrogen TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		standard. This TMDL should address the pollutant(s) contributing to this condition.	
43.27	All of the Proposed Beach Delistings in Region 4 Should Be Rejected: Staff proposes to delist 31 Santa Monica Bay beaches that are currently listed for 'beach closures.' All 31 of these beaches are covered by existing Santa Monica Bay Bacteria TMDLs adopted in 2003-2004, and thus it is not proper to reevaluate these listings as part of the 303(d) listing process. The State Board's proposal to delist these beaches is not only inconsistent with the Listing Policy, it is just bad Policy. Significantly, it adds unnecessary complexity to the TMDL implementation process, which is already addressing the issue of impairment and compliance for these beaches. For several beaches, staff maintains that, 'it is unknown if the beach closure information is backed by coliform data.' Draft Rev. Reg. 4 at 203. This implies that the data or information that was originally used to support these listings is unknown or cannot be found. This should not be used as a basis for delisting either. Even though the 31 Santa Monica Bay beaches should not even be considered for delisting in this process, as discussed above, readily available data exist to support retaining them under a bacteria listing in all cases except those few that are not currently monitored at all. Another problem with this type of approach in general is that many beaches throughout the State are not monitored for bacteria in wet weather. Rainfall as a cause of high bacteria densities at beaches is well understood. In fact, AB411 even includes a wet weather health warning provision. However, instead of spending funds on monitoring, some county Health Departments simply post warnings at the beaches whenever there is rainfall above a certain amount. Thus, the use (water contact recreation) is impaired as the County is warning people to stay out of the water, but no bacteria data is being collected. Given this, it may not always be possible to support the previous listings with quantitative bacteria data even though there is an impairment of uses. It is evident that the State Board either must place dry and wet weather monitoring information and programs at a much higher priority for funding if it is to adequately protect the health of the waters on which we all depend, or revise the Listing Policy guidelines for bacteria listings to take this into account.	Beaches that are being addressed by the Santa Monica Bay Bacteria TMDL in the Los Angeles Region are being moved to the 'Being Addressed' section of the 303(d) list. All of the data provided has been reviewed and fact sheets revised if the available data support keeping the water body and pollutant on the list. Beach closures are considered a condition and not a pollutant.	Yes
43.28	Staff has proposed to delist two Ventura County beaches for bacteria indicators. However, readily available data exist and are included in Appendix 1 of this comment letter, which support retaining both of these beaches on the 2006 list.	All of the data provided has been reviewed and fact sheets revised if the available data support keeping the water body and pollutant on the list.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
43.29	The term Beach Closures was used to indicate an impairment of the beneficial use (water contact recreation) of the water body segments. If the State Board is not comfortable with this term, it should simply replace it with the term 'Bacteria' or 'Bacteria Indicators' on the 2006 list. As these beaches are all covered by existing Bacteria TMDLs, such a listing is justified. In addition, in Appendix 1A, there is data to support these listings as well.	All of the data provided has been reviewed and fact sheets revised if the available data support keeping the water body and pollutant on the list. The Listing Policy calls for using bacteria data to support listings related to beach closures. Some beach closures are not based on any data but are nonetheless issued as a precautionary measure. Waters on the section 303(d) should be backed by data. Beaches that are being addressed by the Santa Monica Bay Bacteria TMDL in the Los Angeles Region are being moved to the 'Being Addressed' section of the 303(d) list. Beach closures are considered a condition and not a pollutant per the Listing Policy.	Yes
43.31	Ironically, staff itself acknowledges that excess algal growth is a pollutant in other parts of the Draft Revisions. See e.g., Draft Rev. Reg. 4 at 314 (listing excess algal growth as an example of a pollutant). Thus staff directly contradicts itself. In addition to proving commenter's point, this is yet another example of inconsistencies in the Draft Revisions.	The inconsistencies have been reviewed and any contradictions have been revised.	Yes
43.32	In proposing to delist several of these segments for excess algal growth, staff discounts available qualitative monitoring data that indicate non-attainment of beneficial uses, insisting that quantitative data are necessary to retain excess algal growth on the 303(d) list. Again, this assumption is flawed and inconsistent with the Listing Policy. For example, Section 6.1.4 of the Listing Policy provides for qualitative data submittals. Yet although four of five algae observations on Coyote Creek were adjudged by Los Angeles County Sanitation District monitoring staff as not supporting beneficial uses, this segment is proposed for delisting because these data are subjective. This line of reasoning is inappropriate, particularly to delist segments which were previously listed by the locally knowledgeable regional boards. In addition, there are reliable quantitative methods to assess narrative water quality objectives. A peer-reviewed study conducted in 2000 developed algae cover guidelines for environmental managers to use in water quality assessments. B. Biggs, New Zealand Ministry for the Environment, New Zealand Periphyton Guideline: Detecting, Monitoring and Managing Enrichment of Streams (2000). The Biggs evaluation guideline meets the six criteria for an acceptable guideline outlined in Section 6.1.3 of the Listing Policy, and therefore, should continue to be used to evaluate algal impacts until such time as the State Board establishes new California-specific numeric criteria for determining algae impairment.	The reasons for delisting Coyote Creek are stated in the Weight of Evidence section of the fact sheet. It states that ammonia is already listed in the 303(d) list and nitrite-nitrogen is also being currently recommended for placement on the 2006 303(d) list as well. These pollutants are usually can cause or contribute to excessive algal growth conditions. In addition, a subjective and arbitrary ranking system was used to document the presence of algae within the water body between 1992 and 1995. This information was probably used to place the water body on the 303(d) list originally. Section 2 of the Listing Policy requires listings for pollutants or toxicity. Algal growth is not a pollutant. Section 3 allows the use of this information with pollutant measurements. The approved nitrogen TMDL will address the algal growth issue more if it is pollutant related.	Yes
43.33	Quantitative data show that Calleguas Creek Reaches 9B, 10 and 13 should remain listed and Reaches 7 and 12 should be added to the list for excess algal growth: Although these reaches should remain listed for	These are being delisted because excess algal growth is not a pollutant, but is considered a condition caused by a pollutant(s) per the Listing Policy. This condition will be addressed through the implementation of	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	all the reasons discussed previously, quantitative data also exist for some of these segments which were not evaluated by the State Board. For instance, the Draft Revision proposes to delist Calleguas Creek Reaches 4, 5, 9B, 10, 11 and 13 for excess algal growth. Yet available evidence plainly shows an algal impairment. First, the staff report for the Nitrogen TMDL for Calleguas Creek specifically identifies algae as a 'related effect' that also impairs these segments: 'Beneficial uses that algae are most likely to affect in this watershed are aquatic life habitat (WARM) and recreational use (REC-I and REC-2). Negative effects on aquatic life would result from low dissolved oxygen levels caused by excessive algal blooms, which would also be an aesthetic impairment to recreational use.' Los Angeles Regional Board, Total Maximum Daily Loads for Nitrogen Compounds and Related Effects: Calleguas Creek, Tributaries, and Mugu Lagoon Staff Report (October 2002). This TMDL thus confirmed that excess algae is present and causing impairments. Delisting these reaches would not only be inconsistent with the TMDL, it would undermine the intent of the TMDL. These segments should not be delisted until water quality standards are attained and maintained. Instead, they should be placed on the WQLSBA portion of the 303(d) list.	USEPA approved TMDLs for nutrients which will likely address the cause of this condition. There are proposed nutrient listings on the list for these water bodies which are being placed in the 'Being Addressed' section of the 303(d) list.	
43.34	The State Board proposes to delist San Gabriel River Reach 1, San Jose Creek Reaches I and 2 and Coyote Creek for excess algal growth. This is inappropriate given the EPA/Tetra-Tech study currently underway. The Heal the Bay-EPA negotiated Consent Decree required completion of a TMDL addressing algal impairment in the San Gabriel River by 2005. Amended Consent Decree, Heal the Bay et al. v. Browner (1997). However, at the urging of EPA and the Los Angeles Regional Board, the parties extended this deadline to 2008. The purpose of the delay was to allow EPA additional time to conduct a study on the San Gabriel River and its tributaries looking at, among other things, the extent and magnitude of the algal impairment and the relationship between beneficial uses and algae. The study includes collecting data from monitoring sites on the San Gabriel River, San Jose Creek and Coyote Creek. It is therefore premature and improper to Delist San Gabriel River before this study is completed. Once the study is finalized in December 2006, the LA Regional Board will be in a better position to evaluate the listings, consistent with the study and the TMDL Consent Decree.	The delisting of these water bodies does not affect the completion of the study. When the results of the study are completed, the data should be submitted during future listing cycles to the Regional Boards. These are being delisted because excess algal growth is considered a condition and not a pollutant. Section 2 of the Listing Policy requires listings for pollutants or toxicity. Algal growth is not a pollutant. Section 3 allows the use of this information with pollutant measurements.	No
43.35	Ballona Creek Estuary should be listed for cadmium, silver, and dieldrin. Staff hypothesizes that certain data were incorrectly applied to Ballona Creek although the samples were actually collected in the Ballona Estuary. If this is actually true, it is unclear why staff did not propose that the Ballona Estuary be listed as impaired for all of the pollutants proposed for delisting in the Creek due to the alleged mix-up. The	Ballona Creek Estuary is not being listed for dieldrin because the available data do not support listing for this pollutant. Cadmium and silver data are both included in the staff report for the Ballona Creek Metals TMDL (which was not available at the time the draft list was completed and was therefore not considered in the assessment). However, the data in this report show that cadmium does not exceed the	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	samples came from either the Creek or the Estuary. So one or both are impaired. The State Board cannot delist these pollutants in the Creek on the basis of mis-location without then adding these pollutants to the list for the Estuary if that is where the data was taken. The data should not be ignored altogether. The State Board-approved Ballona Creek Estuary Toxics TMDL, issued in 2005, appears to partially account for the data 'mix-up' as a TMDL was developed for cadmium and silver in the Estuary. The Draft Revisions should reflect these listings as this TMDL evaluation was just done last year.	CTR criterion in any of the 48 samples and for silver the detection limit is higher than the CTR criterion and therefore it cannot be determined if the there may be any exceedances. None of the samples were, however, above the detection limit. The Ballona Creek Metals TMDL staff report states 'There is no evidence of water quality impairments associated with cadmium and silver' and 'Additional monitoring of the Estuary, using procedures that will ensure a detection limit below the CTR criteria, is recommended.' It was believed at the time of the original listing that these metals were causing impairment but recent data from the TMDL itself shows that they are not exceeding. Part of the TMDL development process is to further define and determine the extent of the impairment through additional monitoring. In some cases it turns out that the data that become available as part of this process do not support keeping a water body on the list for a particular pollutant.	
43.36	Data show that cadmium and silver should remain on the 303(d) list for Ballona Creek. Ballona Creek should be listed as impaired by these pollutants until data is available to show that there is no impairment. Moreover, there are data known to be from the Creek sediments that show an impairment. The Army Corps of Engineers conducted sediment sampling in 1999 and 2001 in Ballona Creek in an effort to pinpoint sources of contaminants. Their results are summarized in the report, Marina del Rey and Ballona Creek Feasibility Study: Ballona Creek Sediment Control Management Plan (2003). As seen in Table 5 and Appendix 4, cadmium samples exceeded the ERM evaluation guideline once in a sample size of 26, and silver samples exceeded the guideline three times in a sample size of 26. Thus, in accordance with Section 4.6 of the Listing Policy, these pollutants should remain on the 303(d) list because only one exceedance is necessary for a sample size of 26 or below for the listing to remain.	Ballona Creek is not being delisted for these pollutants, because the sample sizes that were assessed for both cadmium and silver was not large enough to determine if standards were met or exceeded with the confidence and power of the Listing Policy. Additional data is necessary to determine if standards are met to delist.	Yes
43.37	The Dominguez Channel, Dominguez Channel Estuary, and Los Angeles River Estuary (Queensway Bay) should remain listed for DDT in sediments and Dominguez Channel and Estuary should remain listed for DDT in tissue. Staff maintains that there is no acceptable sediment quality guideline for DDT and thus proposes to delist Dominguez Channel, Dominguez Channel Estuary and Los Angeles River Estuary (Queensway Bay) which are currently listed as impaired by DDT in sediments. This assertion is incorrect. A scientifically sound effects range-median (ERM) sediment quality guideline exists for DDT. Long, E.R., MacDonald, D.D., Smith, S.L., and F.D. Calder (1995). Incidence of Adverse Biological Effects Within Ranges of Chemical Concentrations in Marine and Estuarine Sediments, Environmental Management at 19(1): 81-97. ERMs represent a concentration level above which toxic effects	Some of the calculated ERMs can be used to predict sediment toxicity. The ERM for DDT is not predictive of sediment toxicity and does not satisfy the requirements of the Listing Policy. Section 6.1.3 of the Listing Policy calls for the use of sediment quality guidelines that are predictive of sediment toxicity in 50 percent or more of the samples analyzed. The recommendation for the Los Angeles River Estuary is 'Do Not Delist' because an OEHHA fish consumption advisory remains in place for this pollutant and fish tissue samples from nearby areas of the harbor (outer harbor) exceed the fish tissue guideline for human consumption. DDT in Dominguez Channel is being delisted. This conclusion is based on the staff findings that the original listing was based on data collected in the estuary. DDT in Dominguez Channel Estuary is not being	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	are often observed. These guidelines were derived from data collected from nearly 350 publications. Id. Subsequent to the initial study, the authors conducted an analysis of the predictive ability of the guidelines by evaluating a new set of data and found that 'the incidence of highly significant toxicity in the amphipod survival tests among samples that exceeded individual ERMs and PELs generally agreed with the intent of these values.' Long, E.R., Field, L.J. and D.D. MacDonald (1998). Predicting Toxicity in Marine Sediments with Numerical Sediment Quality Guidelines, Environmental Technology and Chemistry at 17(4): 714-727. Specifically, the DDT ERM was found to be a reasonable predictor of sediment toxicity and was not an outlier in the group of chemicals assessed in the study. Id. A third study looked at an even larger data set and concluded that 'the sediment guidelines can be used to reliably estimate the probability of acute toxicity in laboratory bioassays.' Long, E.R., MacDonald, D.D., Severn, C.G., and C.B. Hong (2000). Classifying Probabilities of Acute Toxicity in Marine Sediments with Empirically Derived Sediment Quality Guidelines, Environmental Toxicology and Chemistry at 19(10): 2598-2601. In addition, the Listing Policy specifically provides ERMs as an example of an 'acceptable guideline' and does not exclude any specific ERM values. Therefore, the DDT ERM should be utilized in data evaluation of these and other waters of the State. In addition, readily available data show that sediment toxicity has been observed in the Dominguez Channel and Dominguez Channel Estuary. The Draft Revisions reference a toxicity sample collected in the Estuary that showed 61% survival. Draft Rev. Reg. 4 at 72. Thus, there is observed toxicity in the Estuary. In addition, NPDES sediment sampling results for the Shell Los Angeles Refinery show observed toxicity at five monitoring locations in the Dominguez Channel (see Appendix 5). Thus, in accordance with the State Board's interpretation of Section 3.6 of the Listing Policy, the Dominguez Channel and Estuary should remain listed for DDT in sediment because there is significant exceedances of the DDT SQG along with observed toxicity.	removed from the 303(d) list because tissue data showing an exceedance of the water quality criteria in conjunction with a fish consumption advisory is enough to maintain the listing of this water body for this pollutant. The Listing Policy does not support listing pollutants multiple times for different media.	
43.38, 107.10	State Board staff also discount existing fish tissue data: 'The tissue sample taken is not representative and the number of samples was insufficient to support the listing.' Draft Rev. Reg. 4 at 290. This line of reasoning is inappropriate considering that the State Board's sport fish contamination monitoring program has been discontinued due to lack of funding and other monitoring efforts have not been undertaken. Not looking is not a justification for delisting , especially where human health is concerned. As the data that do exist suggest an impairment, and it has already been listed previously in combination with all of the other factors listed, the State Board should maintain this listing until additional monitoring clearly demonstrates that there is no impairment. This is entirely consistent with Section 4.11 of the Listing Policy.	DDT in Dominguez Channel Estuary has been changed to 'do not delist'. This revision is based on the fact that there is a Fish Consumption Advisory that applies to this water body and there was a fish tissue sample which exceeded the screening value for this pollutant. The recommendation for the Los Angeles River Estuary is 'Do Not Delist' because an OEHHA fish consumption advisory remains in place for this pollutant and fish tissue samples from nearby areas of the harbor (outer harbor) exceed the fish tissue guideline for human consumption.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	If this isn't enough, historical information clearly indicates that the Dominguez Channel and Los Angeles River Estuary should remain listed for DDT. Between the late 1950's to the early 1970's, Montrose Chemical Corporation released around 1,700 tons of DDT to the sewer system which discharged to the Palos Verdes shelf. Consequently, the Palos Verdes shelf is highly contaminated with DDT, and the area is now a Superfund site. Montrose also contaminated adjacent groundwater and soil with DDT. U.S. Environmental Protection Agency, Cleaning up the Palos Verdes Shelf, retrieved November 9, 2005 from: http://www.epa.gov/regionO9/features/pvshelf/. Since the Montrose site is located in the Dominguez Watershed, the Dominguez Channel has acted as a conduit for much of the contamination and therefore, itself, has been greatly impacted. The Los Angeles River Estuary also received Montrose DDT runoff. Although DDT was banned in 1972, residual DDT remains in the environment and continues to impact organisms. DDT is a highly persistent compound in the environment that bioaccumulates in organisms and fish tissue. Birds become exposed through predation on contaminated fish. Eggshell thinning and embryo deaths have been attributed to this exposure. Humans may also become exposed to DDT by eating contaminated fish. Based on the historical contamination that has not been remediated to date and the persistent nature of DDT, it is inappropriate to remove the DDT listing for the Dominguez Channel without strong evidence of no impairment. This evidence does not currently exist. This is a glaring example of the need for the situation specific weight of evidence approach set forth in sections 3.11 and 4.11 of the Listing Policy. Montrose Chemical Corporation, the largest producer of DDT in the world, contaminated the soil and nearby water bodies. The contamination is so significant that the Palos Verdes shelf is now a Superfund site. The Dominguez Channel was a main conduit for much of the pollution reaching Consolidated Slip, and the Bay and most of San Pedro Bay are listed as impaired for DDT. Therefore, the weight of evidence strongly points towards maintaining the listings for DDT in the Dominguez Channel, Dominguez Channel Estuary and LA River Estuary.		
43.39	Staff proposes to Delist PCBs in Los Angeles/Long Beach Outer Harbor. This action is inappropriate given the fact that there is a fish consumption advisory due in part to PCB contamination. Interestingly, staff contradicts itself in this regard because other proposed listings are based solely on an advisory being in place. For example, staff proposes listing the Los Angeles Harbor - Cabrillo Marina for DDT stating, 'An OEHHA fish consumption advisory has been established in this water body segment. Under section 3.4 of the Listing Policy any water body segment where a health advisory against consumption of edible resident organisms has	The recommendation for this pollutant water body combination is now 'do not delist' because enough tissue samples were in exceedance of the OEHHA screening value and there is a fish advisory in effect.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	been issued shall be placed on the section 303(d) list.' Draft Rev. Reg. 4 at 94. The State Board should apply this reasoning consistently. In addition, historical information supports this listing under the weight of evidence approach in Sections 3.11 and 4.11. Between the late 1950's and early 1970's, industries in the area discharged PCBs to sewers which discharged to the Palos Verdes shelf. Consequently, the Palos Verdes shelf is now a Superfund site for PCB and DDT contamination. The Palos Verdes shelf extends to Point Fermin, adjacent to the Los Angeles/Long Beach Harbor. The Los Angeles River and Dominguez Channel were also a source of PCBs to San Pedro Bay. Since no clean-up has occurred to date, contamination still exists and the marine environment remains severely impacted. Although the limited mussel data may not show guideline exceedances, the fish advisory is in place for a sound reason. PCBs are known to be highly toxic and persistent in the environment. These chemical compounds bioaccumulate in the fatty tissue of animals, and PCB exposure has been linked to serious health problems such damage to the immune system and cancer. Based on this historical knowledge and the scientific understanding that PCBs bioaccumulate, it is appropriate to maintain the PCB listing. Based on all the available evidence, PCBs should remain listed in the Los Angeles/Long Beach Outer Harbor. The fish consumption advisory and historical knowledge provide the weight of evidence necessary to maintain the listing.		
43.40	The Staff Report proposes the delisting of dieldrin in fish tissue in the Los Angeles Harbor Consolidated Slip. While this delisting appears appropriate, the sediment data referenced in the first line of evidence appears to support the listing of Los Angeles Harbor Consolidated Slip for dieldrin in the sediments. This sediment data, obtained from the Contaminated Sediments Task Force, show 10 exceedances of the sediment guideline out of 38 total samples, which exceeds the allowable frequency listed in Table 3.1 of the Listing Policy. In addition, the Consolidated Slip is listed separately for sediment toxicity. Therefore, consistent with section 3.6 of the Listing Policy, the State Board should list the Los Angeles Harbor Consolidated Slip for dieldrin in sediments.	The recommendation for this pollutant water body combination has been changed to 'do not delist' based on this assessment.	Yes
43.43	Dominguez Channel should be placed on the 303(d) list for sediment toxicity based on readily available data. Data collected by the Shell Los Angeles Refinery under their NPDES Permit No. CA003778 and submitted to the Regional Board indicate sediment toxicity in Dominguez Channel. As shown by the highlighted values in Table 8, sediment toxicity is apparent in the Channel. Since control results are unavailable, a	All of the data provided has been reviewed and the fact sheet revised and decisions have been revised.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	conservative approach was taken in interpreting the data by assuming 90% survival for controls and classifying samples with <70% survival as a failed test. Section 3.6 of the Listing Policy states that 'waters may also be placed on the section 303(d) list for toxicity alone.'. Thus, the State Board should place Dominguez Channel on the 303(d) list for a sediment toxicity impairment.		
43.44	Compton Creek should be placed on the 303(d) list for trash based on the situation specific weight of evidence under section 3.11 of the Listing Policy. Compton Creek Watershed is arguably the most visibly polluted watershed in California, let alone Los Angeles County. Large volumes of trash collect in the flowing water and along the banks and the unlined portions of Compton Creek. Compton Creek supports many beneficial uses including ground water recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat and wetland habitat. The high concentration of trash in Compton Creek impairs these beneficial uses. In addition, the trash pollution violates the LARWQCB Basin Plan's narrative water quality objective that 'waters shall not contain floating materials including solids, liquids, foams and scum, in concentrations that cause nuisance or adversely affects beneficial uses.' There are three lines of evidence available to assess trash in Compton Creek. The first line of evidence is data on the tonnage of trash collected by Los Angeles County Department of Public Works between 2002 and 2005. In 2002, the County instituted a trash removal program for Compton Creek. As shown in Appendix 2, large amounts of trash have been collected and removed from Compton Creek through this effort. For instance in July of 2002, over 23 tons of trash were removed through this program. The second line of evidence, presented in Appendix 2, is data on the tonnage of trash collected by volunteers at Coastal Cleanup Day and Earth Day events since 2002. At the April 2003 clean-up event, volunteers removed over 10 tons of trash in a period of less than three hours. The final line of evidence is Heal the Bay's photographic documentation of trash pollution in Compton Creek. As presented in Appendix 2, the photographs show large amounts of accumulated trash in various sections of Compton Creek. These photographs were taken at various Heal the Bay-sponsored clean-up activities. Heal the Bay has been the Los Angeles County coordinator for Coastal Cleanup Day and Adopt A Beach for 15 years. During that time, there have been regular clean-ups at over 60 locations. Not one of these locations is even close to as polluted with trash as Compton Creek. Based on these three lines of evidence, the weight of evidence clearly indicates that water quality standards are not attained. Thus, under section 3.11 of the Listing Policy, Compton Creek should be listed for trash on the 303(d) list.	A new fact sheet has been developed for this pollutant and water body. Compton Creek is now being recommended for listing for trash.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
43.46	Index of Biotic Integrity (IBI) Scores should be considered in the Listing/delisting process. IBI data compiled by CDFG, Los Angeles County, Ventura County and Heal the Bay are readily available and qualify as applicable listing factors in Sections 3.9 and 3.11 of the Listing Policy. Moreover, the State Board should support the IBI methodology developed by its sister agency, CDFG, and include these quantitative data in the listing analysis. Given all of the above, the water segments highlighted in comment letter, Tables 1-4 should be included on the 303(d) list as impaired for biological communities. At the very minimum, the IBI scores should be used as another line of evidence in listing/delisting decisions. On this latter basis Calleguas Creek reaches 4, 5 and 13 should remain on the 303(d) list for excess algal growth or algae. Finally, while we focused on Region 4, we believe the State Board should evaluate IBI data available for other areas of the State as well.	In circumstances where bioassessment data and chemical data (with associated guidelines) were available, these data were reviewed under section 3.9 of the Listing Policy.	No
43.53	Commenter does not agree with the proposal to delist the following beaches for beach closures/bacteria due to the fact that readily available information exists which supports leaving them on and an existing TMDL is not valid justification to delist them; Abalone Cove, Bluff Cove, Hermosa, Malaga Cove, Malibu, Whites Point, Manhattan, Nicholas Canyon, Portuguese Bend, Puerco, Royal Palms, Carbon, Escondido, Inspiration, Las Tunas, Trancas, Venice, Topanga, Dockweiler, Will Rogers.	All of these water bodies have been listed for indicator bacteria in the 'Being Addressed' section of the 303(d) list due to the USEPA approved Santa Monica Bay Bacteria TMDL. These listings will substitute the previous listing for beach closures for these water bodies. This is the most appropriate choice as it is a general listing for exceedances of any or all bacterial indicators. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category allows tracking where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	Yes
43.54	Commenter does not agree with the proposal to delist the following beaches for beach closures/bacteria due to the fact that readily available information exists which supports leaving them on; La Costa, Lunada Bay, Point Dume, Sea Level, Flat Rock Point, Point Fermin, Point Vicente, Resort Point, Rock Point, Torrance, Zuma.	All of these water bodies have been listed for indicator bacteria in the 'Being Addressed' section of the 303(d) list due to the USEPA approved Santa Monica Bay Bacteria TMDL. These listings will substitute the previous listing for beach closures for these water bodies. This is the most appropriate choice as it is a general listing for exceedances of any or all bacterial indicators. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	
43.55	Commenter does not agree with the proposal to delist Verdugo Wash Reaches 1 & 2 for excess algal growth because an existing TMDL is not valid justification to delist them and excess algal growth is eligible for listing.	These water bodies are being delisted for excess algal growth because excess algal growth is considered a condition and not a pollutant, but rather a condition that may be caused by pollutant(s) per the Listing Policy. Also, the Los Angeles River Nitrogen TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard, and will address the pollutant(s) contributing to or causing this condition. In order to follow the intent of section 2 of the Listing Policy, water bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	No
43.56	Commenter does not agree with the proposal to delist San Gabriel River Reach 1 and San Jose Creek Reaches 1 & 2 for excess algal growth because excess algal growth is eligible for listing and there is an upcoming USEPA study on algae in this water body.	Based on the comment, it cannot be determined if the algae information is backed by pollutant data. Algae should not be placed on the section 303(d) list because it is considered a condition and not a pollutant or toxicity, but rather a condition that may be caused by the presence of pollutant(s) (section 2 of the Listing Policy). The results of the study cannot be reviewed until the study is completed.	No
43.7	Staff has improperly engaged in a wholesale reconsideration of previous listings. This directly contravenes the letter and spirit of the State Board's own Listing Policy. The only time that a reevaluation should be conducted is on a case by case basis pursuant to the three specific situations set forth in the much discussed and debated Listing Policy. In the situation here, where the State Board is conducting this reevaluation on its own initiative, only the first situation applies (faulty data), as the Board has not proposed	There were over 60 listings associated with the recently completed TMDL for indicator bacteria in Santa Monica Bay. The one and only intent of the staff recommendations is to move valid listings to the Water Quality Limited Segments Being Addressed category of the section 303(d) list. When these listings were assessed it was clear that there were many listings for beach closures and postings where it could not be determined if the postings and closures were backed by water quality data. If the listings were backed by data, the listings were maintained.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	delistings due to revision of a water quality standard.	Even if some of the listings are removed from the section 303(d) list, the approved TMDL(s) must be implemented precisely as presented in the Basin Plan. The section 303(d) list and its contents have no relationship, relevancy, or connection to approved TMDLs other than tracking when valid listings can be removed because standards are met. Many new data sets were submitted that alters the recommendations made originally. These changes have been incorporated into fact sheets.	
53.10	There are no data to evaluate the trash listing for Reach 4 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.	This water body pollutant combination is not being recommended for listing in the Being Addressed category of the 303(d) list because the Los Angeles River Trash TMDL was completed by the Regional Board on September 19, 2001 (USEPA, 2002) to address impairments caused by trash. However, on July 19, 2006 the State Board rescinded approval of this TMDL and remanded it back to the Regional Board based on court ruling City of Arcadia v. State Water Resources Control Board (D043877). This water body pollutant combination will remain on the 303(d) list.	Yes
53.4	Commenter supports the recommendation to delist algae in Calleguas Creek watershed, reaches 4, 5, 9b, 10, 11, and 13.	Comment acknowledged.	No
57.10	Commenter has included data sets for sulfate, TDS, boron, and chloride in various reaches of the Calleguas Creek Watershed.	At this time, this data does not warrant a change to the draft 303(d) list. The data is unclear as it is summarized in such a way that there is no information about when it was collected and includes no data quality assurance information. The source of the data is also not included and in most cases the location of where the sampling took place is also missing. Any new data for these water body pollutant combinations should be addressed by the Regional Board during the next listing cycle.	No
57.1	Objectives in Table 3.8 of the Basin Plan are not applicable to Calleguas Creek Watershed Reaches 6, 7, 8, and Fox Barranca Canyon.	No fact sheets were developed for these water body pollutant combinations. This comment relates to an old listing and no new assessment was completed for this water body as part of this 303(d) list revision. According to the Basin Plan, the objectives in table 3-8 apply to the reaches above Potrero Road, which covers all reaches except Reach 1.	No
57.4	Objectives were set in 1975, and updated in 1978, based on the existing water quality within the Calleguas Creek watershed, lower reaches 6, 7, 8, and Fox Barranca Canyon.	Comment acknowledged.	No
57.5, 129.12	The Moorpark and Simi Valley WWTPs were discharging to Reaches 6 and 7 respectively in 1978 and are not described 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 Reaches 6, 7,	Any change in the Basin Plans is beyond the scope of the section 303(d) list process. In developing the list, all water quality objectives were used as they are written.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	8, and Fox Barranca Canyon does not reach this station except during wet weather events meaning that these surface waters are not contiguous except during high flow events (Figure 1). The change from 'at Potrero Road' to 'above Potrero Road' resulted in the application of water quality objectives to Reaches 6, 7, 8, and Fox Barranca Canyon that were intended to apply only to Reaches 3, 9a, 9b, and 10.		
57.6	No Objectives for boron, chloride, sulfate or TDS exist for Reaches 6, 7, and 8 of the watershed. As such, these impairments should be delisted, as there are no water body-specific objectives available for these constituents.	According to the Basin Plan, the objectives in table 3-8 apply to the reaches above Potrero Road, which covers all reaches except Reach 1.	No
57.7	The mineral water quality objectives for Calleguas Creek Watershed Reaches 3, 4, 5, 6, 7, 8, 9a, 9b, 10, 11, 12, and 13 were intended to be flow-weighted averages. Thus, some of the water bodies listed for TDS, sulfate, chloride and boron based on objectives in table 3-8 of the Basin Plan would not exceed the water quality objectives.	The language regarding flow weighted averages referred to in the comment letter is not in the revised Basin Plan and therefore is no longer applicable.	No
57.9	The area upstream of Simi Valley Water Quality Control Plant is urbanized. However, urban areas are not considered a major source of these constituents.	Comment acknowledged.	No
60.2	The Calleguas Creek (Reach 5) was listed in error for ChemA, chlordane, chlorpyrifos, DDT, dieldrin, endosulfan, and toxaphene in fish tissue. This is due to the fact that there has been no TSM monitoring in Beardsley Channel according to the State's database, and the listing seems to be an extension of impairments found in the lower watersheds. This was not the intention of the Listing Policy. Commenter recommends that this water body be delisted for these pollutants.	Calleguas Creek Reach 5 is being listed for the subject pollutants; however, they are all being recommended for listing in the Being Addressed category of the section 303(d) list because the Calleguas Creek Historic Pesticides TMDL has been approved and it is expected to result in attainment of the standard(s).	Yes
65.4, 107.3, 231.1, 233.1	The twenty eight Santa Monica Bay Beaches were improperly delisted mainly because a TMDL is in place. This is not justified.	Many of the original listings for Santa Monica Bay beaches were based on precautionary beach postings that were not back by bacteria measurements. New data are available that changes many of the staff recommendations. These data have been reviewed and the summary of information included in fact sheets. Many beaches were placed back on the list for indicator bacteria in response to the recent data that was made available. These beaches were placed in the 'water quality limited segments being addressed' category of the section 303(d) list.	Yes
65.7	The OEHHA advisory was based on the aforementioned USGS report and also relied on separate sampling that found unsafe levels of mercury in resident Chinook salmon.	Comment acknowledged.	No
66.11	State is requested to evaluate available sediment DDT data. It is possible to derive an acceptable screening criterion by using DDT-specific sediment-water ratios to convert CTR saltwater criteria for DDT into the corresponding sediment value for assessment purposes (see	The screening criteria recommended can be calculated but its relationship to toxicity (as required by the Listing Policy) cannot be established. A TIE in Los Angeles Harbor has shown that sediment toxicity is not due to DDT.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	EPA, 1994). This analysis will support listing of some areas in the Los Angeles Harbor.		
66.12	The assessment of sediment chemistry data should consider the frequency and magnitude of excursions above the screening criteria along with other information such as occurrence of related impairments in upstream or downstream segments. Review of sediment chemistry data in this manner supports additional listings in several waters including Los Angeles Harbor.	The assessment approach used considers both the frequency (using binomial statistics) and the magnitude (the actual level set in the ERM, PEL or other guideline). By using the weight of evidence approach in the Listing Policy, no additional listings are indicated.	No
66.21	For recommendation to delist Ballona Creek for Pb, Se, Zn; available data indicate CTR standards are violated for Pb (6 out of 90 samples), Se (6 out of 176 samples), and Zn (9 out of 154 samples). Listing should be retained.	The frequency the standards are exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 7 measurements above the Pb standard, 14 measurements above the Se standard, and 13 measurements above the Zn standard are needed to maintain the listings. No additional data and information in the record support maintaining the listings.	No
66.22	For recommendation to delist Coyote Creek for Se, and Zn; available data indicate CTR standards are violated for Se (5 out of 12 samples) and Zn (5 out of 64 samples). Listing should be retained.	New data were submitted for zinc in Coyote Creek and zinc was found to be exceeding the CTR few enough times that it should be delisted. When combining this selenium data with the existing data, there are still not enough exceedances to keep this water body on the list for selenium. Therefore, these listing recommendations will remain unchanged.	No
66.23	For recommendation to delist Dominguez Channel Estuary for Chromium; available data indicate 1 out of 6 sediment toxicity excursions and sediment exceedances for Chromium in 4 out of 93 samples. State should provide good cause for delisting or retain pollutant(s) on 303(d) list for this segment.	Sediment toxicity and pollutants were evaluated under section 4.6 of the Listing Policy. Sediment toxicity is not listed specifically on the 2002 list. To list sediment toxicity at least 2 exceedances are necessary in a sample size of 6 to support listing (Table 3.1). Chromium is listed on the 2002 section 303(d) list. The data available supports delisting because the frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 8 measurements above the sediment guideline are needed to maintain the listing (Table 4.1). No additional data and information in the record support maintaining the listing.	No
66.24	For recommendation to delist Dominguez Channel Estuary for DDT; assessment record is incomplete as it does not include all lines of evidence. Fact sheet should include available fish tissue (>6000 ppb) and sediment (>1 ppm) results, which provide sufficient evidence of impairment based on narrative WQOs. State should list this segment.	The fact sheet has been revised to include this information.	Yes
66.25	For the recommendation to delist Dominguez Channel Estuary for Dieldrin; the fact sheet states the original listing based on tissue MTRL values and sediment EDL values however no comparison was made to	The fact sheet and decision for this pollutant-water body combination has been removed since there was no new data to assess. By deleting this decision, the listing is maintained and should be re-evaluated using	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	OEHHA values or sediment guidelines. State should retain this segment on list or provide good cause for delisting.	the appropriate criteria when new data is submitted for a future listing cycle.	
66.27	For the recommendation to delist the Los Angeles River Reach 1 for Cd; available data indicate CTR standards violations for Cd (3 out of 42 samples). Listing should be retained.	The frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 4 measurements above the standard are needed to maintain the listing. No additional data and information in the record support maintaining the listing.	No
66.28	For the recommendation to delist the Los Angeles River Estuary for DDT; fact sheets show sediment toxicity observed and provide sediment results for DDT. The State declined to apply a DDT sediment guideline to assess, which is an insufficient rationale for delisting. Segment appears to violate narrative WQOs. The State should provide good cause for delisting or retain pollutant(s) on 303d list for this segment.	There is no sediment guideline that exists for DDT that complies with the Listing Policy. However, fish tissue samples from nearby areas of the harbor (outer harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of 'do not delist' since there is a health advisory in place for this pollutant in this water body and there is not enough information available to determine whether or not water quality standards are being met.	Yes
66.29	For the recommendation to delist Ormond Beach for coliform bacteria; fact sheet indicates WQOs violated in more than 10% of samples (33 out of 279 samples). State should retain on list based on exceedances of numeric WQS.	The frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 47 measurements above the standard are needed to maintain the listing (Table 4.2 of the Listing Policy). No additional data and information in the record support maintaining the listing.	No
66.30	For the recommendation to delist San Buenaventura Beach for coliform bacteria; fact sheet indicates WQOs are violated in more than 10% of samples (44 out of 401 samples). State should retain on list based on exceedances of numeric WQS.	The frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 67 measurements above the standard are needed to maintain the listing (Table 4.2 of the Listing Policy). No additional data and information in the record support maintaining the listing.	No
66.31	For the recommendation to delist San Gabriel River-Reach 2 for Pb and Zn; available data indicate CTR violations for Pb (4 out of 63 samples) and Zn (7 out of 89 samples). State should provide good cause for delisting or retain pollutants on 303(d) list for this segment.	The frequency the standards are exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 6 measurements above the Pb standard and 15 measurements above the Zn standard are needed to maintain the listings. No additional data and information in the record support maintaining the listings.	No
66.32	For the San Gabriel River Estuary, fact sheets for Cu, Pb, and Zn in this segment should be generated. EPA's review of available water data for total recoverable metals indicates exceedances for Cu (5 out of 61 samples), Pb (2 out of 60 samples) and Zn (2 out of 60 samples (see data files submitted by LA RWQCB for this segment included with comment letter). State should list pollutants for exceedances of numeric WQOs.	This is a new assessment above and beyond what is required by the CTR. The CTR requires the use of dissolved metals data comparison to standards. Even if these data were used as suggested the exceedance frequencies are too low for staff to recommend that the pollutants be placed on the section 303(d) list (please refer to the values in Table 3.1 of the Listing Policy). For these sample sizes, at least 6 exceedances are necessary before the pollutants to be listed.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
66.33	For San Jose Creek Reach 1, fact sheets for Cu, Pb, and Se in this segment should be generated. EPA's review of available water data for total recoverable metals indicates exceedances for Cu (2 out of 95 samples), Pb (3 out of 95 samples) and Se (10 out of 78 samples (see data files submitted by LA RWQCB for this segment.) State should list pollutants for exceedances of numeric WQOs.	This is a new assessment above and beyond what is required by the CTR. The CTR requires the use of dissolved metals data comparison to standards. Even if these data were used as suggested the exceedance frequencies are too low for staff to recommend that the pollutants be placed on the section 303(d) list (please refer to the values in Table 3.1 of the Listing Policy). For sample size of 95, at least 9 exceedances are necessary before the pollutants to be listed.	No
66.46, 66.47, 107.11	Santa Monica Chlordane data assessment results for sediment had very few total chlordane values above the California 303(d) Policy screening value of 6.0 micrograms per kilogram (ug/kg). Specifically, the data from the Palos Verdes Shelf showed an exceedance frequency of 3.3%, while two other data sets with data in Santa Monica Bay had exceedance frequencies of 0.0% and 0.5%. Combining these three datasets results in 4 out of 307 samples exceeded the screening value, or 1.3%. Two datasets with tissue data were also evaluated. Neither of these datasets showed total chlordane tissue results greater than the California Office of Environmental Health Hazard Assessment (OEHHA) screening value of 30.00 ug/kg. Detailed evaluation of these data indicates attainment of narrative water quality objectives for both the sediment and tissue lines of evidence.	These data have been reviewed and the analysis modified.	Yes
66.9, 73.17, 81.1, 83.5, 107.6, 107.17, 212.5, 228.5, 242.3	For some waters, it appears the State did not consider total metals data as the CTR standards are expressed in terms of dissolved metals. The CTR identifies three options for translating dissolved metal results to total recoverable levels, or vice versa. We encourage the State to apply one of these options to evaluate readily available total metals data. This data review will likely support several additional listings (e.g., San Jose Creek in Los Angeles).	The CTR mandates the criteria to be the dissolved fraction. Although a translator exists to convert dissolved criteria to total fraction effluent limit, no provision in the CTR allows calculating total metals fraction receiving water quality criterion. Staff has reevaluated listings where total metals data were applicable and would result in a change to the analysis. Use of total metals data were applied only to delisting evaluations and only in comparison with dissolved metals criteria. No translators were used to convert total metal fractions to dissolved metal fractions.	No
73.102	Los Angeles / Long Beach Inner Harbor for Zn (tissue and sediment): Currently there are no state guidelines for zinc in tissue and the available tissue data do not support the listing, with no data exceeding even the PEL of 3200 ug/g. The sediment data at the Los Angeles/Long Beach Inner Harbor do not support the listing, with 35 out of 716 sediment samples exceeding the ERM of 410 ug/g. Sediment toxicity may or may not be associated with presence of zinc in sediment. The most conservative applicable water quality criterion for total zinc is 410 µg/g for the objective. In Los Angeles Harbor E , W Basin, Slip No 1, Slip No 5, Turning Basin, Cerritos Channel, the criterion was exceeded in 10 of 315 samples, which is 3.2% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total zinc if there are 26 or fewer exceedances out of the 315 samples. In Los Angeles Harbor Main	These data have been reviewed and the analysis modified. The recommendation is now 'Delist' for zinc. Data showed that standard(s) were being met in the water body for zinc.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Channel, the criterion was exceeded in 1 of 59 samples, which is 1.7% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total zinc if there are 4 or fewer exceedances out of the 59 samples. In Los Angeles Harbor Southwest Slip, the criterion was exceeded in 7 of 22 samples, which is 31.8% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total zinc if there are 2 or more exceedances out of the 22 samples. In Long Beach Harbor Cerritos Channel, E Basin, Inner Harbor, the criterion was exceeded in 10 of 57 samples, which is 17.5% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total zinc if there are 5 or more exceedances out of the 57 samples. In Long Beach Harbor Main Channel, SE, W Basin, Pier J, Breakwater, the criterion was exceeded in 7 of 263 samples, which is 2.7% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total zinc if there are 22 or fewer exceedances out of the 263 samples. The State Board recommendation for this pollutant water body combination is list.		
73.103	Los Angeles / Long Beach Inner Harbor for PAHs (sediment and tissue): The sediment data at the Main Channel do not support the sediment listing with zero of 1113 samples exceeding the sediment guideline of 1800 ppm. However, the available tissue data show exceedances of the EPA screening values of 0.0057 ppm. The Bureau requests re-listing PAH sediment-pollutant combination by replacing this general PAH listing as appropriate with the individually listings of pyrene, phenanthrene, chrysene, or benzo (a) pyrene or Total PAHs on the section 303(d) list in the Water Quality Limited Segments category. The most conservative applicable water quality criterion for PAHs (total) is 1800 µg/g for the objective. In Los Angeles Harbor Main Channel, the criterion was exceeded in 0 of 121 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for PAHs (total) if there are 10 or fewer exceedances out of the 121 samples. In Los Angeles Harbor E , W Basin, Slip No 1, Slip No 5, Turning Basin, Cerritos Channel, the criterion was exceeded in 0 of 591 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for PAHs (total) if there are 50 or fewer exceedances out of the 591 samples. In Los Angeles Harbor Southwest Slip, the criterion was exceeded in 0 of 34 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for PAHs (total) if there are 2 or fewer exceedances out of the 34 samples. In Long Beach Harbor Cerritos Channel, E Basin, Inner Harbor, the criterion was exceeded in 0 of 93 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for PAHs (total) if there are 7 or fewer exceedances out of the 93 samples. In Long Beach Harbor Main Channel, SE, W Basin, Pier J, Breakwater, the criterion was exceeded in 0 of 274 samples, which is	The listings have been re-evaluated along with other associated listings the listings cannot find exceedances for the specific constituents mentioned in the comment. However, based on the number of sediment toxicity hits, State Board staff is recommending that sediment toxicity be added to the 303(d) list for this water body based on section 3.6 of the Listing Policy. Based on the toxicity data, the specific chemicals contributing to this toxicity cannot be determined.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for PAHs (total) if there are 23 or fewer exceedances out of the 274 samples. The State Board did not prepare a fact sheet for this pollutant water body combination.		
73.104	Los Angeles / Long Beach Inner Harbor for PCB's: The State has not identified a beneficial use for protection or impairment. According to the Listing Policy, Section 3.4 a health advisory must be posted, a beneficial use for consumption identified, and the supporting data must be available indicating the evaluation guideline for tissue has been exceeded. The State indicated that PCBs have been detected in sediments in the Cabrillo Beach area. Sediment toxicity has not been documented. The Fish Consumption advisory for PCBs should be reevaluated.	The fact sheet was corrected. The beneficial uses were changed to COMM and marine habitat. Both are existing beneficial uses of this water body as shown in the Basin Plan. The fact sheet details the basis for this listing.	Yes
73.105	Los Angeles / Long Beach Inner Harbor for DDT: The State should provide in the record the supporting data and required information to list or not list using the listing criteria. According to Section 3.4 of the Listing Policy a health advisory must be posted, a beneficial use for consumption identified, and the supporting data must be available indicating the evaluation guideline for tissue has been exceeded. The fish consumption advisory should be reevaluated as most of the original advisories were conducted in the mid-1990's. The State Board recommendation for this pollutant water body combination is :'Do Not Delist'.	Even though the commenter's data shows 463 samples which do not exceed the OEHHA screening values, these tissue samples are from organisms which are not consumed by humans. With a fish consumption advisory in place, these samples are not appropriate to use for determining whether or not DDT is causing a water quality impact. Fish tissue samples from nearby areas of the harbor (outer harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of 'do not delist'. Using section 4.11 of the Listing Policy, this new finding has been included in the fact sheet.	Yes
73.106	Los Angeles Harbor - Cabrillo Marina for DDT (tissue): The State should provide in the record the supporting data and required information to list or not list using the listing criteria. According to Section 3.4 of the Listing Policy a health advisory must be posted, a beneficial use for consumption identified, and the supporting data must be available indicating the evaluation guideline for tissue has been exceeded. The fish consumption advisory should be reevaluated as most of the original advisories were conducted in the mid-1990's. The State Board recommendation for this pollutant water body combination is 'List'.	Fish tissue samples from nearby areas of the harbor (outer harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of list. Using section 3.11 of the Listing Policy, this new finding has been included in the fact sheet.	Yes
73.107	Los Angeles Harbor - Cabrillo Marina for PCB's (tissue and sediment): The available data does not support a sediment listing. The State should provide in the record the supporting data and required information to list or not list using the listing criteria. According to Section 3.4 of the Listing Policy a health advisory must be posted, a beneficial use for consumption identified, and the supporting data must be available indicating the evaluation guideline for tissue has been exceeded. The fish consumption advisory should be reevaluated as most of the original	Fish tissue samples from nearby areas of the harbor (inner harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of list. Using section 3.11 of the Listing Policy, this new finding has been included in the fact sheet.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	advisories were conducted in the mid-1990's. The State Board recommendation for this pollutant water body combination is 'List'.		
73.108	Los Angeles Harbor - Inner Cabrillo Beach Area for Beach closures (coliform): This is a condition, not a pollutant or pollution. Therefore, according to Section 2 of the Policy this should not be listed. This listing should be for total coliform and enterococcus. See Bacteria Indicators listing.	Los Angeles Harbor - Inner Cabrillo Beach Area is being listed for indicator bacteria on the 303(d) list. This listing replaces the previous listing for beach closures for this water body. State Board staff could not determine from the data the specific indicators causing the impairment.	Yes
73.109	Los Angeles Harbor - Inner Cabrillo Beach Area for Bacteria Indicators: This listing should be for total coliform and enterococcus. Total coliform shows impairment for the SHELL beneficial use not REC-1, however, enterococcus shows impairment for REC-1 which is the State identified beneficial use. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Cabrillo Beach (Inner) LA Harbor Area, the criterion was exceeded in 1484 of 2993 samples, which is 49.6% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total coliform if there are 497 or more exceedances out of the 2993 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Cabrillo Beach (Inner) LA Harbor Area, the criterion was exceeded in 668 of 2963 samples, which is 22.5% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for enterococcus if there are 492 or more exceedances out of the 2963 samples. This listing is addressed by the LA Harbor Main Channel Cabrillo Beach Bacteria. The State Board recommendation for this pollutant water body combination is 'List'.	The pollutant for this listing will remain 'indicator bacteria' because all indicators discussed in the comment are indicators of bacterial contamination. This is the most appropriate pollutant as it is a general listing for exceedances of any or all indicator bacteria.	No
73.110	Los Angeles Harbor - Inner Cabrillo Beach Area for DDT (sediment): This pollutant/pollutant segment should be evaluated under the Listing Policy for DDT sediment due to the fact that there are no current State guidelines or objectives for total DDTs in sediment. Sediment toxicity may or may not be associated with this pollutant and is not documented in the report. Additionally, the tissue data in the record does not support the sediment listing. The State Board recommendation for this pollutant water body combination is 'List'.	Fish tissue samples from nearby areas of the harbor (outer harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of 'Do Not Delist' since there is a health advisory in place.	Yes
73.111	Los Angeles Harbor - Inner Cabrillo Beach Area for DDT (sediment): The State should provide in the record the supporting data and required	Clarifying language has been added to the analysis to describe the supporting data used for the listing decision.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	information to list or not list using the listing criteria. According to Section 3.4 of the Listing Policy a health advisory must be posted, a beneficial use for consumption identified, and the supporting data must be available indicating the evaluation guideline for tissue has been exceeded. The fish consumption advisory should be reevaluated as most of the original advisories were conducted in the mid-1990's. The State Board recommendation for this pollutant water body combination is 'List'.		
73.112	Los Angeles Harbor - Inner Cabrillo Beach Area for PCB's: According to the Listing Policy, Section 3.4 a health advisory must be posted, a beneficial use for consumption identified, and the supporting data must be available indicating the evaluation guideline for tissue has been exceeded. The State indicated that PCBs have been detected in sediments in the Cabrillo Beach area. The Fish Consumption advisory for PCBs should be reevaluated. The State Board recommendation for this pollutant water body combination is 'List'.	Clarifying language has been added to the analysis to describe the supporting data used for the listing decision. The recommendation is 'Do Not Delist'.	Yes
73.115	Los Angeles Harbor Consolidated Slip-DDT (tissue & sediment): There are no tissue data available for review. Current State guidelines have no objectives for total DDTs in sediment. Therefore DDT in sediment should be evaluated under Section 3 of the Listing Policy. The human health risk criteria is inappropriate for the beneficial use identified by the State. The fish consumption advisory should be reevaluated as most of the original advisories were conducted in the mid-1990's. The State Board recommendation for this pollutant water body combination was 'do not delist'.	Fish tissue samples from nearby areas of the harbor (outer harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of 'do not delist' since there is a health advisory in place for this pollutant in this water body.	No
73.118	Los Angeles River Reach 1 (Estuary to Carson Street)-Copper, Dissolved: 'It cannot be determined if the data the State used in its analysis Total Metals data or Dissolved Metals data or if the Hardness values were present and utilized. The most conservative applicable water quality criterion for dissolved copper is 13 µg/L for the CTR Aquatic Life Freshwater Chronic (CCC) objective. In Los Angeles River Reach 1 (Estuary to Carson Street), the criterion was exceeded in 4 of 63 samples, which is 6.4% of the sample events. Under the State's Listing Policy, a water body is eligible for delisting for dissolved copper if there are 5 or fewer exceedances out of the 63 samples. The State data is from 1997-1999. Newer data indicate that an evaluation under the Listing Policy is warranted.' The State Board recommendation for this pollutant water body	When combining this new data with existing data, there are 15 out of 81 samples which exceed the CTR CCC for dissolved copper. This is still too many to delist.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	combination is 'do not delist'.		
73.119	Los Angeles River Reach 1 (Estuary to Carson Street)-Zinc, Dissolved: 'It cannot be determined if the data the State used in its analysis Total Metals data or Dissolved Metals data or if the Hardness values were present and utilized. The most conservative applicable water quality criterion for dissolved zinc is 170 µg/L for the CTR Aquatic Life Freshwater Acute (CMC) objective. In Los Angeles River Reach 1 (Estuary to Carson Street), the criterion was exceeded in 0 of 54 samples, which is 0% of the sample events. Under the State's Listing Policy, a water body is eligible for delisting for dissolved zinc if there are 4 or fewer exceedances out of the 54 samples. Newer data indicate that an evaluation under the Listing Policy is warranted.' The State Board recommendation for this pollutant water body combination is 'do not delist'.	There are 7 out of 18 samples that exceed the CTR CCC for dissolved copper. This is still too many to delist.	No
73.122	Los Angeles River Reach 1 (Estuary to Carson Street)-pH: 'This pollutant should be evaluated as the high objective of 8.5 pH was exceeded 7 out of 54 samples, which does not exceed the frequency requirements. Two of 54 samples were below 6.5, which is 3.7% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for pH if 8 or fewer of the 54 samples are below the required range. Mainly wet weather data is available. Need dry weather data points. Although a TMDL is in place, the use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained.' The State Board recommendation for this pollutant water body combination is 'do not delist'.	Currently we are proposing to place this water body pollutant combination on the 'being addressed' portion of the list since there is a TMDL in place. New data shows that there are 2 out of 54 samples which are below a pH of 6.5 and 7 out of 54 which are above a pH of 8.5. This is a total of 9 out of 54 samples which are outside the acceptable pH range (6.5-8.5). This is not enough to delist. This Water Quality Objective is a range and samples should not be separated by those above and those below the range limit. They are to be combined as a total number of samples which are outside the range.	No
73.127	Los Angeles River Reach 2 (Carson to Figueroa Street)-Oil: 'This Listing does not meet the requirements of Section 2 or 3.7 of the Listing Policy. There are no data in the record to evaluate. Based on the readily available information, the weight of evidence indicates that there is sufficient justification in favor of removing these listing from the 303(d) Water Quality Limited Segment list because the segment pollutant combinations is not a pollutant. The state has not identified a beneficial use for protection or impairment.' The State Board did not prepare a fact sheet for this pollutant water body combination.	This is being delisted from the 303(d) list. The original line of evidence supporting the listing does not identify a pollutant but rather, a condition caused by a pollutant(s). This listing is for 'Scum/Foam-Unnatural'. There is a TMDL in place that will address the pollutant(s) contributing to or causing this condition.	Yes
73.132	Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.)-Scum/Foam-unnatural: 'The listing does not identify a pollutant but rather, a condition	The fact sheet has been revised to incorporate this comment and the decision has been changed to 'delist'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	(Scum). Currently no criteria exists for US waterways to determine impairment. Scum is not a pollutant or toxicity in accordance with Section 2 of the Policy and should not be listed. This Listing does not meet the requirements of Section 3.7 of the Listing Policy. There are no data in the record to evaluate. Based on the readily available information, the weight of evidence indicates that there is sufficient justification in favor of removing these listing from the 303(d) Water Quality Limited Segment list because the segment pollutant combinations is not a pollutant. The state has not identified a beneficial use for protection or impairment. This listing has been addressed by the TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River and its Tributaries.' The State Board did not prepare a fact sheet for this pollutant water body combination.		
73.135, 73.141, 73.138, 73.136, 73.131, 73.130, 73.123	Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.)-Nutrients (Algae): 'The original line of evidence supporting the listing does not identify a pollutant but rather, a condition caused by a pollutant(s) (Algae). Currently no criteria exists for US waterways to determine impairment. Algae is not a pollutant or toxicity in accordance with Section 2 of the Policy and should not be listed. This Listing does not meet the requirements of Section 3.7 of the Listing Policy. There are no data in the record to evaluate. Based on the readily available information, the weight of evidence indicates that there is sufficient justification in favor of removing these listing from the 303(d) Water Quality Limited Segment list because the segment pollutant combinations is not a pollutant. The State has not identified a beneficial use to protect. The Los Angeles River Nitrogen TMDL was approved by the RWQCB on August, 2003 and subsequently approved by USEPA on March 2004 and this TMDL is expected to address this water body condition. Use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. There is only one line of evidence in the State record.' The State Board did not prepare a fact sheet for this pollutant water body combination.	This listing will remain on the 303(d) list in the 'Being Addressed' category. Keeping this water body pollutant combination on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	Yes
73.140, 73.124, 73.129, 73.56, 73.32, 73.121, 73.201, 73.134, 73.133	There were several comments related to the Los Angeles River Reaches and the trash TMDL. For example, in Reach 1, 'The use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. There are no water quality objectives or guidelines to evaluate a water body for trash impairment that meet the requirements of Section 3.7 or 6.1.3 of the Listing Policy. Additionally there are no criteria identified in the Report.'	In order to follow the intent of section 2 of the Listing Policy, water bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category of 'Water Quality Limited	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	The State Board recommendation for this pollutant water body combination is 'list'.	Segments Being Addressed' allows tracking where programs are in place and ensure future demonstrations of water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body. The Los Angeles River Trash TMDL was completed by the Regional Board on September 19, 2001 (USEPA, 2002) to address impairments caused by trash. However, on July 19, 2006 the State Board rescinded approval of this TMDL and remanded it back to the Regional Board based on court ruling City of Arcadia v. State Water Resources Control Board (D043877). Water bodies that were addressed by this TMDL are now being placed in the 'Water Quality Limited Segments' category of the 303(d) list. These include but are not limited to the Los Angeles River, Los Angeles River Estuary, Verdugo Wash, Burbank Western Channel, Tujunga Wash, Rio Hondo, and Arroyo Seco.	
73.142	Los Angeles River Reach 5 (within Sepulveda Basin)-Oil: 'This Listing does not meet the requirements of Section 2 or 3.7 of the Listing Policy. There are no data in the record to evaluate. Based on the readily available information, the weight of evidence indicates that there is sufficient justification in favor of removing these listing from the 303(d) Water Quality Limited Segment list because the segment pollutant combinations is not a pollutant. The state has not identified a beneficial use for protection or impairment.' The State Board did not prepare a fact sheet for this pollutant water body combination.	This listing has been modified as it should be for 'Scum/Foam-Unnatural' and it is being recommended for delisting from the 303(d) list. The original line of evidence supporting the listing does not identify a pollutant but rather, a condition caused by a pollutant(s). 'Oil' is still listed.	Yes
73.143	Los Angeles River Reach 5 (within Sepulveda Basin)-Odors: 'The State has not identified a beneficial use for protection or impairment. Odor should not be placed on the 303(d) list because there is no evidence in the State report to evaluate the presence of or to determine impairment. Odor is not a pollutant or toxicity in accordance with Section 2 of the Policy and should not be listed. This Listing does not meet the requirements of Section 3.7 of the Listing Policy. There are no data in the record to evaluate. This listing has been addressed by the TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River and its Tributaries.' The State Board did not prepare a fact sheet for this pollutant water body	Odor has been recommended for delisting in this water body. The original line of evidence supporting the listing does not identify a pollutant but rather, a condition caused by a pollutant(s).	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	combination.		
73.144	Los Angeles River Reach 5 (within Sepulveda Basin)-Scum/Foam-unnatural: 'The listing does not identify a pollutant but rather, a condition (Scum). Currently no criteria exists for US waterways to determine impairment. Scum is not a pollutant or toxicity in accordance with Section 2 of the Policy and should not be listed. This Listing does not meet the requirements of Section 3.7 of the Listing Policy. There are no data in the record to evaluate. Based on the readily available information, the weight of evidence indicates that there is sufficient justification in favor of removing these listing from the 303(d) Water Quality Limited Segment list because the segment pollutant combinations is not a pollutant. The state has not identified a beneficial use for protection or impairment. This listing has been addressed by the TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River and its Tributaries. ' The State Board did not prepare a fact sheet for this pollutant water body combination.	The recommendation for this pollutant water body combination has been changed to 'delist'.	Yes
73.148, 73.151, 73.150, 73.149	Machado Lake (Harbor Park Lake)-Chlordane (tissue): 'The beneficial use that the state is protecting for is not in the Basin Plan. The data indicate a decreasing trend. To determine if the listing is valid, more recent fish tissue data should be collected. ' The State Board recommendation for this pollutant water body combination is 'do not delist'.	Although this use is not included in the Basin Plan, it is an existing use and therefore, it must be protected. Assessing data in order to protect this use is appropriate.	No
73.158	Marina del Rey Harbor - Back Basins-DDT (tissue): 'The MAR beneficial use that the State has identified should be associated with the wildlife protection criteria of 1000 ug/kg, which is ten times higher than the human health criteria used in the State evaluation which should then be associated with COMM beneficial use. Therefore there are no exceedances of the tissue criteria for human health. This listing is incorrect due to the application of improper use human health and sediment criteria. The available data the state provided are four samples from 1998 all NOAA mussel watch data with zero exceedances of the wildlife criteria or human health criteria. To properly evaluate exposure and risk, data should be collected on human consumption of mussels, as well as fish tissue concentrations and human consumption of fish. Levels of DDT in sediment are decreasing, which is consistent with the ban on DDT dating back to 1972. ' The State Board recommendation for this pollutant water body combination is 'do not delist'.	The beneficial use has been changed to COMM. This is what it should have been originally and the data was assessed using the criteria to protect this use. Marina Del Rey Back Basins for DDT is being recommended for listing in the Being Addressed category of the section 303(d) list because a TMDL has been approved and it is expected to result in attainment of the standard.	Yes
73.159	Marina del Rey Harbor - Back Basins-High Coliform Count: 'This listing	The pollutant for this listing has been changed to 'indicator bacteria' and	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	should be for fecal coliform, total coliform, and enterococcus. This listing has been addressed in the Marina del Rey Harbor, Mothers Beach and Back Basins Bacteria TMDL. Although a TMDL is in place, the use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. ' The State Board recommendation for this pollutant water body combination is 'do not delist'.	moved to the 'Being Addressed' category of the 303(d) list. This is more appropriate as it is a general listing for exceedances of any or all indicator bacteria. This listing will substitute the previous listing for high coliform count. Keeping this water body on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	
73.160	Marina del Rey Harbor - Back Basins-Fish Consumption Advisory: 'As required in Section 3.4 of the Listing Policy to determine impairment, proof of an OEHHA or DHS fish consumption advisory must be provided. 2. Proof of an existing beneficial use for fish consumption. 3. Water segment specific data must be available indicating that the evaluation guideline for tissue is exceeded. None of this documentation has been provided. The fish consumption advisory should be reevaluated as most of the original advisories were conducted in the mid-1990's.' The State Board did not prepare a fact sheet for this pollutant water body combination.	A fact sheet was prepared for Marina del Rey Harbor - Back Basins for PCBs. PCBs are remaining on the 303(d) list because sediment samples were found to be toxic and the other data provided did not show whether water quality standards were being met or exceeded. According to table 4.1 of the Listing Policy, the minimum sample size on which to determine if standards are being met is 28. The beneficial uses on which this listing is based are either in the Regional Board Basin Plan or are believed by the State Board staff to be existing uses on this water body.	Yes
73.161	Marina del Rey Harbor - Back Basins-Sediment Toxicity: 'There are no water quality objectives or guidelines to evaluate sediment toxicity that meet the requirements of Section 6.1.3 of the Listing Policy and there are no data that associate a pollutant contributing to toxicity. Nor has the State provided any toxicity data in their line of evidence to support a listing determination.'	A fact sheet was prepared for Marina del Rey Harbor Back Basins for Sediment Bioassays for Estuarine and Marine Water. The decision is 'list in the Being Addressed' category of the section 303(d) list because a TMDL has been approved and it is expected to result in attainment of the standard. The BPTCP reference envelope approach used is acknowledged by section 3.6 of the Listing Policy. To remove this water body pollutant combination from the section 303(d) list, additional monitoring data is necessary. This data should be provided to the Regional Boards during future listing cycles for review.	Yes
73.162	Marina del Rey Harbor Beach-Beach Closures: 'This is a condition, not a pollutant or toxicity. Therefore, according to Section 2 of the Policy this should not be listed. This listing should be for enterococcus. See High Coliform Count listing. This listing has been addressed in the Marina del Rey Harbor, Mothers Beach and Back Basins Bacteria TMDL. Although a TMDL is in place, the use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained.' The State Board did not prepare a fact sheet for this pollutant water body	The Marina del Rey Harbor Beach listing for indicator bacteria is being listed in the 'Being Addressed' category of the 303(d) list because the Marina del Rey Pathogens TMDL was approved by RWQCB on August 7, 2003 and subsequently approved by USEPA on March 23, 2004. This listing will substitute the previous beach closures and high coliform count listings for this water body. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators. In order to follow the intent of section 2 of the Listing Policy, water bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. Keeping these water bodies on the list in their own	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	combination.	category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	
73.163	Marina del Rey Harbor Beach-High Coliform Count: 'This listing should be for enterococcus. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Marina del Rey Harbor Beach, the criterion was exceeded in 396 of 938 samples, which is 42.2% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for enterococcus if there are 156 or more exceedances out of the 938 samples. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Marina del Rey Harbor Beach, the criterion was exceeded in 172 of 1612 samples, which is 10.7% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 267 or fewer exceedances out of the 1612 samples. The most conservative applicable water quality criterion for total coliform is 1000 MPN/100mL for the Basin Plan REC-1 Marine Ratio Single sample objective. In Marina del Rey Harbor Beach, the criterion was exceeded in 253 of 1585 samples, which is 16% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total coliform if there are 263 or fewer exceedances out of the 1585 samples. This listing has been addressed in the Marina del Rey Harbor, Mothers Beach and Back Basins Bacteria TMDL.' The State Board recommendation for this pollutant water body combination is 'do not delist'.	The pollutant for this listing has been changed to 'indicator bacteria' and moved to the 'Being Addressed' category of the 303(d) list. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators. This listing will substitute the previous listings for high coliform count and beach closures. Keeping this water body on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	Yes
73.167	Pico Kenter Drain-High Coliform Count: Evaluate for consistency with the Clean Water Act. 'Enclosed stormwater conveyance drains are not swimmable/fishable surface water bodies and Waters of the United States. Enclosed stormwater conveyance drains do not have designated beneficial uses in the Basin Plan, and therefore, no criteria apply to waters within the drain itself and as such, should not be listed as impaired. Furthermore, the Los Angeles County Municipal NPDES Stormwater Permit (Order 01-182) covers discharges from the drain, along with the Standard Urban Storm Water Mitigation Plans and the County's Storm Water Quality Management Program, all of which have been approved by our Regional Board. Identifying enclosed drains as	Based on this comment, it is recommended that this pollutant-water body combination be removed from the 303(d) list.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	water bodies subject to a §305(b) evaluation and §303(d) listing is a confusing precedent, which extends the Clean Water Act beyond its intended scope. The State Board recommendation for this pollutant water body combination is 'do not delist'.		
73.171, 73.19, 73.174, 73.165, 73.166, 73.168, 73.170, 73.169	The 2006 303(d) list has misidentified and listed storm drains as 'Impaired Waters of the State'. Enclosed stormwater conveyance drains are not swimmable/fishable surface water bodies and 'Waters of the United States.' Enclosed stormwater conveyance drains do not have designated beneficial uses in the Basin Plan, and therefore, no criteria apply to waters within the drain itself and as such, should not be listed as impaired. Furthermore, the Los Angeles County Municipal NPDES Stormwater Permit (Order 01-182) covers discharges from the drain, along with the Standard Urban Storm Water Mitigation Plans and the County's Storm Water Quality Management' Program, all of which have been approved by our Regional Board. Identifying enclosed drains as water bodies subject to a §305(b) evaluation and §303(d) listing is a confusing precedent, which extends the Clean Water Act beyond its intended scope. Request that the listings for storm water conveyance pipes be reevaluated for consistency with the Clean Water Act.	The recommendations for Pico Kenter and Ashland Avenue Drains have been changed to delist because these drains are not 'Waters of the State'.	Yes
73.172	Point Fermin Park Beach-Beach Closures: 'This is a condition, not a pollutant or toxicity. Therefore, according to Section 2 of the Policy this should not be listed. This listing should be for total coliform. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Point Fermin Park Beach, the criterion was exceeded in 104 of 458 samples, which is 22.7% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total coliform if there are 76 or more exceedances out of the 458 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Point Fermin Park Beach, the criterion was exceeded in 0 of 78 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for enterococcus if there are 12 or fewer exceedances out of the 78 samples. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Point Fermin Park Beach, the criterion was exceeded in 0 of 134 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 22 or fewer exceedances out of the 134 samples.' The State Board recommendation for this pollutant water body	Point Fermin Park is being listed in the 'Being Addressed' category of the 303(d) list for total coliform. This listing is substituting the previous listing for Beach Closures. Keeping this water body pollutant combination on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	combination is 'delist'.		
73.176	Royal Palms Beach-Beach Closures: 'This is a condition, not a pollutant or pollution. Therefore, according to Section 2 of the Policy this should not be listed. No beneficial use identified. The information provided by the State and available for review indicate that this water body is not impaired. It should be delisted. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Royal Palms Beach, the criterion was exceeded in 68 of 459 samples, which is 14.8% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total coliform if there are 76 or fewer exceedances out of the 459 samples. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Royal Palms Beach, the criterion was exceeded in 0 of 82 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 13 or fewer exceedances out of the 82 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Royal Palms Beach, the criterion was exceeded in 3 of 82 samples, which is 3.7% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for enterococcus if there are 13 or fewer exceedances out of the 82 samples.' The State Board did not prepare a fact sheet for this pollutant water body combination.	Royal Palms Beach is being listed in the 'Being Addressed' category of the 303(d) list for indicator bacteria because the Santa Monica Bay Bacteria Dry Weather TMDL was approved by the Regional Board on January 24, 2002 and subsequently approved by USEPA. And the Santa Monica Bay Bacteria Wet Weather TMDL was approved by the Regional Board on December 12, 2004 and approved by USEPA on June 19, 2003. This listing will substitute the previous listing for Beach Closures. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators. Keeping this water body pollutant combination on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	Yes
73.179, 73.180, 73.181, 73.182, 73.183	San Pedro Bay Near/Offshore Zones-Chromium (sediment): Due to the Area of Change proposed, it is not possible to determine the location of the original listing samples or determine impairment. The State should investigate the validity of these listings due to the proposed Area of Change.	The samples used for the original listing were representative of the location in the new area change.	No
73.185	Santa Monica Bay Offshore/Nearshore-PAHs (sediment): 'For sediment the most conservative applicable water quality criterion for PAHs (total) is 1800 µg/g for the objective. In Santa Monica Bay Offshore/Nearshore, the criterion was exceeded in 0 of 269 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for PAHs (total) if there are 22 or fewer exceedances out of the 269 samples. The Bureau requests re-listing PAH sediment-pollutant combination by replacing this general PAH listing as appropriate with the individually listings of Pyrene, Phenanthrene, Chrysene, or Benzo (a) pyrene or Total PAHs on the section 303(d) list in the Water Quality Limited Segments category.'	New data shows none out of 269 samples exceeding. When combining this with the existing 23 samples there is enough to delist for this pollutant. The recommendation has been changed to 'delist'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	The State Board recommendation for this pollutant water body combination is 'do not delist'.		
73.191	Santa Monica Canyon-High Coliform Count: This listing should be for fecal coliform or E. coli. E. coli data support the listing through the binomial test. The Santa Monica Bay Beaches Bacteria TMDL has incorporated the coliform listing for the Santa Monica Canyon Storm Drain. Although the TMDL is in place, the use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. The State Board recommendation for this pollutant water body combination is 'do not delist'.	The pollutant for this listing has been changed to 'indicator bacteria' and moved to the 'Being Addressed' category of the 303(d) list. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators. This listing will substitute the previous listing for high coliform count. Keeping this water body on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category from other listings.	Yes
73.193	Sepulveda Canyon-High Coliform Count: In place of coliform bacteria listing, this listing should be for fecal coliform or E. coli. Although the TMDL is in place, the use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. The State Board recommendation for this pollutant water body combination is 'do not delist'.	The pollutant for this listing has been changed to 'indicator bacteria'. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators. This listing will substitute the previous listing for high coliform count. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	Yes
73.200	Tujunga Wash (LA River to Hansen Dam)-Ammonia: The State has not identified a beneficial use for protection or impairment. There are no available data in the record to support a listing determination. The State Board did not prepare a fact sheet for this pollutant water body combination.	This listing has been moved to the 'Being Addressed' category of the 303(d) list. Keeping this water body on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body. WARM has been identified as the beneficial use.	Yes
73.20, 84.3, 107.4, 108.3, 108.4, 114.3, 129.2, 239.2	High Flow Exemption: The high flow exemption for REC-1 uses in flood control channels should be recognized and reflected in the revised 303(d) list. The high flow exemption recognizes that during and immediately after a storm event that recreational use of these channels is dangerous and illegal.	When rainfall data was included with data submitted for review, the high flow exemption was applied.	Yes
73.203	Venice Beach for Beach Closures: This is a condition, not a pollutant or toxicity. Therefore, according to Section 2 of the Policy this should not be listed. This listing should be for total coliform. See High Coliform Count listing.	Venice Beach is being listed in the 'Being Addressed' category of the 303(d) list for coliform bacteria. This listing will substitute the previous listing for Beach Closures. Keeping this water body pollutant combination on the list in this category allows the State to track where	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	The State Board recommendation for this pollutant water body combination is 'Delist'.	programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	
73.204	Venice Beach for High Coliform Count: The State has not identified a beneficial use for protection or impairment. This listing should be for total coliform. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Venice Beach, the criterion was exceeded in 696 of 1690 samples, which is 41.2% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total coliform if there are 281 or more exceedances out of the 1690 samples. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Venice Beach, the criterion was exceeded in 1 of 1701 samples, which is 0.1% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 282 or fewer exceedances out of the 1701 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Venice Beach, the criterion was exceeded in 174 of 1081 samples, which is 16.1% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for enterococcus if there are 179 or fewer exceedances out of the 1081 samples. The State Board did not prepare a fact sheet for this pollutant water body combination.	Venice Beach is being listed in the 'Being Addressed' category of the 303(d) list for coliform bacteria. This listing will substitute the previous listing for Beach Closures. Keeping this water body pollutant combination on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. An additional supporting numeric line of evidence has been added to the fact sheet which contains the data provided in the comment.	Yes
73.207	Will Rogers Beach for Beach Closures: This is a condition, not a pollutant or toxicity. Therefore, according to Section 2 of the Policy this should not be listed. This listing should be for total coliform and enterococcus. See High Coliform Count listing. The State Board recommendation for this pollutant water body combination is 'Delist'.	Will Rogers Beach is being listed for coliform bacteria in the 'Being Addressed' category of the 303(d) list because the Santa Monica Bay Bacteria Dry Weather TMDL was approved by the Regional Board on January 24, 2002 and subsequently approved by USEPA. The Santa Monica Bay Bacteria Wet Weather TMDL was approved by the Regional Board on December 12, 2004 and approved by USEPA on June 19, 2003. The bacterial indicators listing will substitute the previous listing for beach closures. In order to follow the intent of section 2 of the Listing Policy, water bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the section 303(d) list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	
73.208	Will Rogers Beach for High Coliform Count: The State has not identified a beneficial use for protection or impairment. This listing should be for total coliform and enterococcus. Total coliform and enterococcus data support the listing through the binomial test. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Will Rogers Beach, the criterion was exceeded in 1,061 of 1,910 samples, which is 55.6% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total coliform if there are 317 or more exceedances out of the 1,910 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Will Rogers Beach, the criterion was exceeded in 203 of 706 samples, which is 28.8% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for enterococcus if there are 118 or more exceedances out of the 706 samples. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Will Rogers Beach, the criterion was exceeded in 0 of 1,993 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 330 or fewer exceedances out of the 1,993 samples. The State Board did not prepare a fact sheet for this pollutant water body combination.	Will Rogers Beach is being placed in the 'Being Addressed' category of the 303(d) list for coliform bacteria. This listing will substitute the previous listing for Beach Closures. Keeping this water body pollutant combination on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. An additional supporting numeric line of evidence has been added to the fact sheet which contains the data provided in this comment.	Yes
73.213	Los Angeles / Long Beach Inner Harbor (zinc): Currently there are no state guidelines for zinc in tissue and the available tissue data do not support the listing, with no data exceeding even the PEL of 3200 ug/g. The sediment data at the Los Angeles/Long Beach Inner Harbor do not support the listing, with 35 out of 716 sediment samples exceeding the ERM of 410 ug/g. Sediment toxicity may or may not be associated with presence of zinc in sediment.	Los Angeles / Long Beach Inner Harbor for zinc is now being recommended for delisting because thirty-five of the 716 sediment samples exceeded the sediment quality guideline and this does not exceed the allowable frequency listed in Table 4.1 of the Listing Policy.	Yes
73.214	Los Angeles / Long Beach Inner Harbor (copper): Eighteen out of 627 sediment samples exceed the ERM of 270 ppb which does not exceed the allowable frequency of the Listing Policy. There are no state objectives for total copper in tissue. The most conservative applicable water quality criterion for total copper is 270 µg/g for the objective. In Los Angeles Harbor Main Channel, the criterion was exceeded in 3 of 57 samples, which is 5.3% of the sample events. Under the state's Listing	When the data from the TSMP was originally assessed by staff, the ERM and PEL exceedances were included in the assessment. Only the ERM should have been used, in which case this water body would not have been proposed for listing for this pollutant. The new assessment shows that 18 out of 627 samples exceed the ERM and this is not enough to list for this pollutant. This recommendation has been changed to 'do not list'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Policy, a water body is eligible for delisting for total copper if there are 4 or fewer exceedances out of the 57 samples. In Los Angeles Harbor Southwest Slip, the criterion was exceeded in 6 of 24 samples, which is 25% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total copper if there are 2 or more exceedances out of the 24 samples. In Long Beach Harbor Main Channel, SE, W Basin, Pier J, Breakwater, the criterion was exceeded in 5 of 266 samples, which is 1.9% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total copper if there are 22 or fewer exceedances out of the 266 samples. In Los Angeles Harbor E , W Basin, Slip No 1, Slip No 5, Turning Basin, Cerritos Channel, the criterion was exceeded in 4 of 280 samples, which is 1.4% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total copper if there are 23 or fewer exceedances out of the 280 samples.		
73.215	Point Fermin Park beach (Beach Closures): This is a condition, not a pollutant or toxicity. Therefore, according to Section 2 of the policy this should not be listed. This listing should be for total coliform. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Point Fermin Park Beach, the criterion was exceeded in 104 of 458 samples, which is 22.7% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total coliform if there are 76 or more exceedances out of the 458 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Point Fermin Park Beach, the criterion was exceeded in 0 of 78 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for enterococcus if there are 12 or fewer exceedances out of the 78 samples. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Point Fermin Park Beach, the criterion was exceeded in 0 of 134 samples, which is 0% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 22 or fewer exceedances out of the 134 samples.	This data and information has been included in the listing recommendation. This water body is being listed for total coliform in the 'being addressed' category of the 303(d) list because the Santa Monica Bay Bacteria TMDL was approved by USEPA. This bacterial indicators listing will substitute the previous listing for beach closures. Keeping this water body on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the list still, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	Yes
73.28, 73.14, 73.13, 81.6, 83.4, 84.4, 84.2, 99.1, 107.12, 108.2, 114.4, 114.1, 129.9, 129.1, 234.3, 235.5, 238.1,	One area where a re-examination of several proposed listings is needed stems from the incorrect application of the potential municipal drinking water beneficial use designation to several water bodies in the Los Angeles region, which has led to a number of new proposed listings. These proposed listings are not valid, because the proposed listings are based on the application of water quality objectives that are associated with the potential MUN beneficial use category, which in fact don't apply to these water bodies. In summary, most potential municipal drinking	Staff has reviewed the existing data and the analysis has been modified where MUN beneficial uses do not apply.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
242.2, 246.1	water supply use designations in the Los Angeles Region Basin Plan have been found to be 'conditional' use designations of no legal effect.		
73.29	The wrong beneficial uses were assigned in fact sheets for these waters: Los Angeles River Reach 1 (Estuary to Carson Street) -- Zinc, Dissolved, Los Angeles River Reach 2 (Carson to Figueroa Street) -- Trash, Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.) -- Trash, Los Angeles River Reach 5 (within Sepulveda Basin) -- Trash, Machado Lake (Harbor Park Lake) -- Chlordane (tissue), Machado Lake (Harbor Park Lake) -- DDT (tissue), Machado Lake (Harbor Park Lake) -- Dieldrin (tissue), Machado Lake (Harbor Park Lake) -- PCBs (tissue).	The beneficial uses in these fact sheets were corrected.	Yes
73.31	Aliso Canyon Wash -- Selenium: The available dissolved and total selenium data do not support the listing for selenium. There is one exceedance of the CTR Aquatic Life Criteria of 5 µg/L for total selenium of the WQO out of 12 samples. Selenium is becoming a recognized issue in developed coastal watersheds, though the sources are usually seleniferous groundwater basins rather than non anthropogenic above-ground sources. There may be a need for further studies to better understand the difference between the various forms of selenium, and for future monitoring to distinguish between the two forms, selenate and selenite. Because of the regional nature of this issue, the State should coordinate study efforts with other entities facing similar selenium issues. This listing is being addressed by the TMDLs for metals in the Los Angeles River and its tributaries.	There are not enough samples meeting standards to recommend delisting. Selenium will remain on the 303(d) list in the 'Being Addressed' category because of the Los Angeles River and Tributaries Metals TMDL. Keeping this water body pollutant combination on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category from other listings. By adopting a TMDL, the Regional Boards confirm that there is a problem in the water body.	Yes
73.34	Ashland Avenue Drain -- Coliform Bacteria, Low DO, Toxicity: Evaluate for consistency with the Clean Water Act. Enclosed stormwater conveyance drains are not swimmable/fishable surface water bodies and Waters of the United States. Enclosed stormwater conveyance drains do not have designated beneficial uses in the Basin Plan, and therefore, no criteria apply to waters within the drain itself and as such, should not be listed as impaired. Furthermore, the Los Angeles County Municipal NPDES Stormwater Permit (Order 01-182) covers discharges from the drain, along with the Standard Urban Storm Water Mitigation Plans and the County's Storm Water Quality Management Program, all of which have been approved by our Regional Board. Identifying enclosed drains as water bodies subject to a §305(b) evaluation and §303(d) listing is a confusing precedent, which extends the Clean Water Act beyond its intended scope. TMDL is in place. Use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained.	The recommendations for these pollutant water body combinations have been changed to delist . It is inappropriate to list this water body since it is an enclosed storm drain and has no existing beneficial uses.	Yes
73.35	Ballona Creek -- Trash: TMDL is in place. Use of an existing TMDL as a	In order to follow the intent of section 2 of the Listing Policy, water	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. There are no water quality objectives or guidelines to evaluate a water body for trash impairment that meet the requirements of Section 3.7 or 6.1.3 of the Listing Policy. Additionally there are no criteria identified in the Report.	bodies with approved TMDLs or with a regulatory program in place were recommended to be placed on the 303(d) list under the category of 'being addressed'. These water bodies were removed from the list in 2002 because they had approved TMDLs, but in accordance with the Listing Policy, a water body must first achieve water quality standards before it can be removed from the 303(d) list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	
73.36	Ballona Creek -- pH: The Basin Plan requires a pH range between 6.5 to 8.5. In Ballona Creek, 18 of 86 samples were above this range, which is 20.9% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for pH if there are 15 values above the required range.	After combining the 86 new samples with the 62 existing samples there are 24 exceedances out of 148. In order to delist for a conventional pollutant with 148 samples, 24 or less can be exceeding. In this instance, the recommendations would be to delist since the number of exceedances is equal to 24. Therefore, there is no reason to change the recommendation to delist this water body for pH.	No
73.40	Ballona Creek -- Copper: New data provided. It cannot be determined if the data the State used in its analysis Total Metals data or Dissolved Metals data or if the Hardness values were present and utilized. Using hardness correlated dissolved metal samples 5 of 93 exceed the CTR CCC, which makes this water body eligible for delisting. The average hardness value for this water body during this time period, October 2000 to March 2005, is 316. The State line of evidence used an average hardness value of 100. This listing is currently being addressed in the TMDL for metals in the Ballona Creek and Ballona Creek Estuary.	After reviewing the new data and combining it with the data previously submitted for this water body, 35 out of 231 samples exceeded the CTR CCC (which is a hardness based dissolved copper criteria for the protection of aquatic life). These exceedances are enough to maintain the listing for copper in this water body. There would need to be 19 or fewer samples which exceeded the criteria in order to delist this water body for this pollutant. In response to the comment on using a hardness value of 100 to analyze samples, this is a misconception. The discussion in the line of evidence referring to the hardness of 100 was presented as an example of how the criteria would be calculated. It was not meant to say that value was used for all samples. This language has been removed to avoid further confusion. Each sample was analyzed using the hardness data for that particular sample to calculate the criterion. This water body has been moved to the 'being addressed' category.	Yes
73.41	Ballona Creek Estuary -- Chlordane: Delist for tissue. The tissue data are limited and outdated and are not representative of current conditions. The only tissue data are from 1993 were not evaluated under the appropriate guideline and are not representative of current conditions. The draft TMDL for toxic pollutants in Ballona Creek Estuary, issued by the Los Angeles Regional Water Board on May 30, 2005, States that the tissue data used by the State and Regional Water Board in the 1996 and 1998 listing cycles was insufficient for listing purposes.	The listing for this water body is not based on the tissue data. There were enough exceedances of the sediment quality guideline for chlordane and corresponding toxicity to list this water body for this pollutant.	No
73.42	Ballona Creek Estuary -- DDT: This pollutant/pollutant segment should be evaluated for DDT sediment due to the fact that there are no current State guidelines or objectives for total DDTs in sediment. Sediment	Even if the sediment data were not used in this assessment, one out of 4 of the tissue samples exceed the criterion for DDT. There is not enough data to delist this water body for this pollutant from the section	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	toxicity has not been documented. There are no available sediment data. This listing is being addressed by the TMDLs for toxic pollutants in Ballona Creek Estuary.	303(d) list.	
73.52	Burbank Western Channel-Zinc: Not all available data was considered in the state's analysis. Although the TMDL includes 96 samples extending through 2003, the fact sheet lists only six sampling events. When the 96 samples are combined with the 6 samples on the fact sheet there would be only 3 exceedances in 102 samples. The available dissolved zinc data do not support a listing.	This decision was revised. The samples were incorrectly assessed in the draft proposal to list this water body for this pollutant and the revised recommendation is 'do not list' since there are only 4 out of 102 samples exceeding the CTR. Furthermore, the line of evidence for total zinc evaluated using the MCL was deleted as this water body does not have MUN as an existing beneficial use.	Yes
73.53	Burbank Western Channel-Cyanide: The State has incorrectly identified MUN as the beneficial use to protect for. The correct beneficial use to protect for should be WARM.	This data was assessed using the CTR, so the correct assessment was done originally. The beneficial use has been changed from MUN to WARM.	Yes
73.54	Burbank Western Channel-Ammonia: This is a 2002 listing that the state is incorrectly seeking to add. Also, the state is protecting for REC-2 instead of WARM, WILD, or WET. This listing has been addressed by the TMDL for nitrogen compounds and related effects in the Los Angeles River and its tributaries. The most conservative applicable water quality criterion for ammonia as n is 2.235 mg/L for the Basin Plan Freshwater Not SPWN Inland 30-Day Average objective. In Burbank Western Channel, the criterion was exceeded in 30 of 75 samples, which is 40% of the sample events. Under the State's Listing Policy, a water body is considered to be impaired for ammonia if there are 7 or more exceedances out of the 75 samples.'	This water body pollutant combination is being recommended for delisting because the data in the fact sheet shows that water quality standards are being met. There is a TMDL in place to attain water quality standards in this water body and the data shows that this is occurring. Furthermore, in order to accurately assess the data submitted with these comments using the Basin Plan objective for ammonia, pH and temperature must be used to calculate an individual criterion for each sample. That information was not included with the data that was submitted. It cannot be determined if the default pH (7.8) and temperature (20 degrees Celsius) used by the commenter to calculate the criterion to assess the data submitted is truly the 'most conservative' water quality criterion for this water body.	Yes
73.55	Burbank Western Channel-Nitrite: *MUN are designated under SB 88-63 and RB 89-03. As a result of a court decision, *MUN bodies are not subject to MUN criteria. The court decision requires USEPA to approve or disapprove the Basin Plan in such a way that MUN criteria could not be used for 303(d) listing decisions for waters designated as potential MUN.	The fact sheet has been deleted because MUN is a potential use and should not be used for listing purposes.	Yes
73.57, 73.190, 73.30, 73.38, 73.189	Several Santa Monica Beach-High Coliform Count: 'This listing should be for total coliform and enterococcus. Total coliform and enterococcus data support the listing through the binomial test. The most conservative applicable water quality criterion for total coliform is 70 MPN/100mL for the Basin Plan SHELL 30-Day Median objective. In Santa Monica Beach, the criterion was exceeded in 1199 of 2570 samples, which is 46.6% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total coliform if there are 427 or more exceedances out of the 2570 samples. The most conservative applicable water quality criterion for enterococcus is 35 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Santa	The pollutant for this listing has been changed to 'indicator bacteria' and moved to the 'Being Addressed' category of the 303(d) list. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators. This listing will substitute the previous listings for beach closures and high coliform count. Keeping this water body on the list in this category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted. In the final version of the list, small changes have been made to clarify that these water bodies are on the section 303(d) list, but that they are in a separate category	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Monica Beach, the criterion was exceeded in 249 of 1433 samples, which is 17.4% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for enterococcus if there are 238 or more exceedances out of the 1433 samples. Fecal coliform data does not support a listing through the binomial test. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Marine 30-Day Minimum 5 samples objective. In Santa Monica Beach, the criterion was exceeded in 3 of 2648 samples, which is 0.1% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for fecal coliform if there are 439 or fewer exceedances out of the 2648 samples. The Santa Monica Bay Beaches Bacteria TMDL has incorporated the coliform listing for the Santa Monica Canyon Storm Drain. Although the TMDL is in place, the use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. ' The State Board recommendation for this pollutant water body combination is 'do not delist'.	from other listings.	
73.58	Cabrillo Beach (Outer)-Beach Closures: A fact sheet was not provided. 'This is a condition, not a pollutant or pollution. Therefore, according to Section 2 of the Policy this should not be listed. No beneficial use identified.'	The pollutant for this listing has been changed to 'indicator bacteria'. This is more appropriate as it is a general listing for exceedances of any or all bacterial indicators.	Yes
73.61	Castlerock Beach-Bacteria Indicators: A fact sheet has not been provided. The state has not identified a beneficial use for protection or impairment. There are no available data in the record to support a listing determination. This listing should be for total coliform, fecal coliform, or enterococcus.	Castlerock Beach is being recommended for listing in the Being Addressed portion of the section 303(d) list because the Santa Monica Bay Bacteria Dry and Wet Weather TMDLs have been approved and are expected to result in attainment of the standard(s).	Yes
73.69	Dockweiler Beach-High Coliform Count: There is no available data in the report to evaluate this listing decision. The readily available data provided by the state indicate no impairment for bacterial indicators. The most stringent criteria for REC-1 for enterococcus was exceeded in 115 of 815 samples, this meets the frequency requirements for the maximum number of measured exceedances allowed to remove a water segment from the 303(d) list for conventional or other pollutants.	Data were used to place this water body on the list. This listing is being placed in the 'Being Addressed' category because a TMDL and implementation plan has been approved for this water segment-pollutant combination. The Santa Monica Bay Bacteria Dry Weather TMDL was approved by the Regional Board on January 24, 2002 and subsequently approved by USEPA. The Santa Monica Bay Bacteria Wet Weather TMDL was approved by the Regional Board on December 12, 2004 and approved by USEPA on June 19, 2003. It should remain on the list until data can show that water quality standards have been met.	Yes
73.70	Dominguez Channel (above Vermont)-Aluminum: MUN are designated under SB 88-63 and RB 89-03. As a result of a court decision, *MUN bodies are not subject to MUN criteria. The court decision requires USEPA to approve or disapprove the Basin Plan in such a way that MUN	The fact sheet has been revised to reflect this comment.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	criteria could not be used for 303(d) listing decisions for waters designated as potential MUN.		
73.71	Dominguez Channel (above Vermont)-Zinc (water): The most conservative applicable water quality criterion for dissolved zinc is 50 µg/L for the CTR Aquatic Life Freshwater Chronic (CCC) objective. In Dominguez Channel (above Vermont), the criterion was exceeded in 6 of 73 samples, which is 8.2% of the sample events. Under the State's Listing Policy, a water body is eligible for delisting for dissolved zinc if there are 6 or fewer exceedances out of the 73 samples.	When combining this new data with the data used originally to propose this water body for listing there are a total of 92 samples with 21 samples exceeding the CTR for zinc. Even with these additional samples, there are still more than enough exceedances to place this water body on the list. Therefore, this recommendation will not be changed.	No
73.72	Dominguez Channel (above Vermont)-Total Fecal Coliform: This listing should be for fecal coliform and E. coli. The most conservative applicable water quality criterion for fecal coliform is 200 MPN/100mL for the Basin Plan REC-1 Freshwater 30-Day Minimum 5 samples objective. In Dominguez Channel (above Vermont), the criterion was exceeded in 54 of 59 samples, which is 91.5% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for fecal coliform if there are 10 or more exceedances out of the 59 samples. The most conservative applicable water quality criterion for e. coli is 126 MPN/100mL for the Basin Plan REC-1 Freshwater 30-Day Minimum 5 samples objective. In Dominguez Channel (above Vermont), the criterion was exceeded in 26 of 36 samples, which is 72.2% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for e. coli if there are 6 or more exceedances out of the 36 samples.	Bacteria data was combined into a 'indicator bacteria' fact sheet and decision. This is more appropriate as it is a general listing for exceedances of any or all indicator bacteria. This listing is based on fecal coliform and enterococcus data and the recommendation is 'Do Not Delist' based on the assessment of the data in the fact sheet. This new data does not change that recommendation.	Yes
73.75	Dominguez Channel (above Vermont)-Lead (tissue) : A fact sheet has not been provided. The State has not identified a beneficial use for protection or impairment. There are no lead tissue data available for this reach. There are two sediment data samples with zero exceedances of the State guideline PEC of 128 ppb. Request a review of this listing decision using the 2004 Listing Policy listing criteria.	This water body was already on the list for this pollutant and the data reviewed did not include enough samples for the water body to be removed from the list. The draft recommendation for this water body pollutant combination was 'do not list'. This was an error which has been corrected as it was already on the list. The recommendation is now 'do not delist'.	Yes
73.81	Dominguez Channel (Estuary to Vermont)-Lead (tissue): Replace the listing for lead in tissue with lead in sediment. Only one tissue data sample is available for lead. State line of evidence #1 uses one tissue sample collected in 1992 and utilized a MTRL guideline (not permissible under Policy). State line of evidence #2 utilizes 93 sediment samples with a PEL of 112.18 µg/g and compares to a Basin Plan objective for surface waters. State line of evidence #3 uses one toxicity sample from 1996. Therefore this listing for lead in tissue is inaccurate and should be delisted. The most conservative applicable water quality criterion for total lead is 128 µg/g for the objective. In Dominguez Channel (Estuary to Vermont), the criterion was exceeded in 28 of 108 samples, which is 25.9% of the sample events. Under the state's Listing Policy, a water	The recommendation for this assessment already states that the pollutant should be changed to lead based on sediment data. However, language to further clarify this has been added to the decision.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	body is considered to be impaired for total lead if there are 10 or more exceedances out of the 108 samples.		
73.82	Echo Park Lake-Trash: TMDL is in place. Use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. There are no water quality objectives or guidelines to evaluate a water body for trash impairment that meet the requirements of Section 3.7 or 6.1.3 of the Listing Policy. Additionally there are no criteria identified in the Report.	Echo Park Lake is not being moved to the Being Addressed section of the 303(d) list because the LA Rivers Trash TMDL was developed and approved by USEPA and an approved implementation plan was expected to result in attainment of the standard. However, on July 19, 2006 the State Board rescinded approval of the TMDL and remanded it the Regional Board. Echo Park Lake for trash will remain on the 303(d) list.	Yes
73.91	Lincoln Park Lake-Trash: TMDL is in place. Use of an existing TMDL as a sole source of a line of evidence is inadequate. All relevant data included in the TMDL should be included in the report as separate line(s) of evidence to determine if WQS are not attained. There are no water quality objectives or guidelines to evaluate a water body for trash impairment that meet the requirements of Section 3.7 or 6.1.3 of the Listing Policy. Additionally there are no criteria identified in the report.	Lincoln Park Lake is not being moved to the Being Addressed section of the 303(d) list because the LA Rivers Trash TMDL was developed and approved by USEPA and an approved implementation plan was expected to result in attainment of the standard. However, on July 19, 2006 the State Board rescinded approval of the TMDL and remanded it the Regional Board. Lincoln Park Lake for trash will remain on the 303(d) list.	No
73.97	Los Angeles/Long Beach Inner Harbor for Cu (tissue and sediment): 18 out of 627 sediment samples exceed the ERM of 270 ppb which does not exceed the allowable frequency of the Listing Policy. There are no state objectives for total copper in tissue. The most conservative applicable water quality criterion for total copper is 270 µg/g for the objective. In Los Angeles Harbor Main Channel, the criterion was exceeded in 3 of 57 samples, which is 5.3% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total copper if there are 4 or fewer exceedances out of the 57 samples. In Los Angeles Harbor Southwest Slip, the criterion was exceeded in 6 of 24 samples, which is 25% of the sample events. Under the state's Listing Policy, a water body is considered to be impaired for total copper if there are 2 or more exceedances out of the 24 samples. In Long Beach Harbor Main Channel, SE, W Basin, Pier J, Breakwater, the criterion was exceeded in 5 of 266 samples, which is 1.9% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total copper if there are 22 or fewer exceedances out of the 266 samples. In Los Angeles Harbor E , W Basin, Slip No 1, Slip No 5, Turning Basin, Cerritos Channel, the criterion was exceeded in 4 of 280 samples, which is 1.4% of the sample events. Under the state's Listing Policy, a water body is eligible for delisting for total copper if there are 23 or fewer exceedances out of the 280 samples. The State Board recommendation for this pollutant water body combination is 'list'.	These data have been reviewed and the analysis modified. Los Angeles/Long Beach Inner Harbor for Cu is being recommended for delisting.	Yes
73.98	Los Angeles/Long Beach Inner Harbor for DDT (tissue and sediment): This Pollutant/pollutant segment should be evaluated for DDT sediment impairment due to the fact that there are no current state guidelines or	Even though the commenter's data shows 463 samples which do not exceed the OEHHA screening values, these tissue samples are from organisms which are not consumed by humans. With a fish	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	objectives for total DDTs in sediment. Additionally, sediment toxicity associated with DDT has not been documented. The available tissue data do not support the listing, with zero of 463 samples exceeding the OEHHA screening value of 100 ug/kg. The fish consumption advisory should be reevaluated as most of the original advisories were conducted in the mid-1990's. The State Board recommendation for this pollutant water body combination is list.	consumption advisory in place, these samples are not appropriate to use for determining whether or not DDT is causing a water quality impact. Fish tissue samples from nearby areas of the harbor (outer harbor) still exceed the fish tissue guideline for human consumption and therefore it is appropriate to maintain the recommendation of 'do not delist'.	
73.99	Los Angeles / Long Beach Inner Harbor for PCBs (tissue and sediment): The available tissue data support a listing with many samples exceeding the OEHHA screening value of 0.020 µg/g. The State data indicate that the sediment listing should be evaluated under the Listing criteria. The State Board recommendation for this pollutant water body combination is list.	Comment acknowledged.	No
77.2, 77.1, 77.3	A review of the available data for Calleguas Creek Reach 1 (Mugu Lagoon) does not suggest there are impairments for total nickel and total zinc. Additional new data has been submitted in support of this.	The zinc data for Calleguas Creek Reach 1 (Mugu Lagoon) have been reviewed and the analysis modified. The recommendation has been changed to 'delist'. For nickel, it is uncertain why the commenter deleted certain samples. When these samples were considered in the analysis, there are still too many exceedances to delist. A fact sheet and decision have been created for this water body-pollutant combination.	Yes
83.10	San Gabriel Reach 3 -- Ammonia: Available receiving water data show that the water segment is not impaired. The data presented herein were collected at receiving water stations WN-RA, R10 and R11 in San Gabriel River Reach 3. New data was provided. In the case of Reach 3 of the San Gabriel River, the monthly ammonia objective was exceeded only once out of 58 monthly measurements. The daily objective was never exceeded. Thus, the commenter agree with the SWRCB that San Gabriel River Reach 3 should not be listed for ammonia.	The new data provided has been reviewed; however the analysis has not changed to include the new data because the new data does not change the recommendation of 'do not list'.	No
83.11	San Jose Creek Reach 2 -- Ammonia: The original listing was unsupported. There are no ammonia data for the reach that demonstrate impairment; therefore, this water body should not be listed for ammonia. In 1996, when the original 303(d) listings were determined, San Jose Creek was defined as a single segment. The reach was later split into 2 reaches and the ammonia listing was automatically applied to both segments. The SWRCB recognized the lack of stations for San Jose Creek Reach 2 in the Draft Staff Report, in the fact sheet relating to delisting algal growth in Reach 2. The fact sheet acknowledges that there were no data assessed for the reach and states, 'There is no assessment in Reach 2 as currently defined.' (Draft Staff Report Volume II, pg. 358).	Based on the map provided in the comment letter, it shows that San Jose Creek Reach 2 is part of the south fork San Jose Creek and subsequently shows monitoring station R-A as part of San Jose Creek Reach 2. This is incorrect. San Jose Creek Reach 2 is the north fork and station R-A is not in Reach 2 of the Creek. The fact sheet has been removed from the section 303(d) list because no data exists to support this listing.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	This was also discussed in public comments on the 2002 303(d) list, dated June 14, 2002. Given that there are no receiving water data for Reach 2 to evaluate with regards to the ammonia objectives, and thus the original listing for ammonia is unsupported, the San Jose Creek Reach 2 should not be listed for ammonia.		
83.12	Rio Hondo Reach 1 -- Ammonia: There are no ammonia data for the reach that demonstrate impairment. Available upstream receiving water data indicate that the water segment is not impaired. Therefore, this segment should not be listed. Although the commenter does not monitor any receiving water stations in this reach, there is monitoring in the receiving water in Rio Hondo Reach 2, which is upstream of Rio Hondo Reach 1. Ammonia is primarily contributed to rivers from point sources such as POTWs, and the only major point source in the Rio Hondo is the Whittier Narrows WRP, which discharges in Rio Hondo Reach 2. There are no major point sources downstream of the Whittier Narrows WRP that would contribute significant amounts of ammonia to Reach 1; thus, the Reach 2 data are representative of the attainment status for ammonia in Reach 1. In the case of Rio Hondo Reach 2, the monthly ammonia objective was exceeded only once out of 71 monthly measurements. The daily objective was never exceeded. Per Table 3.1 of the Listing Policy, and as recognized in the SWRCB's recommendations, Rio Hondo Reach 2 is not impaired with one exceedance. Thus, since the attainment status in Rio Hondo Reach 2 is representative of ammonia conditions in Reach 1, Rio Hondo Reach 1 should not be listed for ammonia.	Based on this comment, the line of evidence originally identified for this water body - pollutant combination is not applicable to this segment, and the fact sheet for this water body - pollutant combination has been removed from the 303(d) list.	Yes
83.14	Santa Clara River Reach 5 -- Ammonia: Available receiving water data show that the water segment is not impaired; therefore, this water body should not be listed for ammonia. New data were provided listing every ammonia, pH and temperature measurement taken since January 2004 (the NDN process was undergoing optimization through the fall of 2003). In the case of Reach 5 of the Santa Clara River, the monthly ammonia objective was exceeded twice out of 63 monthly measurements. The daily objective was never exceeded.	These data have been reviewed and a summary of the data was included in the fact sheet. The recommendation was changed to 'Do Not List'.	Yes
83.15	Santa Clara River Reach 6 -- Ammonia: Available receiving water data show that the water segment is not impaired; therefore, this water body should not be listed for ammonia. New data were provided that lists every ammonia, pH and temperature	These data have been reviewed and the analysis modified to include the new data.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	measurement since January 2004 (the NDN process was undergoing optimization through the fall of 2003). In the case of Reach 6 of the Santa Clara River, the monthly ammonia objective was exceeded once out of 42 monthly measurements. The daily objective was never exceeded.		
83.16	Coyote Creek, San Gabriel River Estuary, San Gabriel River Reach 1 -- Abnormal Fish Histology: Agree with staff recommendation to delist. In comment letters regarding the 2002 Update of the 303(d) list, the commenter requested that the SWRCB remove the listings for Abnormal Fish Histology for the San Gabriel River Watershed, because the pollutant or stressor causing the alleged impairment was not identified.	Comments acknowledged.	No
83.17	Coyote Creek, San Gabriel River Reach 1, San Jose Creek Reach 1, San Jose Creek Reach 2 -- Excess Algal Growth: Agree with the staff recommendation to delist.	Comments acknowledged.	No
83.18	Commenter disagrees with the SWRCB's rationale for delisting in the case of Coyote Creek. The fact sheet for Coyote Creek (Draft Staff Report Volume II, pg. 261) states that the listing should be removed because this condition can be most effectively addressed by focusing on reducing or eliminating the nutrient pollutants proposed for listing or already on the 303(d) list. The fact sheet specifically refers to ammonia listings and proposed nitrite listings for the reach. As explained in previous comment letters to the SWRCB regarding the 2002 303(d) list, physical habitat parameters, rather than nutrients, may be controlling factors in determining algae levels in local waterways. To our knowledge, the actual causes controlling algal growth in Coyote Creek, San Gabriel River and San Jose Creek, have never been determined, and therefore it is unclear whether reducing or eliminating ammonia and nitrite in Coyote Creek would have any effect on algae.	Comment acknowledged.	No
83.20, 83.19	Coyote Creek -- pH: Basin Plan water quality objective for pH is not being exceeded, since it has not been determined whether elevated pH measurements are as a result of waste discharge; therefore, this water body should not be listed for pH. The commenter does not disagree that pH is a stressor that may cause impairment to aquatic life beneficial uses, but instead believe that it is not clear if the Basin Plan water quality objective for pH is being exceeded in this case, since it has not been determined if the pH exceedances are a result of waste discharge. On the contrary, the weight of evidence indicates that pH measurements exceed 8.5 more frequently upstream of waste discharges as compared to downstream of the discharges, and therefore suggests that pH exceedances are in fact not as a result of waste discharge.	One of the purposes of listing water bodies is to bring to attention to those water bodies that are not meeting standards. After review of the available data, it is clear that standards are not being met. The question of whether the elevated pH is caused by waste discharge cannot be determined conclusively with the available data. There may be other sources such as storm water or nonpoint sources that may contribute to the exceedances.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	The SWRCB should not list this water body because there is insufficient information to demonstrate the Basin Plan objective is exceeded. The Basin Plan objective specifically states that "The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharge, and the available water quality data for Coyote Creek clearly demonstrates that pH 8.5 is exceeded more frequently upstream of the discharge from the Long Beach WRP.		
83.21	San Gabriel River Reach 1 -- Toxicity: Available receiving water data show that the water segment is not impaired. Agree with the staff recommendation. Combining all available data, a total of 122 valid toxicity tests are available for Reach 1. As mentioned in the commenter's submittal to the SWRCB in response to the Public Solicitation, receiving water samples collected for the U.S. EPA collaborative TMDL toxicity study in August 2003 are being excluded from this analysis, due to a documented, short-term operational upset at the San Jose Creek WRP (consistent with Section 6.1.5.3 of the Listing Policy. Out of the 122 valid toxicity tests available for the reach, only 6 samples showed evidence of statistically significant toxicity. (It should also be noted that three of the tests with statistically significant toxicity exhibited effects of less than 25%, indicating a likely false positive hypothesis test result.)	Comments acknowledged.	No
83.22	San Gabriel River Reach 3 -- Toxicity: Available receiving water data show that the water segment is not impaired; therefore, this water body should be delisted for toxicity. New data are provided that shows only 2 samples out of a total 38 samples showed evidence of statistically significant toxicity. The summary also includes additional data collected from a recent collaborative study with U.S. EPA related to development of the San Gabriel River TMDL, from April 2005 through December 2005.	These data have been reviewed and incorporated into the fact sheet. Based on this, the recommendation is now 'Delist'.	Yes
83.23	Coyote Creek -- Cyanide: Receiving water data show that water segment is not impaired, and research indicates that detected data are likely due to analytical interference; therefore this water segment should not be listed. New data were provided from samples collected at three receiving water stations in Coyote Creek collected from July 2001 through July 2005. A total of 102 samples were collected during this period. Out of these 102 samples, 78 samples were used to determine the allowable exceedance frequency because these 78 samples were analyzed using a detection limit below the applicable water quality criteria, as recommended in	These data have been reviewed and incorporated into the fact sheet. The new recommendation is 'Do Not List'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	section 6.1.5 of the Listing Policy. Out of the 78 samples collected by the Districts, only 1 sample exceeded the applicable cyanide objective. If the data are combined with the data cited by the SWRCB in the Fact Sheet (4 out of 9 samples), the resulting exceedance frequency of the combined data would total 5 out of 87 samples. In addition, research studies have indicated that methods used to preserve samples of cyanide taken from wastewater can result in false positives for cyanide. We therefore have serious concerns as to whether the reported cyanide exceedances for this water body represent actual exceedances or are simply artifacts of the preservation method.		
83.25	Santa Clara River Reach 5 -- Diazinon: Available receiving water data show that water segment is not impaired; therefore, this water body should not be listed for diazinon. Based on the commenter's analysis of available water quality data for the reach, only 1 sample out of a total 31 samples exceed the diazinon evaluation guideline applied, the chronic CDFG Hazard Assessment Criteria of 0.10 ug/L. Available diazinon data for Santa Clara River Reach 5 include data from samples collected quarterly at three receiving water stations in Reach 5 from January 2004 through July 2005, in addition to samples collected for the SWAMP in October and November 2001. A total of 27 samples were collected by the Districts' for diazinon in Reach 5. Out of these 27 samples, none exceeded the chronic CDFG Hazard Assessment Criteria for diazinon of 0.10 ug/L. A total of 6 samples were collected by SWAMP; however further analysis of the data demonstrated that some samples should be averaged. Two samples were collected at station 403STCNRB on October 30, 2001, and two samples were collected at the same station on November 13, 2001. The averaged SWAMP samples indicate one exceedance out of 4 samples, and when combined with Districts' data results in a total of one exceedance in 31 samples. More recent data do not show any exceedances, which may be a result of activity taken by the USEPA to phase out all non-agricultural uses of diazinon. On December 5, 2000, the U.S. EPA announced a phase out of all non-agricultural uses of Diazinon. This phase out required all retail sales of diazinon for indoor uses to cease as of December 31, 2002. Sales of diazinon for outdoor non-agricultural uses were required to cease as of December 31, 2004. Outdoor non-agricultural uses include home lawn and garden applications as well as other non-agricultural outdoor uses such as application around the outside of buildings. The USEPA's action will essentially eliminate all urban usage of diazinon, once existing stocks of this pesticide have been used up. The only remaining uses of diazinon	These data have been reviewed and incorporated into the fact sheet. The new recommendation is 'Do Not List'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	are for outdoor agricultural applications. The SWRCB should not list Santa Clara River Reach 5 for diazinon because the exceedance frequency of the available data does not warrant listing per the Listing Policy. If the SWRCB still decides to list diazinon for Reach 5 of the Santa Clara River notwithstanding the additional data and analysis provided herein demonstrating attainment of the CDFG diazinon threshold, this listing should be placed in the Water Quality Limited Segments Being Addressed category of the 303(d) list because an existing regulatory program is expected to result in attainment of the CDFG diazinon threshold.		
83.26, 83.24, 118.13, 119.5	Several water bodies in Region 4 -- Diazinon: Water segments should be placed in the Water Quality Limited Segments Being Addressed category of the 303(d) list because an existing regulatory program is expected to result in the attainment of the water quality standard. The commenter agrees that current water quality data do not indicate that the selected evaluation guideline, the CDFG chronic fresh water Hazard Assessment criteria for the protection of aquatic life is being attained. The commenter disagree with the SWRCB's proposed placement of this water body in the Water Quality Limited Segments category of the 303(d) list. It is appropriate to place this water segment-pollutant combination under the Water Quality Segments Being Addressed category of the 303(d) list because an action taken by the USEPA is addressing diazinon in urban water bodies and this action can be expected to result in the attainment of the evaluation guideline. Therefore, establishment of a TMDL for diazinon is not warranted. Specifically, on December 5, 2000, the USEPA announced a phase out of all nonagricultural uses of Diazinon (See Exhibit M.1, USEPA, Office of Prevention, Pesticides, and Toxic Substances, Diazinon Revised Risk Assessment and Agreement with Registration, Revised January 2001). This phase out required all retail sales of diazinon for indoor uses to cease as of December 31, 2002. Sales of diazinon for outdoor non-agricultural uses were required to cease as of December 31, 2004. Outdoor non-agricultural uses include home lawn and garden applications as well as other nonagricultural outdoor uses such as application around the outside of buildings. The USEPA's action will essentially eliminate all urban usage of diazinon, once existing stocks of this pesticide have been used up. The only remaining uses of diazinon are for outdoor agricultural applications, and there is little agriculture, if any, in the Coyote Creek drainage area. The USEPA's phase out of urban uses of diazinon is an existing	The banning of this chemical will eventually result in diazinon being removed from these water bodies. It is uncertain, however, when attainment of water quality standards will be achieved. Consequently, the timeframe for attainment of standards is not specified. The Listing Policy allows for an existing regulatory program to be used if attainment of the standards occurs within a reasonably specified time frame. For diazinon phase out, the timeframe for compliance is not specified or known.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	regulatory program that is reasonably expected to result in attainment of the diazinon evaluation guideline within a reasonable, specified time frame.		
83.27	San Gabriel River Reach 2 -- Lead, Zinc: Available receiving water data show that the water segments are not impaired, and therefore should be delisted. The commenter agrees with the recommendation to delist these metals. Out of 63 lead measurements, there were only 4 exceedances of the CTR criteria for lead. Out of 63 zinc measurements, only 3 samples exceeded the CTR criteria for zinc.	Comments acknowledged.	No
83.28	San Gabriel River Reach 2 -- Copper: Available receiving water data shows that the water segment is not impaired; therefore, this water body should be delisted for copper. Out of 62 copper measurements, there were only 4 exceedances of the CTR criteria for copper. All of these exceedances occurred during the 1997-1998 El Nino event, and therefore are not representative of normal seasonal variability. The fact sheet for this listing (Do Not Delist Staff Report, Los Angeles Region, pg. 461) cites an additional 26 samples taken from the same location, out of which there are 7 exceedances. The time period (1997-2000) given in the Fact Sheet appears to overlap with the data set submitted by the Districts, and thus it is unclear whether these 7 exceedances are distinct from the 4 exceedances in the original dataset or if an error has been made and the four valid exceedances were double-counted.	It appears that the data used for the two original Lines of Evidence were overlapping data from the same source. This data has been reassessed using the hardness based criteria for each sample and none of the 51 samples from 1998-2004 exceeded the CTR CCC for dissolved copper. The data from 1997, which contained the exceedances previously identified in the draft recommendations was not included as there is no hardness data associated with these samples so the criteria could not accurately be calculated. In reviewing the data and draft recommendations, it seems that an average hardness was used to assess all samples originally. This revised fact sheet uses individually calculated criteria for each sample and is therefore a more accurate portrayal of conditions in this water body. The recommendation for this pollutant water body combination has been changed to 'delist'.	Yes
83.29	Coyote Creek, San Gabriel River Reach 2, Santa Clara River Reach 5, Santa Clara River Reach 6 -- Nitrate, Aluminum: The Municipal and Domestic Supply (MUN) beneficial use is not designated for this water body. Therefore, water quality objectives to protect the MUN beneficial use cannot be applied to these waters, and should not be used as a basis for listing. Many of these waters are actually designated MUN*, not MUN. The MUN* beneficial use is a conditional designation that has no legal effect, and therefore should not be used as a basis for impairment determination. USEPA has recognized this distinction in past correspondence to the SWRCB, Thus, the waters identified with a '*' in Table 2-1 [of the 1994 Los Angeles Basin Plan] do not have MUN as a designated use until such time as the State undertakes additional study and modifies its Basin Plan. Because this conditional use designation	The fact sheets have been modified to remove MUN because it is not a designated beneficial use for the water bodies identified.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	has no legal effect, it does not constitute a new water quality standard subject to USEPA review under section 303(c)(3) of the Clean Water Act. In addition, several fact sheets in the Draft Staff Report where the MUN beneficial use was misapplied, but listing was not proposed, should also be reviewed and corrected accordingly. For example, Coyote Creek was not proposed to be listed for aluminum because it did not meet the minimum number of exceedances required to list (Draft Staff Report, Do Not List, pg. 327). However, the actual reason this water body should not be listed is because there are no applicable aluminum standards, since the water body is not designated MUN. Based upon the Districts' review of the fact sheets, it appears that several other water bodies in the Los Angeles Region may have had the MUN beneficial use misapplied (i.e., Burbank Western Channel, Dominguez Channel, Los Cerritos Channel, etc.) The Districts therefore request that the SWRCB undertake a thorough review of all categories of fact sheets (i.e., List, Do Not List, Delist, Do Not Delist) and remove all references and/or comparisons to water quality objectives associated with the MUN beneficial use for waters having the conditional designation MUN*.		
83.30	Coyote Creek -- Selenium: The commenter agrees with the staff recommendation. The available receiving water data show that the water segment is not impaired; therefore, this water body should be delisted for selenium. Additional data were provided to demonstrate continued attainment with the water quality standard. New data were provided from three receiving water stations located in the reach. The new data were collected between July 2001 through July 2005. Out of 55 samples for the reach, only 2 samples exceeded the total selenium criteria of 5 ug/L. The Fact Sheet cites additional samples collected by LADPW at the mass emission station (S13) located on Coyote Creek above the Long Beach WRP. Four out of a total of 64 of the LADPW samples exceeded the chronic selenium criterion. When these data are combined, a total of 119 samples are available for the reach. The resulting exceedance frequency is 6 exceedances out of a total of 119 samples.	Comments acknowledged.	No
83.31	Coyote Creek -- Zinc, Copper, Lead Zinc: Commenter agrees with delisting; Available receiving water data show that the water segment is not impaired. Copper, Lead: The available receiving water data show that the water segment is not impaired: therefore, this water body should be delisted for copper and lead.	The data for zinc and lead have been reviewed and included in the fact sheets. The data for copper have been reviewed, however the recommendation has not been revised because the new data does not change the recommendation.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Strongly encourage the SWRCB to consider total metals data as an additional line of evidence when evaluating potential delistings for metals. The SWRCB should use total metals data when evaluating delistings for metals. The fact sheets indicate that some of the data reported could not be compared against any applicable criteria or WQO established for total [metal] for the protection of any beneficial use in fresh water. The SWRCB is referring in the fact sheets to total metals data submitted by the Districts in response to the Public Solicitation. The commenter acknowledges that in the CTR, water quality criteria for metals are expressed as dissolved metals because this is considered the bioavailable fraction and therefore is the most appropriate way to regulate metals. However, dischargers are required by the Regional Board to analyze total metals (i.e., as a requirement of NPDES permits' Monitoring and Reporting Programs), and therefore the dischargers collect and submit total metals data.		
83.32	Santa Clara River Reach 5 -- PCBs: Available receiving water data show that the water segment does not meet the minimum criteria for listing, and data used for listing are not temporally representative; therefore, this water body should not be listed for PCBs. New data for PCBs in Santa Clara River Reach 5 were provided. The data in the table include data from samples collected at three receiving water stations in Reach 5 from August 1996 through February 2005, in addition to samples collected for the SWAMP in October and November 2001. All new data for PCBs for this period are non-detect; however the detection limit is above the applicable water quality criterion of 0.014 ug/L PCBs. Commenter was only able to locate 2 samples for PCBs in the SWAMP database (samples were collected on October 30, 2001 and November 13, 2001). It appears that the SWAMP sample collected on October 30, 2001 exceeds the CTR chronic criterion for PCBs. However, the SWAMP sample collected on November 13, 2001 does not exceed 0.014 ug/L total PCBs (all but 2 congeners were non-detect). A single exceedance is insufficient to place a water segment on the 303(d) list based on the minimum number of exceedances given in Table 3.1 of the Listing Policy. In addition, both SWAMP samples were taken during a single season (wet season) in 2001. This does not meet the recommended criteria for temporal representation in the Listing Policy, and therefore should not be used as the sole basis for listing.	Staff has reviewed the existing data and modified the analysis in the fact sheet. The new recommendation is 'Do Not List'.	Yes
83.33	Santa Clara River Reach 5 -- Nitrate+Nitrite: Available receiving water	The data has been reassessed and the analysis was modified in the fact	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	data show that the water segment is no longer impaired; therefore, this water body should be delisted for nitrate + nitrite. New nitrate+nitrite data for Santa Clara River Reach 5 includes: (1) LACSD data from samples collected at three receiving water stations in Reach 5 from December 2003 through July 2005; (2) data from the Newhall Ranch WRP pre-NPDES permitting program collected in Reach 5 near the Los Angeles/Ventura County Line from May 2004 through November 2005; and (3) data collected by United Water Conservation District (UWCD) in Reach 5 at Blue Cut near the Los Angeles/Ventura County Line from September 2003 through January 2005. A total of 101 samples were collected for nitrate + nitrite in Reach 5. (It should be noted that a total of 93 individual samples were collected by Newhall Ranch, however several of these measurements were not averaged consistent with Section 6.1.5.6 of the Listing Policy (i.e., If the averaging period is not stated for the standard, objective, criterion or evaluation guideline, then the samples collected less than 7 days apart shall be averaged.) If the data are averaged correctly, 38 measurements taken by Newhall Ranch remain. Out of a total of 101 samples for Reach 5, only 7 exceeded the 5 mg/L nitrate + nitrite water quality objective. The fact sheet for this listing erroneously links the 5 mg/L nitrate + nitrite objective to the protection of drinking water supplies (Draft Fact Sheet, Do Not Delist, Los Angeles Region, pg. 474) and the MUN beneficial use. The Santa Clara River Reach 5 is not designated MUN (please refer to the comments related to the MUN conditional designation), and furthermore the nitrate + nitrite water quality objective of 5 mg/L was set based on background levels, not to protect a specific beneficial use. The 1975 Basin Plan included the nitrate + nitrite surface water quality objectives for the Santa Clara River Watershed, and provided background water quality data as the basis for these objectives.	sheet. The new recommendation is 'Delist'.	
83.34	Santa Clara River Reach 6 -- Nitrite: Available receiving water data show that the water segment is not impaired, and the data used as the basis for proposed listing are not representative of current water quality conditions. Therefore, this segment should not be listed for nitrite. The Saugus WRP, which discharges to Reach 6 of the Santa Clara River, was fully converted to NDN mode on September 11, 2003. NDN processes significantly reduce nitrogen concentrations in treated effluent discharged to Reach 6. Water quality data collected before NDN conversion (i.e., before September 2003) should therefore not be used as a basis for listing. New nitrite measurements taken since the conversion of Districts'	Based on this comment, the fact sheet for this water body-pollutant combination has been removed from the staff report and will not be on the 303(d) list.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	facilities in the Santa Clara River watershed to NDN mode (i.e., September 2003 to July 2005). The post-NDN data shows that the nitrite water quality objective of 1 mg/L is being attained. Out of 43 samples collected in Reach 6, none of the samples exceed the water quality objective. Samples were taken from stations at the upstream and downstream ends of Reach 6, respectively. Since the post-NDN water quality data show that the water quality objective is not exceeded, SWRCB should not list the Santa Clara River Reach 6 as impaired for nitrite.		
83.37	Santa Clara River Reach 6 -- Chlorpyrifos: Available receiving water data show that the water segment is not impaired for chlorpyrifos; therefore, this water body should not be listed. Based on the commenter's review of available water quality data for the Reach 6, none of the samples exceed the chlorpyrifos evaluation guideline applied, the chronic CDFG Aquatic Life guideline of 0.05 ug/L. It appears that the chlorpyrifos data collected by SWAMP and cited in the fact sheet (Draft Staff Report, Vol. II, Los Angeles Region, pg. 185) were actually collected in Bouquet Canyon Creek, a tributary to the Santa Clara River, and not in Reach 6 itself. A review of the data obtained from the SWAMP database shows that sampling site STCBQT (the sampling location referred to in the fact sheet) is located on the Bouquet Canyon Creek tributary. The commenter was unable to locate any chlorpyrifos data for Reach 6 of the Santa Clara River in the SWAMP database. However, new water quality data collected in Reach 6 by the Los Angeles County Department of Public Works (LACDPW) from August 2002 through April 2003 show that none of the 6 samples exceeded the CDFG Aquatic Life guideline for chlorpyrifos. The LACDPW data were collected at sampling site S29, which is located at the Old Road Bridge, at the downstream end of Reach 6.	The Bouquet Canyon Creek monitoring site is part of Santa Clara River Reach 6, therefore the data can be applied to this Reach 6.	No
83.39	Cabrillo Beach (Outer), Abalone Cove Beach, Bluff Cove Beach, Long Point Beach, Malaga Cove Beach, Portuguese Bend Beach, Royal Palms Beach, Whites Point Beach -- High Coliform (Cabrillo Beach [Outer]), beach closures (All): Disagree with decision not to delist Outer Cabrillo Beach for coliform. Agree with decision to delist all for beach closures. New water quality data indicate that the water segments are not impaired, and therefore should be delisted. A compliance summary for bacteriological data was provided showing 9 stations in the Palos Verde's peninsula area from 2001 through 2005. The new compliance summary shows that marine recreational water quality standards for bacteria are being attained at all 9 locations,	Staff has reviewed the new data provided; however the analysis has not changed. The water body pollutant combination for Cabrillo Beach (Outer) exceeded the site specific objective and therefore the new data does not change the staff recommendation for indicator bacteria. All these water bodies are being recommended for listing in the Being Addressed category of the section 303(d) list due to approved TMDLs in place.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	including Outer Cabrillo Beach. At all monitored locations in the Palos Verde's area, the number of actual exceedances does not meet the minimum number of exceedances required for listing under Section 3.3 and Table 3.2 of the Listing Policy. The commenter also agrees that these beaches should not be listed for Beach Closures, consistent with Section 3.3 of the Listing Policy. The water quality data provided confirm that these water bodies are not impaired due to bacteria. The commenter therefore recommend that in addition to delisting the Palos Verde's area beaches (Outer Cabrillo Beach, Abalone Cove, Bluff Cove, Long Point, Malaga Cove, Portuguese Bend, Royal Palms, and Whites Point) for Beach Closures, that the SWRCB also delist Outer Cabrillo Beach for high coliform count. Regardless of the fact that a TMDL and implementation plan have been approved, Outer Cabrillo Beach should not be placed in the Water Quality Limited Segments Being Addressed category of the 303(d) list. Outer Cabrillo Beach should be removed from the 303(d) list because the available water quality data show that Outer Cabrillo Beach attains the water quality standard.		
83.6	San Gabriel River Estuary -- Ammonia: Available receiving water data show that the water segment is not impaired; therefore, this water body should not be listed for ammonia. The Draft Staff Report lists data from 1997, 1998 and 2000. However, NDN was operational at the upstream plants as of June 2003; therefore, ammonia measurements from before June 2003 are not representative of current conditions and should not be used to determine impairment. In the case of the San Gabriel River Estuary, the four-day ammonia objective was exceeded three times out of 466 measurements. The one-hour objective was never exceeded. Three exceedances out of 466 measurements is clearly not impaired and thus, the San Gabriel River Estuary should be listed for ammonia.	The data has been reviewed and incorporated into the fact sheet. The new recommendation is to not list the San Gabriel River Estuary for ammonia as nitrogen.	Yes
83.7	San Gabriel River Reach 1 -- Ammonia: Available receiving water data show that the water segment is not impaired; therefore, this water body should not be listed for ammonia. The most recent data were not reviewed to determine if the water body was in attainment with the applicable objectives. New data were provided. In the case of Reach 1 of the San Gabriel River, the monthly ammonia objective was exceeded five times out of 118 monthly measurements (25 to 30 measurements are available at each of the four receiving water stations within the reach). The daily objective was never exceeded.	The data has been reviewed and incorporated into the fact sheet. The new recommendation is to not list the San Gabriel River Reach 1 for Ammonia.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Eleven exceedances of the water quality criteria are required to place a water segment on the 303(d) list for 118 total measurements. Given that only five exceedances were measured, the San Gabriel River Reach 1 should not be listed for ammonia.		
83.8	San Gabriel River Reach 2 -- Ammonia: Available upstream receiving water data suggest that the water segment is not impaired. Therefore, we recommend that this reach not be listed. The available data referenced in the Draft Staff Report do not exceed the Basin Plan objectives for ammonia. The District does not monitor any receiving water stations in this reach. Other than the San Jose Creek and Whittier Narrows WRPs, there is no major point source that would be likely to contribute significant amounts of ammonia to Reach 2. Since ammonia is contributed primarily by the WRPs in Reach 3, the Reach 3 data should be considered representative of the attainment status for ammonia in Reach 2. The data presented herein were collected at receiving water stations WN-RA, R10 and R11 in San Gabriel River Reach 3. In the case of Reach 3 of the San Gabriel River, the monthly ammonia objective was exceeded only once out of 58 monthly measurements. The daily objective was never exceeded. Per Table 3.1 of the Listing Policy, Reach 3 should not be considered impaired with just one exceedance. Thus, since the attainment status in San Gabriel Reach 3 is representative of ammonia conditions in Reach 2, the San Gabriel River Reach 2 should not be listed for ammonia.	Staff has reviewed the existing data and the fact sheet has been removed from the staff report because the data originally used was for an upstream segment.	Yes
83.9	San Jose Creek Reach 1-- Ammonia: Available receiving water data show that the water segment is not impaired; therefore, this water body should not be listed for ammonia. The most recent data reviewed to determine if the water body was in attainment only included June 2003 to November 2004. If the SWRCB reviews all the currently available data (through late 2005) and considers the Site Specific Objectives (SSOs) for ammonia developed for this water body, the reach is in attainment with the Basin Plan ammonia objectives. Without further qualifying information, the number of exceedances would suggest the water body is impaired. However, it is important to note that of the 11 exceedances, 9 were recorded at station POMRA (directly downstream from the Pomona WRP). In July and August 2005, the average flow from Pomona WRP was close to zero and while the average measured ammonia concentrations were also very low - 0.2 mg/L in both cases - the ammonia objectives were exceeded in these	The proposed site specific objective has not been adopted into the Basin Plan and therefore cannot be used to evaluate data now. The existing Basin Plan objectives were used to evaluate the data.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	samples because of high pH values measured in the receiving water. The Regional Board is planning on considering the SSOs for inclusion into the Basin Plan in early 2006. The SSOs take into account site-specific conditions that have been shown to alter the toxicity of ammonia to aquatic life in the specific water bodies. Reviewing the data with respect to the SSOs, there are only 6 exceedances in 111 monthly measurements. Thus, the SWRCB should consider the attainment status of the reach in light of the probable near-term adoption of the SSOs and not list San Jose Creek Reach 1 as impaired for ammonia.		
94.1	Pleased to see no listings for the Rio Hondo River and also pleased to see delistings for foam/floc/scum, nutrients, taste and odor for Reach 2 of the Los Angeles River.	Comment acknowledged.	No
107.1	The Los Angeles RWQCB has already provided extensive comments on the draft 2004/2006 303(d) list and provided testimony at the Southern California workshop on January 5, 2006 with regards to the Los Angeles/Long Beach Harbors and Dominguez Channel listings.	Comment acknowledged.	No
107.16	For Coyote Creek for zinc, the State Board recommends delisting. Commenter recommends that we do not delist. In the data review for the San Gabriel metals TMDL, Regional Board staff found 6 out of 62 exceedances of the chronic objective, adjusted for site-specific hardness, which does not meet the delisting requirements. The data set examined includes only the wet-weather samples. It also includes more recent data from the 2004/2005 storm season (see Attachment 3c of the comment letter). Wet- and dry-weather data should not be combined in the assessment because these data represent very different conditions in the River. Instead, data from the two periods should be assessed independently. There is an impairment during wet weather. Although it does not appear to affect the delisting recommendation, the second line of evidence is from the same data set as the first line of evidence. The second line of evidence is based on total zinc. However, dissolved zinc was also reported and was analyzed as part of the first line of evidence.	This additional data which included more recent samples was incorporated into the assessment for this pollutant water body combination and the recommendation for San Gabriel River Reach 2 for lead has been changed to 'do not delist' while Coyote Creek for zinc has remained as 'delist'. Wet and dry weather data were not separated for the purposes of these assessments since the water quality objectives are not wet or dry weather specific. Additionally, the Basin Plan does not include any provisions for assessing data from wet or dry weather separately for this pollutant. The Listing Policy does not contain provisions to assess a water body based upon wet and dry weather conditions.	Yes
107.19	Although commenter agrees with the decision to delist Coyote Creek for selenium, it should be noted that the State Board decision is based on combined wet- and dry-weather LACDPW storm water data. Wet- and dry-weather data should not be combined in the assessment because these data represent very different conditions in the River. Instead, data from the two periods should be assessed independently. In the data	Wet and dry weather data were not separated for the purposes of this assessment because the water quality standards are not wet or dry weather specific. Additionally, the Basin Plan does not include any provisions for assessing data from wet or dry weather separately for this pollutant.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	review for the San Gabriel metals TMDL, Regional Board staff found 4 out of 62 exceedances based only on wet-weather samples and including more recent data from the 2004/2005 storm season (see Attachment 3c of the comment letter).		
107.20	For San Gabriel River Reach 2 for lead, the commenter disagrees with the State Board's recommendation to delist and recommends to not delist. In the data review for the San Gabriel metals TMDL, Regional Board staff found 5 out of 58 exceedances of the chronic objective, adjusted for site-specific hardness, which does not meet the delisting requirements. The data set examined includes only the wet-weather samples. It also includes more recent data from the 2004/2005 storm season (see Attachment 3c of the comment letter). Wet- and dry-weather data should not be combined in the assessment because these data represent very different conditions in the River. Instead, data from the two periods should be assessed independently. Regional Board staff's interpretation of the LACDPW storm water data is that there is an impairment during wet weather. The fact sheet supporting the delisting reports 4 out of 63 exceedances, using combined wet- and dry-weather LACDPW storm water data. In addition, remove the 'EL Niño' statement from the line of evidence.	This additional data which included more recent samples was incorporated into the assessment for this pollutant water body combination and the recommendation for this water body has been changed to 'do not delist'. Wet and dry weather data were not separated for the purposes of this assessment since the water quality objectives are not wet or dry weather specific. Additionally, the Basin Plan does not include any provisions for assessing data from wet or dry weather separately for this pollutant. The 'EL Niño' statement has been removed from the line of evidence.	Yes
107.2	Commenter strongly supports some of the individual listing recommendations, including the recommendation to list the Los Angeles River Estuary for trash, the retention of the algae listing for Malibu Creek, and the DDT and PCBs in portions of the Los Angeles Harbor and the Ventura Marina Jetties.	Comment acknowledged.	No
107.21	For the San Gabriel River Reach 2 for zinc, although the commenter agrees with the decision to delist, it should be noted that the State Board decision is based on combined wet- and dry-weather LACDPW storm water data. Wet- and dry-weather data should not be combined in the assessment because these data represent very different conditions in the River. Instead, data from the two periods should be assessed independently. In the data review for the San Gabriel metals TMDL, Regional Board staff found 3 out of 58 exceedances based only on wet-weather samples and including more recent data from the 2004/2005 storm season (see Attachment 3c of comment letter). This data still supports a delisting, but is more representative of conditions in the river. In addition, clarify the source of data used in the first line of evidence. From the reference, it appears to be the same data set as the second line of evidence.	Wet and dry weather data were not separated for the purposes of this assessment since the water quality objectives are not wet or dry weather specific. Additionally, the Basin Plan does not include any provisions for assessing data from wet or dry weather separately for this pollutant. The more recent data was added to the fact sheet although, as noted by the comment, it does not change the recommendation.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
107.5	For freshwater, Region 4 has objectives for E. coli and fecal coliform, not for total coliform or enterococcus. In several cases, the draft 303(d) list improperly compares bacteria data from freshwater systems to total coliform and enterococcus objectives applicable to marine water. Water bodies affected included Aliso Canyon Wash where a total coliform line of evidence is used and Dominguez Channel above Vermont Avenue where a enterococcus line of evidence is used. (More information on these objectives is included as Attachment 2 to these comments.)	These data have been reviewed using the correct objectives and revisions have been made for both the Aliso Canyon Wash and Dominguez Channel fact sheets.	Yes
107.7	Disagree with the use of the binomial distribution for assessment of toxicants as inconsistent with the allowable frequency identified in the water quality standards themselves. However, if applying the Listing Policy as written we do not feel it is appropriate to aggregate the wet- and dry-weather data because these data represent very different conditions in the Los Angeles Region. During TMDL development staff routinely evaluates impairments during these two distinct conditions in Southern California. If the binomial approach to determining impairment is used for toxicants, this distinction between wet- and dry-weather data should be applied in listing decisions as well. This affects several pollutant-pollutant combinations, including the Coyote Creek listing for zinc and San Gabriel River Reach 2 listing for lead and is discussed in detail in Attachments 3a and 3c.	This additional data which included more recent samples was incorporated into the assessment for this pollutant water body combination and the recommendation for San Gabriel River Reach 2 for lead has been changed to 'do not delist' while Coyote Creek for zinc has remained as 'delist'. Wet and dry weather data were not separated for the purposes of these assessments since the water quality objectives are not wet or dry weather specific. Additionally, the basin plan does not include any provisions for assessing data from wet or dry weather separately for this pollutant.	Yes
107.8	It appears that if only sediment chemistry data were available, State Board chose to not assess the water body for that pollutant. However, the Listing Policy does not preclude using a single line of evidence (e.g. sediment chemistry data alone) to support a listing decision. This approach is justified by the fact that the sediment quality guidelines used in the Listing Policy are set to be protective, using sediment toxicity as an endpoint. Therefore if sediment chemistry data show exceedances of sediment quality guidelines above that allowed in Table 3.1 of the Listing Policy, the water body should be listed for sediment impairment. This affects several water bodies including areas of the Los Angeles/Long Beach Harbor and the Dominguez Channel Estuary. See attached comments on individual pollutant-pollutant recommendations.	Sediment chemistry data must be associated with sediment toxicity in order to result in a listing (Section 3.6 of the Listing Policy). Sediment toxicity alone can be listed, but data for a specific pollutant in sediment alone is not enough to justify a listing. Sediment toxicity data (new) was made available since the release of the draft 303(d) list for the water bodies mentioned. In cases where this new data changed previous recommendations, these recommendations have been revised.	Yes
107.9	Given that DDT is pervasive and levels are highly elevated in many areas of Region 4, the State Board should not delist DDT in sediments merely because the Listing Policy does not identify an appropriate guideline. The Listing Policy relies upon sediment quality guidelines for protecting the benthic community; these guidelines are not set to protect higher trophic levels from bioaccumulatives such as DDT. The Los Angeles Basin Plan contains a narrative objective for bioaccumulation that must be utilized in water quality assessments. Therefore, the Regional Board strongly recommends that State Board maintain the current listings due to DDT in sediment, using the weight of evidence approach outlined in the Listing	Sediment chemistry data must be associated with sediment toxicity in order to result in a listing (Section 3.6 of the Listing Policy). Sediment toxicity alone can be listed, but data for a specific pollutant in sediment alone is not enough to justify a listing. In this case we lack sufficient sediment chemistry and the appropriate guideline to compare the data as well as correlating sediment toxicity data. In addition, recent TIE studies in Southern California bays has shown that DDT does not cause sediment toxicity (Bay et al., 2005). Fish tissue data were used to justify the DDT listings.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Policy, and available fish tissue data until a suitable benchmark/guideline is identified at which point the listings can be reevaluated.		
118.10, 118.11	Nitrate plus Nitrite- SCR- Reach 5: Available data demonstrate that only 10 of 97 samples exceed the applicable water quality objective for nitrate plus nitrite in SCR Reach 5. These data meet the delisting requirements of Table 4.2 of the Listing Policy, 'Maximum Number of Measured Exceedances Allowed to Remove a Water Segment From the Section 303(d) list for Conventional or Other Pollutants'. Please also note that the Draft List's fact sheet mistakenly references an MUN use as the basis for this water quality objective (also see previous discussion on aluminum regarding misuse of conditional potential MUN, or MUN*, designation for this reach), however historic background concentrations actually serves as the basis for this objective and therefore this pollutant should be evaluated using the 'conventional or other pollutants' category (i.e., delisting Table 4.2) rather than the 'toxicants' category.	This recommendation has been changed to 'delist'. The beneficial use designation and criteria have been revised to reflect existing beneficial uses. The Listing Policy considers nutrients to be toxicants and as such data are evaluated using table 4.1 for delisting situations.	Yes
118.1	Improvements are needed to assure that listings are based on accurate and verifiable data, in compliance with the Listing Policy, and in compliance with the State Board's broader administrative duty to make reasoned listing decisions based on a review of all pertinent, available, and appropriate data.	Comment acknowledged.	No
118.12	PCBs-SCR-Reach 5: Pursuant to the draft 303(d) fact sheet for this proposed listing, SWAMP data for Castaic Creek was included in the primary data set supporting the proposed listing for SCR Reach 5. Table 2-1 of the Basin Plan identifies Castaic Creek as a separate water body with designated uses that are independent of SCR Reach 5. Therefore PCB data for Castaic Creek should be evaluated separately and should not be included in the primary data set considered in determining a listing for SCR Reach 5. SCR Reach 5 data shows that only 1 of 2 samples exceeded the water quality standard Thus available SCR Reach 5 data do not meet the Listing Policy requirements for number of exceedances, and no new listing is warranted for PCBs in SCR Reach 5. The proposed PCBs listing is based on just three samples taken at two SWAMP monitoring station (with one sample being taken from a separate reach), all of which were sampled during storm flows, which are not representative of typical or long-term conditions within this water body. Therefore, not only are there too few exceedances in SCR Reach 5 to list PCBs, but the samples are not representative of multiple conditions and do not meet Listing Policy guidelines for temporal representativeness.	These data have been reviewed and revisions have been made to the fact sheet.	Yes
118.14	Commenter has included a summary of the State Board's administrative law duties in making the 303(d) listing determinations, fact sheets on specific listings, data, and a CD.	Comment acknowledged	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
118.2	Several modifications should be made to the Draft list for the following purposes: 1. To accurately reflect the actual designated beneficial uses of the Santa Clara River (SCR). 2. To accurately reflect the actual water segment groupings according to Basin Plan reaches; 3. To assure that the listing analysis is based upon evaluation of water quality standards that are appropriate and applicable; 4. To take into account fairly recent readily available water quality data that have been collected along the SCR and submitted to the Los Angeles Regional Water Quality Control Board; and 5. To take into account age and trends in water quality data.	Beneficial uses have been changed where appropriate and applicable water quality standards were used to evaluate the data accordingly. The water segments used for 303(d) listing reflect the segments found in the Regional Boards' Basin Plans, however, in some cases the names may be slightly different. Staff have taken into account all readily available data and information submitted during the solicitation period for this listing cycle as well as additional data that was submitted during the comment period for the draft 303(d) list. The Listing Policy does not limit data based on age and allows for the use of trend data where appropriate.	Yes
118.3	There is existing, available data for Reaches 4 and 5 of the Santa Clara River as part of a background receiving water monitoring program for NPDES permit application process. LACSD collected monthly samples throughout Reaches 5 and 6, and are currently publicly available. We request that these data be included in the SWRCB's administrative record and 303(d) database, and that the SWRCB consider these fairly robust data sets in making listing determinations.	These data sets have been reviewed and fact sheets have been revised where appropriate.	Yes
118.4	The following bullet points summarize Newhall's primary comments on specific proposed listings for Reaches 5 and 6 of the SCR-Aluminum-SCR Reach 5: First, pursuant to the draft 303(d) fact sheet for this proposed listing, SWAMP data for Castaic Creek was included in the primary data set considered to support an aluminum listing for SCR Reach 5. Although Castaic Creek is within the SCR watershed, Table 2-1 of the Basin Plan identifies Castaic Creek as a separate water body, with designated beneficial uses that are independent of those designated for SCR Reach 5. Because Castaic Creek is a separate water body pursuant to the Basin Plan, and because data from Castaic Creek may or may not be indicative of water quality status in SCR Reach 5, aluminum data for Castaic Creek should be evaluated separately in making a listing determination for SCR Reach 5. It should not be included in the primary data set relied upon to support the listing of SCR Reach 5 for aluminum. SCR Reach 5 data shows aluminum exceedances for 2 of 2 samples.	These data have been reviewed and many revisions to the fact sheets have been made as a result of this comment.	Yes
118.5	Ammonia-SCR Reaches 5 and 6: Available data show that only 1 sample of 83 (SCR Reach 5) and no samples of 41 (SCR Reach 6) exceed the applicable water quality objective for ammonia. Thus, available data meet the data quantity requirements of the Listing Policy, but do not meet the Listing Policy requirements for number of exceedances. As a result, no new listings are warranted for ammonia in SCR Reaches 5 and 6. Request to remove the SCR Reaches 5 and 6 from the list as impaired for ammonia.	These data have been reviewed and incorporated into the fact sheets. The recommendation for both is 'Do Not List'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
118.6	Chlorpyrifos-SCR Reach 6: Pursuant to the draft 303(d) fact sheet for this proposed listing SWAMP data for Bouquet Canyon Creek were included in the primary data set considered to support a listing for SCR Reach 6. In fact, all 9 observed exceedances relied upon to support a listing of SCR Reach were actually observed in Bouquet Canyon Creek. While Bouquet Canyon Creek is within the SCR watershed, Table 2-1 of the Basin Plan identifies this creek as a separate water body, with designated beneficial uses that are independent of those designated for SCR Reach 6. Therefore chlorpyrifos data for Bouquet Canyon Creek should be evaluated separately, rather than included in the primary data set with data collected for SCR Reach 6. Chlorpyrifos data for SCR Reach 6 show no exceedances.	This sampling site is a part of Santa Clara River Reach 6.	Yes
118.7	Additional chlorpyrifos data is also provided in the attached CD for Los Angeles County Department of Public Works (LADPW) monitoring station S29, which is within SCR Reach 6. These data show no exceedances of the California Department of Fish and Game (CDFG) aquatic life chronic (4-day) toxicity criterion of 0.05 ug/L for 6 samples collected between August 2002 and April 2003. Thus available data for SCR Reach 6 do not meet the Listing Policy requirements for number of exceedances, and no new listing is warranted for chlorpyrifos in SCR Reach 6.	All available data have been reviewed and 10 of 39 samples exceeded guidelines. This meets the Policy requirements for listing. A summary of the new data was added to the fact sheet.	Yes
118.8	Diazinon-SCR- Reach 5: Available data show that only 1 sample of 50 exceeds the applicable threshold for diazinon in SCR Reach 5, and this result was 0.11 ug/L, or marginally greater than the California Department of Fish and Game's chronic toxicity criterion of 0.10 ug/L. Further, this one sample was taken in November 2001, long before completion of the USEPA's residential use diazinon phase-out, and its 2004 residential use diazinon ban. Thus, available diazinon data meet the data quantity requirements of the Listing Policy, but do not meet the Listing Policy requirements for number of exceedances, so that no new listing is warranted for diazinon in SCR Reach 5. See attached fact sheet for more information. It should also be noted that diazinon data should be interpreted in the context of the periods during which substantial source controls were implemented for the pollutant (see comments on diazinon in Reach 6 for more discussion on ban). Because there are no exceedances of diazinon out of 47 samples in SCR Reach 5, the proposed listing is not warranted.	The recommendation for diazinon in Santa Clara River reach 5 is 'Do Not List'. A summary of the new data was incorporated into the fact sheet.	Yes
118.9	Diazinon-SCR- Reach 6: More recent data for diazinon should be considered preferentially consistent with the EPA guidance and the Listing Policy regarding temporal representation of data .Two substantial source controls for diazinon have been imposed: USEPA's 2004 ban on residential use of the pesticide, and the provisions and conditions of the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region (Order No. R4-2005-	The new data was assessed but not incorporated into the fact sheet because it would not change the recommendation to 'List' the Santa Clara River Reach 6 for diazinon.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	0080) (the 'Ag Waiver') adopted by the Los Angeles RWQCB in 2005. Post-ban data demonstrate that only 1 of 4 samples exceeded the applicable threshold, indicating that a diazinon listing for this reach is not warranted per the Listing Policy. Should the SWRCB maintain this proposed listing despite USEPA Guidance and the Listing Policy, diazinon in Reach 6 should be listed under the 'Water Quality Limited Segments Being Addressed' category due to the existing USEPA ban on diazinon sales for residential use and monitoring and control of diazinon required pursuant to the Ag. Waiver.		
119.1	Commenter has several concerns over listings of several constituents on the 303(d) list for Reaches 5 and 6 of the Santa Clara River.	Comment acknowledged.	No
119.4	Investigation into the cause of the release of diazinon into the Santa Clara River and the public outreach have proven to be very successful in combating this specific pollutant. The intent and purpose of the tremendous effort was to stop the contamination as quickly as possible, at its source and to minimize any environmental damage.	Comment acknowledged.	No
128.1	The Los Cerritos Channel is a candidate for addition to the 303(d) list of the Clean Water Act under category (1): waters still requiring a TMDL. The water quality standard for trash in the Los Cerritos Channel has not been met, and therefore the Channel must be placed on the 303(d) list update for trash for 2006. This channel is on the list for other objectives.	These photos were reviewed and this water body is being recommended for listing.	Yes
128.2	Commenter has included six newspaper articles describing conditions in Los Cerritos Channel.	This information was not used by itself for listing recommendation.	No
129.13	Commenter agrees with the Construction Industry Coalition for Water Quality that the Los Angeles RWQCB establish a wet weather task force to define a design storm for the application of water quality standards.	Comment acknowledged.	No
129.3	Commenter disagrees with Heal the Bay and concurs with the SWRCB that the 303(d) list shall identify the pollutants causing or expected to cause violations of the applicable water quality standards.	Comment acknowledged.	No
135.1	Commenter was pleased to see 4 delistings proposed for Burbank Western Channel. In support of these delistings a study was submitted to the Los Angeles RWQCB for the Burbank Western Channel that confirms there are no beneficial use impairments caused by algae, scum/foam or odors (attachment 1 to the comment letter).	Comment acknowledged.	No
135.11	The commenter does not agree with the proposed fecal coliform listings for Burbank Western Channel. The Los Angeles RWQCB Basin Plan suspends the Recreation Beneficial Use during rain events. The proposed listing is based on 6 samples taken over a 5 month period. Of these 6 samples, 5 were taken within 24 hours of a storm event	These data have been reviewed and the analysis modified to account for the new water quality objectives.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	generating over a 1/2 inch of rainfall. Since the listing is based on water contact recreation which is suspended during 5 of the 6 times that samples were taken, this proposed listing should be removed from the final 2006 303(d) list.		
135.13	The commenter does not agree with the recommendations to list the Burbank Western Channel for nitrite. The listed beneficial use of MUN is incorrect. The fact sheet incorrectly analyzes nitrite according to section 3.1 of the Listing Policy. Nitrite is not a toxicant. The conditions for placement of this pollutant water body combination on the list have not been met. Section 3.2 of the Policy is for conventional pollutants, and that 4 exceedances of 33 samples would not qualify as a basis for listing. Two additional exceedances would have been necessary for listing. Also, the nuisance related listings are proposed for delisting due to lack of impairment. And a review of trends shows nitrite levels have decreased within WQO levels, and show no indication of upward trends.	Toxicants include priority pollutants, metals, chlorine, and nutrients. Nitrite is an intermediate, unstable form of nitrogen, therefore to be considered a toxicant. The Water Quality Control Plan for the Los Angeles Region includes Water Quality Objectives for nitrite-nitrogen. The Policy defines conventional pollutants as dissolved oxygen, pH, and temperature only. MUN has been removed from the fact sheet as a beneficial use for this water body.	No
135.14	The commenter does not agree with the recommendation to list the Burbank Western Channel for zinc. The beneficial use listed of MUN is incorrect. All readily available data and information have not been used. It is evident from the fact sheet that the data analyzed as a part of the Los Angeles River Metals TMDL was not considered in the analysis.	The use of MUN has been removed from the fact sheet.	Yes
135.15	There are several attachments with this comment letter. They are as follows: -Final Results of Phase 1 Study on Algae Related Impairments in the Burbank Western Channel -Ammonia in the Burbank Western Channel -Bob Hope Airport Precipitation Data -Hardness and Zinc Data in the Burbank Western Channel -Standard Operating Procedure for Receiving Water Monitoring in the Burbank Western Channel	These data were reviewed and staff assessments changed as needed.	Yes
135.17, 135.7, 135.5, 240.3	The fact sheet for ammonia in Burbank Western Channel states that 29 out of 33 samples meet the 2002 adopted water quality objectives. According to table 4.2 a water body should be removed from the list if 5 or less of the samples exceed if the sample size is 33. According to section 2.2, this segment should be delisted because it meets the requirements of section 4.	This water body pollutant combination is being recommended for delisting because the data in the fact sheet shows that water quality standards are being met. There is a TMDL in place to attain water quality standards in this water body and the data shows that this is occurring.	Yes
135.18	The reasons why zinc is an incorrect listing for the Burbank Western Channel are: Although the LA River Metals TMDL was not considered in the analysis, it includes the analysis of 96 samples from the Burbank Western Channel (thru Dec. 2003). The fact sheet only lists 6 sample events. Of the 96 samples in the TMDL analysis, only 1 exceed the WQOs from the CTR. Combining these 96 samples with the 6 on the fact	These data have been reviewed and the analysis modified in the fact sheets. The recommendation now is 'Do Not List'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	sheet, the result is only 4 exceedances in 102 samples. Evaluating the data from 2004 and 2005, there have been no exceedances in an additional 27 samples. This low number of exceedances precludes the listing of zinc in the Burbank Western Channel.		
135.2, 240.2	The commenter is pleased that cadmium is being proposed for delisting but they are frustrated that this delisting didn't occur back in 2002 before a TMDL to address this pollutant was developed. Nevertheless, the proposed delisting of this pollutant is the proper action.	Comment acknowledged.	No
135.3, 135.16, 240.1	Copper is a new listing for Burbank-Western Channel and the commenter agrees it should be listed.	Comment acknowledged.	No
135.4	The listing for ammonia does not appear to be justified. The lines of evidence show that none of the samples exceeded the water quality objectives and that there is a remedial program in place.	These data have been reviewed and the analysis modified in the fact sheet.	Yes
135.6	The commenter does not agree with the cyanide listing. The reason for this is that the beneficial use is incorrect. The beneficial use MUN does not apply to the Burbank Western Channel. The data used to create the cyanide listing is questionable. The fact sheet states that there were six samples analyzed for cyanide in the Burbank Western Channel. The two samples which were considered exceeding were below the Practical Quantitation Limit (PQL). The PQL is the lowest level that a laboratory is able to produce reliable and accurate results. Any results lower than the PQL should not be considered as credible information.	The beneficial use for this water body was changed to WARM and the data were re-evaluated accordingly. The recommendation remains 'list'. Evaluations of analytes were done in accordance with QA/QC specifications for monitoring programs for the Los Angeles Department of Public Works (Woodward-Clyde, 1996).	Yes
135.8, 135.10, 135.12	Other than cyanide, several other constituents were reported at levels below their indicated PQL. These include nitrate, antimony (total and dissolved), arsenic (total & dissolved), cadmium (total & dissolved), chromium (total & dissolved), and copper (total & dissolved).	Evaluations of analytes were done in accordance with QA/QC specifications for monitoring programs for the Los Angeles Department of Public Works (Woodward-Clyde, 1996).	No
135.9	The method reference for total and fecal coliform is incorrect for the data submitted. The total coliform and fecal coliform samples were analyzed by SM9221B and SM9221E, respectively. The listed EPA method of SM9230B is incorrect.	Comment acknowledged.	No
212.8, 228.4, 231.3	Continued concern with weight of evidence approach. Second example has to do with DDT and sediments. For Dominguez Channel there seems to have been no assessment in the places where there is only sediment data.	DDT in Dominguez Channel is being removed from the 303(d) list because the original listing was based on data from the downstream estuary. DDT in Dominguez Channel Estuary has been changed to 'do not delist'. This revision is based on the fact that there is a Fish Consumption Advisory that applies to this water body and there was a fish tissue sample which exceeded the evaluation guideline.	Yes
228.1	Commenter agrees with listing of the Los Angeles River estuary for trash,	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	the algae listings for Malibu Creek and DDT and PCB listings in portions of the Los Angeles Harbor and in Ventura Marine jetties.		
228.3	Aliso Canyon Wash, Burbank Western Channel and the Dominguez Channel at Vermont Avenue are listed for bacteria indicators. A lot of the data was collected during wet weather conditions, and the commenter is not sure if the data meets the Los Angeles RWQCB's bacteria criteria. Commenter requests that we check this data to see if high-flow suspension was in effect, which may affect these listings.	The high-flow exemption was applied in cases where we had rainfall data with bacterial data.	No
231.2	Data was provided that supports the listing of L.A. County beaches.	Comment acknowledged.	No
241.4	State Board can improve the accuracy of listings by removing those listings based on a condition, not a pollutant or pollution, as in the case of the Los Angeles Region where there is a listing for algae in Echo Park Lake.	Water body conditions were not removed from the list unless a comprehensive assessment of data and information was not completed. This approach was useful to avoid false negative errors.	No
242.1	Supports the delisting of abnormal fish histology for several segments of the San Gabriel River watershed.	Comment acknowledged.	No
247.2	Concerned with aluminum listing for Santa Clara River because it is based on a potential beneficial use designation and a secondary MCL. Contaminants are not considered to present a risk to human health at a secondary MCL.	The Santa Clara River is now not being recommended for listing on the 303(d) list for aluminum.	No
Staff Report, Volume III, Central Valley Region Fact Sheets			
4.1	The proposed copper listing for Carson Creek is contested. Total recoverable copper concentration data were used to compare against CTR criteria for the protection of aquatic life. This comparison is inappropriate because the CTR copper criteria is based on the dissolved fraction which better approximates the bioavailable fraction of copper to assess aquatic life impacts.	Staff has reviewed the submittal and modified the analysis in the fact sheet. The recommendation has been changed to 'Do Not List'.	Yes
14.1, 14.3, 14.2, 26.1, 26.5, 26.3, 26.2, 26.6, 37.2, 37.1, 78.1, 222.1, 222.5	Commenter requests that a change be made to the descriptions of the 303(d) listings for the Fall River in Shasta County; specifically, that 'sedimentation/siltation' be removed as a 'stressor' and that 'silviculture' be removed from the list of current sources. The information supporting the change was provided.	In order to accurately identify existing conditions of impairment, the source of the stressor was modified. The stressor should be identified as sedimentation, and the source of the stressor (and the impairment) should be identified as historic land management activities.	Yes
26.4	A report concluded that bank erosion and altered meadow conditions were the primary factors affecting sediment delivery.	Comment acknowledged.	No
32.2	In most cases, dissolved metals data was evaluated against the CTR dissolved metals criteria. However in at least one case (Bear River, copper) the State Board staff included an evaluation of total recoverable	The total copper line of evidence has been deleted but this does not change the recommendation as there are enough exceedances of the dissolved copper samples alone to list this water body (67 out of 69).	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	metals data against the NTR criteria for total recoverable copper. The evaluation of total metals data against total criteria is contrary to both the CTR and NTR as it was amended on May 4, 1995. Because the aquatic life criteria for metals as expressed in the CTR and the NTR are currently considered to be dissolved criteria, only dissolved data should be used to evaluate aquatic use impairment for trace metals. Any reference to total data versus total criteria should be removed from the fact sheets and should not be used for listing determinations.		
32.4	Fail to see the relationship between the narrative toxicity objective and the exotic species listings. The narrative objective refers to toxic substances and the interactive effect of multiple substances on aquatic uses. This objective does not include the presence of exotic species in the definition of 'toxic substances'. Recommend that the State Board amend the fact sheets to identify an applicable water quality objective for the exotic species listings. If there are no applicable objectives, then there is no basis to list the various waterways as being impaired for exotic species.	The toxicity narrative objective in the Regional Board Basin Plan states that all waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. Based on the data assessed, exotic species are impairing beneficial uses and are considered pollutants or toxic substances.	No
35.3, 40.2, 123.11, 125.3, 141.1, 247.1	Results of the Waste Discharge Requirement monitoring reports need to be considered in the revision to the 303(d) listings. Review of the data will clearly indicate that there is no need to add Grassland Marshes, Salt Slough (upstream of the confluence of the San Joaquin River) or the San Joaquin River (Merced River to the Tuolumne River) for selenium.	Because the actual data was not submitted with the comment letter, the data could not be evaluated.	No
44.5	The commenter supports the listing of the San Joaquin River for exotic species. However, the commenter requests that more of the San Joaquin River be listed for exotic species because numerous studies show that exotic trout now pervade the upper reaches of the river, past Friant Dam. These studies have been included with the comment letter.	The additional data provided was reviewed. However, at this time, this data does not warrant a change to the draft 303(d) list because staff could not easily determine the specific water bodies sampled in these studies. Additional monitoring data that shows degradation trends in populations and communities (refer to sections 3.9 and 3.10 of the Listing Policy) and that states which specific water bodies were sampled is necessary to list any additional segments or water bodies.	No
46.1	The lower Merced River (McSwain Reservoir to San Joaquin River) should not be listed as impaired for mercury. Only two fish tissue samples taken since 1998. Request time until additional information can be obtained. The fish sampled include one largemouth bass and one channel catfish. Both fish were taken near the mouth of the Merced River at George J. Hatfield State Recreation Area. We are aware of no other fish tissue sampling for mercury that has been conducted in the Merced River since that time.	These two samples are sufficient under the provisions of the Listing Policy to assess standards attainment.	No
46.2	Commenter disagrees with the recommendation to list the lower Merced River for mercury based on two fish tissue samples collected because	The Listing Policy requirements for spatial and temporal representation provides significant latitude in assessing water bodies. While the data	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	this does not meet the spatial and temporal requirements of the Listing Policy since the fish were caught in 1998 and could have traveled from another water body or area.	set is small, it is sufficient under the provisions of the Listing Policy to assess compliance with water quality standards. As well, samples from two different fish species are considered as two separate samples.	
47.1	The commenter disagrees with staff recommendation to list the Sacramento River from Red Bluff to Knights Landing as impaired for mercury.	Comment acknowledged.	No
47.2, 47.4, 47.3	The sampling sites are not spatially representative of the entire stretch posted for listing. The data used to support this listing does not include any samples taken within 74 miles of Bell-Carter's outfall nor in the northern 100 miles of the stretch of river proposed for listing.	The extent of impairment has been revised in the fact sheet as Sacramento River from Knights Landing to Hamilton City as impaired by mercury.	Yes
47.6, 47.5, 52.2, 52.1	Commenter disagrees with listing of Sacramento River from Red Bluff to Knights Landing for Hg. The samples used were collected at 2 sites: Arnold Bend near Colusa and 1 mile upstream of the Colusa Drain outlet at Knights Landing. The fish tissue samples were from highly mobile fish that may have migrated from the stretch of Sacramento River (Colusa Drain outlet) that is currently listed for Hg. The samples are also not spatially representative of this stretch of river. Data collected for the renewal of the NPDES permit for Bell-Carter were below the CTR criteria for Hg in the vicinity during 2003 and 2005. Suggests either to defer listing this segment of the Sacramento River for Hg until more data can be collected or restrict the listing to a reach downstream of the Butte City Bridge, which is a section of the Sacramento River that is spatially represented by the data.	While the number of samples and sites are few, the numbers available are sufficient under the provisions of the Listing Policy to assess compliance with water quality objective standards. The affected area for this segment has been made smaller.	Yes
49.1	Commenter supports delisting of Harding Drain for ammonia, chlorpyrifos, and diazinon.	Comment acknowledged.	No
49.3	The commenter urges the State Board to carefully consider the data collected by Turlock Irrigation District, the City, and others which reflect recent progress in improving water quality, and delist Harding Drain.	Comment acknowledged.	No
52.4	Mercury concentrations in the Sacramento River were analyzed during the 2004 renewal of the City of Chico's NPDES permit. All of the samples collected had concentrations below the CTR human health criteria. While these were water samples and not tissue samples, the human health criteria concentrations in the CTR are calculated with a bio-concentration factor that is used to account for bioaccumulation in tissue.	The actual data was not submitted with the comment letter, and could not be evaluated.	No
52.5	The commenter requests that the Board defers its decision to list the stretch of the Sacramento River from Red Bluff to Knights Landing for mercury until more data that is spatially representative of this stretch can be collected or that the listing be restricted only to the stretch of the river where the samples were collected (downstream of the Butte City Bridge).	The Toxic Substances Monitoring data assessed for this listing shows impairment of this water body for mercury and the data is spatially representative for this listing.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
56.3	The initial analysis was preformed using a model that did not accurately reflect the basin. CALSIM II is a planning model, developed jointly by Reclamation and DWR, that more accurately reflects the current condition of the basin. It is the model of choice, by the Reclamation and DWR.	Based on the analysis of the Regional Water Board staff (Grober, 2006), arguments that electrical conductivity will be consistently met in the future based on CALSIM II model analyses are incorrect and premature based on the ability of the model to correctly estimate salinity. The recent CALSIM II model review found that the model consistently underestimates salinity (Grober, 2006).	No
66.36	For the recommendation to delist the Sacramento River (Knights Landing to Delta) for Diazinon; available data indicate WQO violations for diazinon (12 out of 1109 acute violations; 14 chronic violations). State should provide good cause for delisting or retain pollutant on 303(d) list for this segment.	On October 25, 2006 the State Water Resources Control Board placed this water body pollutant combination on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard.	No
66.37	The State decided not to list several waters in Central Valley for temperature based on evaluation of annual mean temperature data that are insensitive to short term elevations in temperature conditions that may adversely affect fish habitat. We recommend the State reevaluate its temperature assessments and disaggregate data if necessary to evaluate short term conditions.	The staff reviewed the data that was available in the administrative record. Annual maximum temperature data was available. Because annual maximum temperature data was assessed the annual maximum temperature guidelines were applied to these data.	Yes
68.2, 68.1, 113.2, 220.3, 221.3	Commenter does not agree with the timetable set forth for adoption of a TMDL for the Calaveras River and Mormon Slough. The date is not supported by the record. There has been no additional testing, sampling or further analysis which warrants a change in the priority status from 'low' to 'high'. The affected reach constitutes only a very small area of the lower Calaveras River, exclusively within the urban area of Stockton which impairment is caused by urban runoff and storm sewers.	In establishing dates for completion of TMDLs, State Water Board and Regional Water Board staff assigned the completion dates based on the factors presented in Section 5 of the Policy. No rationale for extending the date is provided so it is impossible to determine the reasons for a later completion date.	No
74.1, 131.2, 131.42, 131.65	The summary document cites numerous temperatures in excess of 21° C as the basis for listing the NF Feather River for temperature impairment. While the Listing Policy may allow for a listing based on only one line of evidence, it seems in this instance additional evidence should be presented to substantiate impairment. To the best of our knowledge if there is temperature impairment in the NF Feather, the only 'controllable factor' causing this impairment would be the ongoing hydroelectric operations in the river. It has been our experience that hydroelectric operations can alter temperature regimes in rivers and streams, but that alteration can be towards a warmer or a colder temperature regime, depending on site specific conditions. It would seem in this instance that an additional line of evidence to support listing should include one or more of the following: a. that the overall temperature regime of the NF Feather was colder (not exceeding 21°C) prior to the construction and operation of the hydro facilities. b. that populations of cold water species (i.e. trout) were more robust	Fisheries data in the administrative record and provided by the Division of Water Rights was evaluated for the North Fork Feather River and Willow Creek for temperature. Additional supporting lines of evidence have been added to the North Fork Feather River and Willow Creek fact sheets for temperature impairment. These lines of evidence contain information on current and historic conditions; and distribution of fishery resources on the North Fork Feather River. Historic temperature conditions are presented as well in some of these lines of evidence.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	prior to the hydro operations and that the change appears to be temperature related. c. that current populations of cold water species are suppressed and that situation appears to be temperature related (as opposed to changes in habitat quality or some other factor). d. that the 'natural or background' temperature regime in NF Feather (without hydro operations) would not exceed 21°C. It is not clear to us what information exists with regard to 'a' through 'd' above, and this should have a major bearing on the decision to place NF Feather on the 303(d) list for temperature impairment.		
74.2	Exceedance of an instantaneous daily maximum as basis for listing seems to grossly oversimplify temperature and cold water species relationships in our rivers and streams. Most rivers and streams in the Sacramento River watershed (above the valley floor) are beneficial use designated as Cold Freshwater Habitat (COLD). Annual temperature regimes in these waters vary seasonally and spatially (generally cold in the headwaters and progressively warm towards lower elevations). Some streams and some stream reaches are suitable COLD habitat only seasonally for both resident and anadramous species. Some are suitable COLD habitat only in their upper reaches. Some have 'micro-habitat' where cold-water species can seek refuge during critical times of year even though generally recorded stream temperatures substantially exceed reported tolerance levels of these species. There are also issues of life stages, some waters being temperature suitable for adult survival but not for earlier life stages. Some waters have modified temperature regimes (modified from 'natural or background levels') from human activities which are 'controllable'. Other COLD waters have modified temperature regimes that are due entirely to natural, climatic conditions or are due to human activities that are not 'controllable' or reversible. Our point here is that understanding temperature/cold water species relationships and determining 'impairment' in the real world of modified rivers and streams is a very complex process. Bottom line is that we believe a 303(d) temperature listing is merited only under the following circumstances: a. there is clear evidence that the water quality objective is exceeded or there is documented BU impairment, b. temperature can be identified as the cause of the objective exceedances or the BU impairment, c. the exceedances or impairment is the result of controllable activities.	The use of a temperature guideline does simplify data analysis. The Listing Policy allows this use of temperature guidelines because background temperatures for water bodies are rarely available. The Policy does require the use of population data in the assessment of temperature impacts.	No
74.3	With the advent of continuous recording temperature devices that are technically efficient and inexpensive, we are now seeing a substantial increase in available information to better identify annual temperature regimes. Examples where this kind of information has recently come available include:	If the data and information in the administrative record indicate standards are not met, then the water body and pollutant must be placed in the section 303(d) list.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	-Upper Sacramento River (above Shasta Lake) -Pit River and numerous tributary streams -Lower Sacramento River (below Shasta Lake) -Upper Feather River (NF and MF above Oroville) and numerous tributary streams -Cow Creek watershed -Deer Creek watershed All of these waters are COLD listed. A cursory review of the existing temperature data shows that using the same criteria proposed for the NF Feather listing, most (not all) of the above waters would be 303(d) listed for temperature impairment. In some instances, a listing may be appropriate. However, for reasons discussed in #2 above, a temperature listing in many of these waters would not be appropriate. Given the reality that 303(d) listing and subsequent TMDL activity is a principal driving force for so much of our agency work and priorities, it is important that initial listings are well founded in order to make the most efficient use of our limited time and money.		
74.4	Surprised to see exceedance of an instantaneous daily maximum used as the basis for determining temperature impairment. Literature references and water quality criteria discuss several different metrics for assessing the implications of temperature to aquatic species. These include: -Number of successive days exceeding a specified daily max -Number of total days exceeding a specified daily max -Maximum weekly average temperature (MWAT) -Maximum weekly maximum temperature -Diurnal temperature variation. It is our Understanding that temperature impacts to cold-water species are most commonly judged by use of the MWAT and determination if it exceeds a specified temperature deemed necessary for protection of that life stage of the species.	Many different temperature guidelines are available that can be applied to rivers and streams. The data available was maximum values only. If weekly average data were available, the MWAT values would have been used.	No
74.5	In recognition of the complexity of determining 'temperature impairment' in any individual watercourse or watershed, we suggest that some of our available 303(d)/TMDL funding be used for case studies on selected waters where we now have (or soon will have) an extensive data set on annual temperature regime. Scope of the study could include detailed analysis of that data together with the watershed conditions that influence that temperature regimes, with the desired outcome being a recommendation to the Regional Board as to the validity of temperature listing in that watercourse. We believe this would bring some needed additional science to the listing process and could provide a protocol template for consideration of temperature listings in other waters. We	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	would be interested in working closely with and managing a contract study of this type.		
74.6	In conclusion, we do not support 303(d) temperature listing for the NF Feather River based on information we have (including information referenced in the two page listing summary). We request that you include this letter with your comments to SWRCB on the current proposed listings.	Comment acknowledged.	No
78.2	In recent years there has been substantial restoration efforts underway in the tributary watershed to Fall River. These efforts are now focused on the 'sediment slug' that remains in upper Fall River. Will consider recommendations for delisting Fall River once this sedimentation issue is addressed.	Comment acknowledged.	No
87.1	North Fork Feather River (below Lake Almanor) for Hg shouldn't be listed because there appears to be confusion regarding the units of the Belden Forebay data results and the evaluation guideline. They were wrongly compared to the OEHHA criterion. The tissue samples that were analyzed were reported as part per billion (ppb), the criterion is 0.3 parts per million (ppm) or 300 ppb. All 7 samples were below the OEHHA criterion of 300ppb.	The guideline has been changed in the fact sheet. However, the recommendation to list remains based on re-assessment of the tissue data. A large number of tissue samples were in exceedance of the narrative water quality objective.	Yes
87.4	Do not list the Lower Bear River Reservoir for Cu because it does not meet the weight of evidence approach. The data used (by SWRCB) was acquired by PG&E to investigate background water quality conditions upstream of the Mokelumne River Project, Federal Energy Regulatory Commission License 137 (Project). The data (2002 - 2003) was mainly used for screening and hence is not accurate and should not be used for listing. None of the samples collected during 2003 exceeded the water quality objectives for copper. This new data is attached in the comments letter.	The Lower Bear River Reservoir is not being listed for copper because the data assessed showed that standards are being met in the water body. One out of 14 samples exceeded the criterion. The measurements were made using two different approaches. One set of samples had a higher quantitation limit of 0.5 ug/L. The other set of samples had a lower quantitation limit of 0.03 ug/L. Only one of the higher quantitation limit level samples could be used for this assessment. This sample was the sample that exceeded the criterion. The fact sheet has been revised to reflect this assessment.	Yes
87.5	Do not list the North Fork of the Mokelumne River for Cu because it does not meet the weight of evidence approach. The data used was PG&E data that was collected under an annual monitoring program required by FERC (Federal Energy Regulatory Commission) relicensing process. The data were collected before new license conditions for in-stream flow requirements were implemented for the river. The results for the 2001 - 2002 sampling period were mainly used for screening; hence, it is not accurate or verifiable. Data collected under the new in-stream flow conditions should be used instead.	The North Fork of the Mokelumne River is not being listed for copper. The data showed that standards were being met in the water body. There were 23 total samples assessed. One set of samples had a higher quantitation limit of 0.5 ug/L. The other set of samples had a lower quantitation limit of 0.03 ug/L. Only two of the higher quantitation limit level samples could be used for this assessment. These were the two samples that were in exceedance of the criterion.	Yes
87.6	Do not list Sugar Pine Creek (Tributary to Lower Bear River Reservoir) for Cu because it does not meet the weight of evidence approach. The data used was acquired by PG&E to investigate background water quality conditions upstream of the Mokelumne River Project Federal Energy	Sugar Pine Creek is not being listed for copper because there were no usable samples to assess because the quantitation limit (0.50 ug/L) for this set of data is not less than or equal to the water quality criteria, hence the samples cannot be used in the data analysis, (Listing Policy	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Regulatory Commission License 137 (Project). The data was mainly used for screening and hence is not accurate and should not be used for listing.	section 6.1.5.5). The fact sheet has been revised to reflect this reassessment.	
87.7, 87.3	Do not list the Bear River (Amador County, Lower Bear River Reservoir to Mokelumne River, North Fork) for Cu because it does not meet the weight of evidence approach. The data used was PG&E data that was collected under an annual monitoring program required by the FERC (Federal Energy Regulatory Commission) relicensing process. The data were collected before new license conditions for in-stream flow requirements were implemented for the river. Hence it is not accurate or verifiable. Data collected under the new in-stream flow conditions should be used instead.	While the permit conditions have changed, it is not explained or shown how the change of flow regime has changed the copper concentration.	No
91.1	The application of the National Academy of Science guidelines for protection of aquatic life is not reliable because it is very old. Alternative applicable sources should be identified.	These guidelines are technically valid and have been used as a benchmark by which exceedances to the standard are compared. To our knowledge, the NAS values have not been withdrawn or superceded by other values and are therefore appropriate to use. The policy provides the State and Regional Boards the flexibility to use these guidelines as well as other guidelines or more current data as long as they meet the criteria set in the Policy.	No
104.2	Delete exotic species as defined as pollutants because of legal issues that arise. This would expand the applicability of this ruling to an established 'non-native' species (striped bass), when there is no ongoing discharge. There are technical issues also. Other factors to consider are the effects of hydromodification and changes in flow regime, which are primarily responsible for native species decline. There are no evaluation guidelines to use. The fact sheets are confusing with their array of criteria, guidelines, impacts and locations. Some non-native species are beneficial.	None of the exotic species listings are based on the species mentioned in the comment letter. Specific species that led to the recommended listings are identified in the individual fact sheets. The species were grouped so that the listings would be consistent with the 1998 exotic species listings for the San Francisco Bay Region. Hydromodification and other factors can influence the abundance of native species and this is acknowledged in each of the exotic species fact sheets. While there is no guideline for evaluating exotic species data, trends in exotic species occurrence can be used to assess impacts on native species.	No
104.5	Supports decision to remove diazinon from the Feather River, lower; Morrison Creek; Sacramento River (Knights Landing to the Delta); and the Sutter Bypass.	On October 25, 2006 the State Water Resources Control Board placed the Lower Feather River, Sacramento River (Knights Landing to the Delta) and Morrison Creek for diazinon on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard. The Sutter Bypass is being delisted for diazinon.	Yes
109.3	The current listing is for an 8.3 mile distance in the Drain, which appears to be an error in the measured distance or inappropriately includes the	This change has been made.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Ceres Main and Lateral 5 canals. Modify the length of the drain to reflect the length accurately (5.25 miles).		
111.1	Approved TMDLs exist that do not show up on the list of 'Being addressed by USEPA approved TMDLs'. These waters include Arcade Creek, Chicken Ranch Slough, Elder Creek, Elk Grove Creek, Morrison Creek, Strong Ranch Slough, and the San Joaquin River.	When applicable, these waters and pollutants have been recommended for listing in the 'Being Addressed' category of the Section 303(d) list. Morrison Creek for diazinon is being recommended for delisting and the recommendation for Elk Grove Creek for chlorpyrifos is to not list.	Yes
111.2	Commenter recommends not delisting the Sacramento River, Feather River and Morrison Creek for diazinon, which have completed TMDLs. These should be moved to the 'Being Addressed Category'.	On October 25, 2006 the State Water Resources Control Board placed the Lower Feather River, Sacramento River (Knights Landing to the Delta) and Morrison Creek for diazinon on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard.	Yes
123.14	Strongly support the listing of temperature in the Feather River where effluent from the reservoir has impacted this system. We encourage temperature analysis in Region 5 on a waterway-by-waterway basis so that temperature changes from discharge can be tackled.	Comment acknowledged.	No
123.15	Drain water, from irrigated lands with high selenium levels, continues to create levels of this element that are toxic to fish and birds, causing death or birth defects. Strongly support the listing of the San Joaquin River for selenium.	Comment acknowledged.	No
123.6	There is sufficient data not to delist the Feather River, Morrison Creek, and the Sacramento River for Diazinon. We do not believe the samples necessarily represent the temporal and spatial fluctuations in diazinon levels that can occur. Second, the delisting recommendations are inappropriate because they do not take into consideration the known, documented additive effects of diazinon and chlorpyrifos. For a bioaccumulant such as diazinon, we cannot afford to take risks. We encourage future, increased levels of monitoring and reevaluation in two years. Specific studies are cited in the comment letter as recommendation for Board staff to obtain and review.	On October 25, 2006 the State Water Resources Control Board placed this water body pollutant combination on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard. Data submitted to staff for analysis were in compliance with sections 6.1.5.2 and 6.1.5.3 of the Listing Policy for spatial and temporal representation. Staff agrees with commenter that future, increased levels of monitoring and reevaluation for diazinon and other pollutants should be encouraged. Because the mentioned studies were not submitted with the comment letter, the data were not evaluated.	Yes
124.1	Commenter requests that the SWRCB reconsider the proposal to list the Cosumnes River Basin for exotic species, and the Mokelumne River, Bear River, Lower Bear River Reservoir, and Sugar Pine Creek for copper.	Comment acknowledged.	No
124.2, 131.13	Do not list the Comsumnes River Basin for exotic species. The impact of non-native species on native warm fresh water species abundance is	The segments identified in the fact sheet were consistent with the reaches identified in the studies that formed the foundation of the	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	specific to the lower reaches of the watershed, and should be treated accordingly. The proposed listing should state a specific reach of the river. And a specific exotic species should be identified, so that the placement of the river segment on the list can have significance and be used and as a tool for future improvement of it's impaired condition. Specific exotic species were not identified in the upper watershed which is designated as a Cold Freshwater Habitat.	listings. The area impacted is acknowledged to be an estimate of the surface area or length of a water body where the problem exists. The spatial extent will be refined as this problem is addressed in the TMDL. Identification of the spatial extent of impact is not required by CWA, federal regulation, or the Listing Policy. It is provide simply to give readers an idea of the size of the area affected. The Central Valley Basin Plan states that the entire Consumnes River is designated as COLD Freshwater habitat.	
124.3	The listing proposals for the Bear and Mokelumne Rivers for copper were made using data collected under the old flow regime, and in earlier years, using analytical methods that may not be appropriate for 303(d) listing purposes according to the State's Listing Policy.	The data assessed for these listing recommendations meet the requirements of the Listing Policy but do not warrant a recommendation to list the Bear River for copper. The data assessed for the North Fork of the Mokelumne River showed that standards are being met and is not being listed for copper. The fact sheet has been revised to reflect these points.	Yes
131.10	Should the State Water Board conclude that established non-native species are pollutants that are resulting in non-attainment of water quality standards, the State Board should consider whether a non-native species pollutant is suitable for TMDL calculation. If exotic or non-native species do not appear to be suitable for TMDL calculations, the State Board should petition the U.S. EPA Administrator to revise the list of pollutants suitable for TMDL calculation (see §§ 303(d)(1)(C) and 304(a)(2) of the Clean Water Act). Non-native or invasive species should not be on the list of pollutants suitable for TMDL calculation. Central Valley Water Board or State Water Board work to develop an exotic species TMDL would put the State in the awkward position of trying to allocate discharges of pollutants when there are no dischargers.	It is true that exotic species may not be suitable for TMDL calculation. Nonetheless, USEPA found in the late 70's that all pollutants are subject to TMDL calculations. Discussions have occurred with Regional USEPA staff on the suitability of exotic species calculations. At present USEPA has not changed their opinion on this matter.	No
131.1, 216.1, 216.5	The Listing Policy does not address exotic species, nor does any Regional Water Board or State Water Board water quality plan make a distinction between protection of native versus non-native aquatic species. We believe it is premature for the State Water Board, through a 303(d) listing, to identify non-native species as a pollutant. We recommend that prior to any such listing, the Listing Policy be amended to explicitly identify the legal and analytical basis for identifying exotic species as causing non-attainment of water quality standards.	The Listing Policy provides a mechanism to assess beneficial use impacts even if no guideline is available. The listing of exotic species was evaluated during the development of the Listing Policy. Exotic species were excluded because they were then (2004) considered not to be pollutants. The 2005 court ruling changed USEPA's view on the matter.	No
131.11	Porter-Cologne does not provide us with the authority or tools to directly regulate the population and diversity of aquatic species. Absent changes to our statutory authority, it is unclear what type of regulatory program we could construct to regulate the population of established non-native species.	Porter-Cologne does provide the authority to regulate pollution. There are efforts underway by State Lands Commission to address some sources of exotic species to state waterways.	No
131.12, 216.3, 216.4	There is a need to specify which species is causing impairment for exotic species listings.	The listings for exotic species exist because they impair beneficial uses. None of the exotic species listings are based on the species mentioned	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		in the comment letter. The State Board took this approach to remain consistent with the 1998 exotic species listings for the San Francisco Bay Region.	
131.14	Need to identify the Water Quality Objective not Attained. Do not believe that exotic species can be considered a toxic substance as described in our narrative toxicity objective, since the exotic species are not acting as a poison. The Toxicity narrative objective should not be identified as the water quality objective not attained unless the exotic species produces a toxic substance. The Regional Water Board does not have numeric or narrative water quality objectives that apply to exotic or invasive species. Any exotic species listing must reference the appropriate water quality objective.	The objective identified appears to be correct. The toxicity objective seems to apply to measurements of toxicity and also to impacts on species diversity, population density, etc. This objective also seems to be focused on more than chemical constituents as chemicals are addressed specifically under the narrative objective for chemical constituents. The toxicity objective also appears to be a 'catch-all' objective that is worded broadly so it can potentially be applied to emerging situations. While there is no specific water quality objective for exotic species, the existing objectives are general enough to cover the protection of native plant and animal species from the effects of exotic species consistent with the protection of existing beneficial uses as required by the Water Code.	No
131.15	The analytical procedure used by State Board to demonstrate an impairment by exotic species is not clear. The problem with this approach is the effect is being equated to the cause. Changes in relative diversity and abundance of native species may be primarily driven by habitat alteration, flow changes, or hydromodification.	The procedure used to analyze these data is quite simple and the full procedure is described in the fact sheets and staff report. The relationship described between exotic species and native species is not a cause-and-effect relationship. Rather, the Listing Policy allows the use of more precautionary correlation or association approaches. These additional factors mentioned by the commenter could be responsible for the impacts observed and these factors are acknowledged in fact sheets.	No
131.16	More recently, the Resources Agency released an action plan to address the decline of Delta smelt and other open water fish species: (http://www.publicaffairs.water.ca.gov/newsreleases/2005/10-19-05DeltaSmeltActionPlan.pdf). It appears premature to associate exotic species with the decline of pelagic fish in the Delta. We recommend that the State Board more clearly describe the analytical procedure used to make a determination that exotic species are causing non-attainment of water quality objectives.	State Board staff applied sections 3.9 and 3.10 of the Listing Policy, in conjunction with the appropriate beneficial uses to make these exotic species listings. A listing occurred if exotic species showed impairment of the beneficial uses of these water bodies. The procedure used for these listings is in the fact sheets. The data on which these listings are based is sufficient to list.	No
131.18, 131.17	The draft Fact Sheets do not discuss or evaluate a number of the key items identified in the Listing Policy. We recommend that the State Board include information on the status of the fishery over time; identify the rationale for the temperature criteria and averaging period chosen; and discuss the relevance of the criteria to the life stage of the aquatic life (e.g. if the criteria applies to a life stage that occurs seasonally, such as spawning, then only the temperature data for that time period should be compared to the criteria). We understand that Division of Water Rights staff working on FERC relicensing projects on the North Fork of the Feather River may have additional information that could support this	Current and historical fisheries data in the administrative record and provided by the Division of Water Rights was evaluated for the North Fork Feather River and Willow Creek temperature listings. Based on the data, the fact sheets were revised to incorporate this supporting fisheries data. The fact sheets also cite other factors that may contribute to or cause the decline documented in the fisheries data.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Listing decision.		
131.19	The application of sections 3.1 and 4.1 to analysis of standards attainment can break down when the exceedance rate is between 0% and about 9%. Most water quality objectives and criteria for toxic substances are expressed as a maximum (not to be exceeded concentration) or have a very low allowable frequency of exceedance (once every three years). In these cases, the weight of evidence approach outlined in sections 3.11 and 4.11 must be applied to confirm (or provide evidence refuting) the conclusions reached by application of the binomial method described in section 3.1 and 4.1. Our attached analysis suggests that there are a couple of instances in which delisting suggested by application of section 4.1 is not consistent with conclusions that would be reached by a weight of evidence approach. We raise this issue not to suggest any fundamental problem with the Listing Policy, but to point out the need to apply the weight of evidence section of the Policy when low exceedance rate situations are evaluated. A second issue that we identified is the need to evaluate pollutants that exhibit additive toxicity when they co-occur. The application of our narrative toxicity objective requires consideration of the additive and synergistic effects of pollutants with a similar mode of action. We have observed the co-occurrence of diazinon and chlorpyrifos, which exhibit additive toxicity, in a number of waters evaluated in the draft 303(d) list. We believe that co-occurrence must be evaluated to determine whether those pollutants are causing or contributing to an exceedance of water quality objectives.	This is a misinterpretation of the Listing Policy. The statistical procedures work well between 0% and 9% exceedances. The Policy is intended to identify water bodies where the State Board has the best understanding that water quality objectives are not being attained. The issue of one exceedance in three years was addressed and evaluated during development of the Listing Policy. It was determined that the Policy allowed for fair determination of when water quality standards were being met or not met. Please refer to section 3.1 of the Listing Policy. The weight of evidence, refer to sections 4.11 and 3.11, should be applied when there is additional information which supports or contradicts a listing or delisting decision. Data for toxicity and specific pollutants was evaluated in accordance with the policy and if it water bodies were not placed on the list for either it was due to the fact that samples were not found to be exceeding standards.	No
131.20	As part of two pending Basin Planning efforts in the Delta (for mercury and diazinon/chlorpyrifos), we will be identifying the specific Delta waterways, rather than broad areas, to which our Amendments apply. In addition, our NPDES program staff turn to the 303(d) list to help identify which pollutants should potentially be addressed in permits. References to general areas instead of specific waterways can make such identification difficult. We request that the State Water Board identify the specific Delta waterways associated with each pollutant that is currently identified by Delta area.	When the Regional Board Basin Plan amendments have been completed, adopted and approved, the State Board will incorporate these area changes into the section 303(d) list.	No
131.21	American River, South Fork and Slab Creek Reservoir. Mercury: SWRCB: list CVRWQCB: list CVRWQCB comments: Change BU from CM & CO to REC-1 1.American River, South Fork and Slab Creek Reservoir - Mercury: Upper extent should be more limited - closer to Camp Lotus than to Slab Creek Reservoir. First reservoir upstream of Hwy 49 on the S.F. American is Slab Creek. The data comes from the TSMP database.	The REC-1 beneficial use was added to the fact sheet. The fact sheet also cites the extent of the listing. The listing will start below Slab Creek Reservoir and extend to Folsom Lake.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	American River near Hwy 49 is likely the same location as Camp Lotus.		
131.22	Bear River (Amador Co. Lower Bear Reservoir to Mokelumne River, N Fork) - Copper. Agrees with recommendation.	Comment acknowledged.	No
131.23	Agree to list Carson Creek (from WWTP to Deer Creek). Aluminum: Add WARM BU; under Weight of Evidence, item 3., change '2 of the 3 exceeded' to '2 of the 11 exceeded...'	WARM was added and the sample size was changed in the fact sheet and the suggested change was made.	Yes
131.24	Carson Creek (from WWTP to Deer Creek) Copper. SWRCB: list CVRWQCB: list CVRWQCB comments: Add WARM BU.	WARM was added to the fact sheet. The recommendation has been changed to 'Do Not List' because the CTR copper criteria is based on the dissolved fraction which better approximates the bioavailable fraction of copper to assess aquatic life impacts.	Yes
131.25	Carson Creek (from WWTP to Deer Creek). Manganese. Agree with recommendation.	Comment acknowledged.	No
131.26	Clear Lake. Mercury is already on the 303(d) list for mercury.	A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard. The fact sheet recommendation has been changed to 'List in Being Addressed' category of the 303(d) list.	Yes
131.28	Agree to list Deer Creek (Sacramento County) - Iron. Beneficial use should be MUN only.	The beneficial use has been corrected in the fact sheet.	Yes
131.29	Agree to list Del Puerto Creek: Bifenthrin, lambda cyhalothrin, esfenvalerate/ fenvalerate and permethrin producing sediment and/or water toxicity. Beneficial use should only be WARM: already listed for diazinon and chlorpyrifos. Specific pollutants should be listed. Add Basin Plan language to Water Quality Objectives section: 'Discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.'	Only the WARM beneficial use is in the fact sheet. A note has been included on the section 303(d) list that states 'Pollutants of Concern' and will list out these pollutants: Bifenthrin, lambda cyhalothrin, esfenvalerate/ fenvalerate and permethrin. State Board staff felt that the TIEs were persuasive. The objective presented has been included in the fact sheet. The TIEs showed evidence pointing to multiple pyrethroids as the cause of impairment.	Yes
131.3	Evaluation of Attainment of Objectives - commenter has identified a few instances in which the weight of evidence suggests a listing decision when the binomial method suggests delisting. We recommend that the State Water Board apply the weight of evidence listing factor in those cases.	If there are data and information in the record that contradicts the conclusion drawn from the use of the statistical approaches used in the Listing Policy then that information was evaluated independently of the binomial statistical procedure. If nothing else is available in the record then the recommendation was based on the procedures required by the Listing Policy.	No
131.34	Delta Waterways (northern portion) DDT. This pollutant was already on the 2002 303(d) list for DDT.	This water body pollutant combination was not listed on the 2002 303(d) list.	No
131.36	Delta Waterways (northern portion) Mercury. This pollutant is already on the 2002 303(d) list for Hg.	This water body pollutant combination was not listed on the 2002 303(d) list.	No
131.37	Agree to list Delta Waterways (northern portion) - Polychlorinated	REC-1 has been added as a secondary beneficial use to the fact sheet.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	biphenyls. The OEHHA screening value (20 ng/g) was exceeded in the Delta in 1 of 2 samples in 1997, in 0 of 5 samples in 1998, in 4 of 7 samples in 1999, and in 3 of 9 samples in 2000-2002, for a total exceedance rate of 8 of 23 samples (SRWP, 2004), and thus meets the SWRCB listing guidelines (section 3.5 [Table 3.1]).	The recommendation remains as 'List'.	
131.38, 131.35, 131.40, 131.33, 131.32, 131.61, 131.31, 131.30, 131.27	For the Cosumnes River for exotic species, the commenter disagrees with the recommendation to list this water body for this pollutant.	The exotic species data assessed for this listing recommendation exhibited a declining trend in water quality standards attainment in this water body. This listing recommendation met the provisions in section 3.10 of the Listing Policy.	No
131.39	Delta Waterways (southern portion) DDT. Agree with recommendation.	Comment acknowledged.	No
131.4	Identification of Delta Waterways - Delta impairments are currently listed inconsistently - three areas that cover the whole Delta are identified, as well as eight individual Delta waterways within those three areas. The Delta TMDLs, which we will have before our Board within the year, will identify all of the individual Delta waterways to which our TMDLs and water quality objectives apply. We have digitized the Delta waterways to facilitate incorporation into the State Water Board's database. We recommend that the individual Delta waterways be identified, rather than areas, to provide consistency within the 303(d) list and with our upcoming Basin Plan Amendments.	When the Regional Board Basin Plan amendments have been completed, adopted and approved, the State Board will incorporate these area changes.	No
131.41	Feather River (Lake Oroville Dam to confluence with Sacramento River) - Chlorpyrifos. 0.03 mg/L chlorpyrifos on 02/20/2003; 0.35 mg/L chlorpyrifos on 02/19/2004; and 0.051 mg/L on 07/28/2004 exceed the chlorpyrifos acute toxicity criterion of 0.025 mg/L. Additive diazinon and chlorpyrifos levels (1.17, 1.63, and 2.55 on 01/28/2004, 02/19/2004 and 07/28/2004, respectively) out of 106 samples collected from 2000 to 2005 exceeded the additive toxicity threshold value of 1.0. A site-specific water quality objective of 0.080 mg/L for diazinon was used in the additive toxicity calculations. There have been greater than 1 exceedance in every three-year period and, as defined by additive toxicity criterion, this supports the listing. Additive toxicity from both diazinon and chlorpyrifos.	The analysis does not rise to the level required by the Listing Policy for placement of a water body on the section 303(d) list. The analysis of the 1-in-3 year frequency was analyzed during the development of the Listing Policy. The Listing Factors acknowledge for small data sets that at least two sample exceedances are needed for listing but when samples sizes are larger the number of exceedances allowed are adjusted upward to account for the greater possibility that some positive results may in fact be wrong. The staff analysis of this issue is presented in the Final FED supporting the development of the Listing Policy.	No
131.43	Feather River, North Fork (below Lake Almanor) - Mercury. Agree with recommendation.	Comment acknowledged.	No
131.44	Grasslands Marshes - Selenium. Agree with recommendation.	Comment acknowledged.	No
131.45	Grayson Drain (at outfall) - Sediment bioassays--chronic toxicity--	WARM beneficial use has been included on the fact sheet. The other	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Freshwater. Delete CM and Sport Fishing (CA) BUs; leave only WARM BU.	uses have been deleted.	
131.46	Agree to list Ingram Creek (from confluence with Hospital Creek to Hwy 33 crossing) - Bifenthrin, lambda cyhalothrin, esfenvalerate/ fenvalerate and permethrin producing sediment and/or water toxicity. List specific pollutants. Already listed for diazinon and chlorpyrifos. WARM BU only. See comments for Ingram/Hospital Creek and for Orestimba Creek in the 8/26/05 letter from Jerry Bruns to Ken Harris for list of pyrethroids associated with sediment toxicity.	Beneficial use changes have been made. A note was made on the Section 303(d) list for this listing that states 'Pollutants of Concern' and will list out these pollutants: Bifenthrin, lambda cyhalothrin, esfenvalerate/ fenvalerate and permethrin producing sediment and/or water toxicity.	Yes
131.47	Ingram Creek (from confluence with San Joaquin River to confluence with Hospital Creek)-Bifenthrin, lambda cyhalothrin, esfenvalerate/fenvalerate and permethrin producing sediment and/ or water toxicity. SWRCB: list. CVRWQCB: list. CVRWQCB comments: List specific pollutants. Already listed for diazinon and chlorpyrifos. WARM BU only. See comments Ingram/Hospital Creek and for Orestimba Creek in the 8/25/06 letter from Jerry Bruns to Ken Harris for list of pyrethroids associated with sediment toxicity.	Deleted beneficial uses, only the WARM beneficial use is in the fact sheet. A note has been made on the 303(d) list for this listing that states, 'Pollutants of Concern' and will list out all these pollutants: bifenthrin, lambda cyhalothrin, esfenvalerate/fenvalerate and permethrin producing sediment and/ or water toxicity. The TIEs showed evidence implicating pyrethroids as the cause of impairment.	Yes
131.48	Agree to list Kaweah Lake - Mercury. Beneficial use is REC-1. Kaweah Lake - Mercury: Data show two of three bass collected between 1986 and 2001 exceed the 0.3 ppm screening value (TSMP electronic data). Two largemouth bass, 276 and 335mm had wet weight mercury values of 0.390 and 0.517 mg/kg, respectively. Exceedance of two of three fish meets SWRCB listing guidelines (section 3.5 [Table 3.1]).	REC-1 has been added to the fact sheet.	Yes
131.49	Lower Bear River Reservoir - Copper. Agree with recommendation.	Comment acknowledged.	No
131.5	The fundamental difficulty for the Water Boards is the lack of any beneficial uses, water quality objectives, or water quality policies that suggest a difference between our regulatory view of native versus non-native species.	Comment acknowledged.	No
131.50	Main Drainage Canal - Diazinon. Agree with recommendation.	Comment acknowledged.	No
131.51	Agree to list Merced River, Lower (McSwain Reservoir to San Joaquin River) - Mercury. REC-1 beneficial use. Using TSMP data for composites collected in 1998, three of five composites exceeded the screening value of 0.3 ppm, thus meeting the SWRCB listing guidelines (section 3.5 [Table 3.1]). Composites consisted of trophic level four fish with composite average lengths between 319 and 349 mm. A separate study by UC Davis for fish	REC-1 was added to the fact sheet. The listing recommendation remains the same.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	collected in 1999 (four composite samples) did not show impairment; however, they collected extremely small fish, with all of the composite median lengths <=35.5 mm.		
131.52	Agree to list Mokelumne River, North Fork - Copper. Add WARM beneficial use.	WARM was added to the fact sheet.	Yes
131.53	Agree to list Morrison Creek. Chlorpyrifos. Additive toxicity from both diazinon and chlorpyrifos. Morrison Creek - Chlorpyrifos: 0 of 14 samples collected from Morrison Creek at Sunrise Blvd. between 02/10/2001 and 04/24/2003 exceeded the chlorpyrifos acute toxicity criterion of 0.025 mg/L. None of the 3 samples collected from Morrison Creek at Hedge Avenue between 02/10/2001 and 02/19/2001 exceeded the chlorpyrifos acute toxicity criterion. One (0.110 mg/L) of 11 samples collected from Morrison Creek at Franklin Blvd. exceeded the acute chlorpyrifos criterion on 03/23/2003. Three of 11 samples, in addition, collected from Morrison Creek at Franklin Blvd. between 02/19/2001 and 04/24/2003 contained levels of diazinon and chlorpyrifos such that the sum of the diazinon and chlorpyrifos concentrations (relative to their respective acute toxicity criteria of 0.160 mg/L and 0.025 mg/L, respectively) exceed the additive toxicity threshold value of 1.0 on 01/23/2001, 03/23/2003, and 04/13/2003. There have been greater than 1 exceedance for every three-year period and, as defined by the additive toxicity criteria, this supports the listing. Applicable beneficial uses associated with this listing should be WARM and COLD. The extent of impairment is from Elk Grove-Florin Road to Stone Lakes.	The recommendation to list this water body pollutant combination remains unchanged.	No
131.54	Agree to list Natoma Lake - Mercury. REC-1beneficial use only.	REC-1 was added to the fact sheet.	Yes
131.55	Agree to list Orestimba Creek (below Kilburn Road) - Bifenthrin, lambda (cyhalothrin), esfenvalerate/ fenvalerate and permethrin producing sediment toxicity. List specific pollutants. Ingram Creek (from confluence with Hospital Creek to Hwy 33 crossing) and Ingram Creek (from confluence with San Joaquin River to confluence with Hospital Creek) and Orestimba Creek (below Kilburn Road) - Bifenthrin, lambda cyhalothrin, esfenvalerate/fenvalerate and permethrin: See comments for Ingram/Hospital Creek and for Orestimba Creek in 26 August 2005 letter from Jerry Bruns to Ken Harris, for list of pyrethroids associated with sediment toxicity	A note has been made on the 303(d) list for both Ingram Creek fact sheets for pyrethroids, which states 'Pollutants of Concern' and will list out all these pollutants: Bifenthrin, lambda cyhalothrin, esfenvalerate/ fenvalerate and permethrin producing sediment and/or water toxicity.	Yes
131.56	Sacramento River (Keswick Dam to Cottonwood Creek) - Cadmium. Agree with recommendation.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
131.57	Sacramento River (Keswick Dam to Cottonwood Creek) - Copper. Agree with recommendation.	Comment acknowledged.	No
131.58	Sacramento River (Keswick Dam to Cottonwood Creek) - Zinc. Agree with recommendation.	Comment acknowledged.	No
131.59	Agree to list Sacramento River (Red Bluff to Knights Landing) - Mercury. Fish tissue data collected for the Regional Board in 2003 on the Sacramento River between the Keswick Reservoir and Veterans Bridge show impairment on the river as far upstream as Bend Bridge. Staff recommends listing begin at Bend Bridge, just upstream of Red Bluff. Fish tissue data collected for the Regional Board in 2003 on the Sacramento River between the Keswick Reservoir and Veterans Bridge show impairment on the river as far upstream as Bend Bridge. At Bend Bridge, two of six Pike Minnow exceed the screening value of 0.3 ppm, thus meeting the SWRCB listing guidelines (section 3.5 [table 3.1]). At all five locations sampled downstream of Bend Bridge, fish tissue exceedances meet SWRCB listing criteria. Impairment does not appear to extend upstream to Keswick Reservoir. Only the REC-1 beneficial use applies to this listing. Note that we are not suggesting that non-native species should not be addressed. Rather than a 303(d) listing, we suggest that the State Water Board embark on a more deliberative process to identify: 1) the potential scope of the problem; 2) the regulatory authorities and agencies that are or could be involved in the regulation of non-native species populations; 3) the water quality policies that would need to be developed for the Water Boards to regulate non-native species; 4) the potential consequences, impacts, and benefits of regulating the populations of established non-native species.	REC-1 was added as a beneficial use to the fact sheet. Listing has been changed to begin at Bend Bridge, just upstream of Red Bluff. A new fact sheet was added because of this correction to the length of impairment on the Sacramento River. Both fact sheets describe the reasons for this change. There are now fact sheets that list Sacramento River (Cottonwood Creek to Red Bluff) and (Red Bluff to Knights Landing).	Yes
131.60	Salt Slough (upstream from confluence with San Joaquin River) - Selenium. Salt Slough at Crows Landing has been meeting the monthly mean objective of 2 mg/L since February 1998. Does not agree with listing recommendation.	The recommendation has been changed to 'do not list'.	Yes
131.62	San Joaquin River (Merced River to Tuolumne River) - Selenium. 72 (4.5%) 4-day running averages, out of 1,580 calculated 4-day running averages exceeded 5.0 mg/L, for measurements made between 1 January 2000 and 30 June 2005. 5.0 mg/L is the Water Quality Objective for 4-day running averages specified in the Basin Plan. The Water Quality Objective is a maximum value with no allowed exceedances. 0 (zero) instantaneous measurements (out of 1,669 measurements) exceeded the 12 mg/l Water Quality Objective applicable for the San Joaquin River, mouth of the Merced River to Vernalis.	The analysis does not rise to the level required by the Listing Policy for placement of a water body on the section 303(d) list. The analysis of the 1-in-3 year frequency was analyzed during the development of the Listing Policy. In essence, the Listing Factors acknowledge for small data sets that at least two sample exceedances are needed for listing but when samples sizes are larger the number if exceedances allowed are adjusted upward to account for the greater possibility that some positive results may in fact be wrong. The staff analysis of this issue is presented in the Final FED supporting	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		the development of the Listing Policy.	
131.63	Sugar Pine Creek (tributary to Lower Bear Reservoir) Copper. Agree with recommendation.	Comment acknowledged.	No
131.64	Wadsworth Canal. Diazinon. Agree with recommendation. Change reference from 'Siepmann & Finlayson, 2002' to 'Finlayson, 2004'; add WARM BU.	Reference has been corrected and WARM beneficial use was added to the fact sheet.	Yes
131.66	Feather River (Lake Oroville Dam to confluence with Sacramento River) - Diazinon. 12. Feather River (Lake Oroville Dam to confluence with Sacramento River) Diazinon: 0.092 mg/L and 0.097 of diazinon were detected at Yuba City on 01/31/2000 and on 02/01/2000, respectively (Dileanis, P. et al., 2002). Diazinon was detected at mg/L 0.11 mg/L on 01/28/2004 near Verona; all of these values exceed the diazinon acute toxicity Site-Specific Water Quality Objective for the Feather River of 0.080 mg/L. On 02/19/2004, the additive toxicity value for diazinon and chlorpyrifos, based on concentrations of 0.029 mg/L diazinon + 0.020 mg/L chlorpyrifos = 1.16 'TU', exceeding the additive toxicity threshold value of 1.0 (Calanchini, 2004). The acute toxicity criterion of 0.025 mg/L for chlorpyrifos was used in the calculation. A total of 135 samples were collected from 2000 to 2005. There have been greater than 1 exceedance in every three-year period and, as defined by the additive toxicity criteria, this supports the listing.	On October 25, 2006 the State Water Resources Control Board placed the Lower Feather River, Sacramento River (Knights Landing to the Delta) and Morrison Creek for diazinon on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard.	Yes
131.67	Morrison Creek - Diazinon. Do not delete this pollutant. Of 28 samples collected and analyzed for diazinon from Morrison Creek (Spector et al., 2004), three samples collected at Franklin Blvd. between 02/19/2001 and 04/24/2003 exceeded the additive toxicity diazinon + chlorpyrifos objective, with the sum of diazinon and chlorpyrifos concentrations (relative to their respective acute toxicity criteria of 0.160 mg/L and 0.025 mg/L) exceeding the additive toxicity threshold value of 1.0 on 01/23/2001, 03/23/2003, and 04/13/2003 (Spector et al., 2004). Two of 14 samples collected at Brookfield in 2005 by Sacramento Stormwater Quality Partnership, October 2005, contained: 0.25 mg/L diazinon and additive toxicity (2.08) on 1/28/2005; and 0.37 mg/L diazinon on 02/15/2005. There have been greater than 1 exceedance in every three-year period and, as defined by the additive toxicity criterion, this supports the listing. The applicable beneficial uses associated with this listing should be WARM and COLD. The extent of impairment is from Elk Grove-Florin Road to Stone Lakes.	On October 25, 2006 the State Water Resources Control Board placed the Lower Feather River, Sacramento River (Knights Landing to the Delta) and Morrison Creek for diazinon on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard.	Yes
131.68	Sacramento River (Knights Landing to the Delta) - Diazinon. Two diazinon exceedances occurred at Veterans Bridge (Alamar): 0.22 mg/L diazinon on 02/04/2004 and 0.084 mg/L on 01/28/2001. The	On October 25, 2006 the State Water Resources Control Board placed this water body pollutant combination on the section 303(d) list because it was in the opinion of the Regional Water Quality Control Board that	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	concentrations of diazinon and chlorpyrifos measured on 02/19/2004 (relative to their respective objective [diazinon] and criterion [chlorpyrifos]) = 1.63 TUs, which exceeded the additive toxicity threshold value of 1.0. The site-specific acute toxicity water quality objective for diazinon of 0.080 mg/L, and the acute toxicity criterion of 0.025 mg/L for chlorpyrifos, were used for the additive toxicity calculations. A total of 266 samples were analyzed for diazinon from 2000 to 2005. There have been greater than 1 exceedance in every three-year period and, as defined by the additive toxicity criterion, this supports the listing.	standards were not met. A TMDL has been developed and approved by USEPA and an approved implementation plan is expected to result in attainment of the standard. The analysis of the 1-in-3 year frequency was analyzed during the development of the Listing Policy. In essence, the Listing Factors acknowledge for small data sets that at least two sample exceedances are needed for listing but when samples sizes are larger the number if exceedances allowed are adjusted upward to account for the greater possibility that some positive results may in fact be wrong. The staff analysis of this issue is presented in the Final FED supporting the development of the Listing Policy.	
131.69	Sacramento Slough - Diazinon. There have been no reported exceedances of the applicable acute toxicity criterion of 0.160 mg/L for diazinon, out of 109 samples collected from Sacramento Slough from 2000 to 2005, based on analysis of the available data in the data files located under subfolder Sacramento and Feather rivers OP data files. There have been fewer than 1 exceedance in every three-year period and , as defined by the additive toxicity criterion, this does not support listing Sacramento Slough for diazinon.	This newer data has been incorporated into the assessment and the recommendation has been revised.	Yes
131.70	Sutter Bypass - Diazinon. There have been no reported exceedances of the applicable acute toxicity diazinon criterion of 0.160 mg/L, nor have there been exceedances of the diazinon and chlorpyrifos additive toxicity threshold value of 1.0, in the Sutter Bypass in 2000 - 2002 or 2004 - 2005 out of 19 samples (no sample data available for 2003), based on analysis of the available data in the data files located under subfolder Sacramento and Feather rivers OP data files. There have been fewer than 1 exceedance in every three-year period and, as defined by the additive toxicity criterion, this does not support listing Sutter Bypass for diazinon.	Sutter Bypass is being delisted for diazinon from the 2006 303(d) list.	No
131.7	Potential Conflicts with other Agencies and Basin Plan Provisions: The Central Valley Water Board's Basin Plan mentions two non-native species in the definition of the WARM migration and spawning beneficial uses. A generic listing of exotic species would immediately put us into potential conflict with our own water quality standards and with other State programs. Such species include mosquitofish, striped bass, American shad, signal crayfish, grass shrimp, and nonnative warm water game fishes.	None of the exotic species listings are based on the species mentioned in the comment letter. State Board staff approached these listings as a group of organisms. Specific species are identified in the individual fact sheets. This approach was taken to remain consistent with the 1998 exotic species listings for the San Francisco Bay Region.	No
131.71	For the following water bodies, support area changes to: Delta Waterways (Stockton Ship Channel) Delta Waterways (eastern portion)	Comments acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Delta Waterways (western portion) Marsh Creek (Dunn Creek to Marsh Creek Reservoir) Marsh Creek (Marsh Creek Reservoir to San Joaquin River) Salt Slough (upstream from confluence with San Joaquin River)		
131.8	Potential Environmental Justice Issues: A number of non-native species are also species that are fished for sport and possibly subsistence.	Comment acknowledged.	No
131.9	Clean Water Act Pollutant Definition: It is not clear that these Clean Water Act definitions and court interpretations apply equally to invasive species that are discharged from ships and invasive or non-native species that are established in our water ways.	The court ruling made no distinction between invasive species in ballast water and invasive species from other sources.	No
144.1	Supports the continued listing of the San Joaquin River for salinity and boron. The impairment extends downstream of the Mendota Pool to the Airport Way Bridge near Vernalis. San Joaquin County supports that this segment is still impaired for these constituents. The River is frequently in exceedance during certain times of the year and under certain flow regimes. Hence the River no longer supports all of its beneficial uses. Farmers and agricultural crops are suffering with decreases in crop yield and other production impacts.	Comment acknowledged.	No
147.3	Additional lines of evidence to support temperature listings seems prudent. Do not agree with listing the North Fork of the Feather River for temperature because daily, annual and weekly water temperature fluctuations are common in this river, and varies by elevation and river 'micro-habitat'. The cold water fish species that are the focus of the objective vary in their tolerance for high temperatures by season and life stage. The objective may not be suitable for determining an actual threat to the beneficial use. Wherever there are similar circumstances, a temperature for other water bodies should not be warranted.	The temperature criteria established by Sullivan (2000) are appropriate and satisfies the requirements of section 6.1.3 of the Listing Policy. During the review of these temperature values, the temperature conditions of Northern California were taken into consideration. In the absence of site-specific or region-specific values, these guidelines should be used. The temperature data were evaluated with respect to the current and historic presence of cold water fish. It is understood that temperature in streams is not uniform in space or time. However, consistent exceedance of these temperature threshold values is a strong indication that temperature is impairing aquatic life, and that water quality standards are being exceeded. Since there is no clear numeric value for temperature compliance in the Basin Plans, the Sullivan study is a good study that is representative of the protection of aquatic life beneficial uses.	No
212.4	Supports the exotic species listings and Central Valley temperature listings.	Comment acknowledged.	No
216.2	Single criteria line of evidence may not be appropriate for temperature listings. The temperature regime may be consistent with natural conditions. Further studies are needed with regards to temperature in the delta.	The data assessed showed that the water bodies do not meet temperature guidelines.	No
216.6	Additive toxicity needs to be considered in the assessment process.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
217.10	A lot of salts are being imported to the westside and are coming down the San Joaquin River.	Comment acknowledged.	No
218.1	Commenter acknowledges that there is a salinity impairment in the San Joaquin River. When the CVP began operation it caused drainage from the west side of the San Joaquin valley to go into the San Joaquin River at very high salinities. And those salinities continue to enter the river sometimes at amounts at or exceeding 5,000 TDS. The standard we have is EC at Vernalis, but translates approximately 450 or so for TDS. There are 100 miles of waterway with water quality at up to 10 times the standard at Vernalis. The Bureau of Reclamation releases water from New Melones and it comes down the Stanislaus River and enters the channel just upstream of Vernalis, and the BOR tries to meet the Vernalis water quality standard in approximately 400-yard stretch of the river.	Comment acknowledged.	No
219.1, 219.2	Commenter disagrees with the staff recommendation at this time to list the Lower Merced River from McSwain Reservoir to the San Joaquin River as impaired for mercury. Commenter feels that it's not warranted to list the Merced River at this time, because of special circumstances involved in the proposal to list. The lines of evidence on which the staff recommendation is based consist of only 2 fish tissue samples collected in 1998. Both Largemouth Bass and channel catfish are highly mobile and could have easily swum up river. As a result, there is no way of knowing whether these 2 fish ingested mercury while residing in the San Joaquin River or elsewhere. The Listing policy contains guidelines for implementing the policy. And one of the requirements is that samples be representative of the water body segment. It also requires that samples collected within 200 meters of one another are to be considered samples from the same station. Your fact sheet listing for this mercury states that the samples were taken from 1 station at George J. Hatfield State Recreation Area.	While it is true that the samples were collected on the same date in the same location, they represent two different species with different pollutant accumulation characteristics. They also represent two separate samples exceeding water quality guidelines. The assessment is precautious. The data for these species have been incorporated although they may not be year-round residents or natives of this water body, and that there is a possibility these fish species accumulated the pollutant(s) nearby.	No
222.2	Fall River had been channelized in the 1960s. The result was loss of that meadow function that slows water velocity down and allows suspended sediment to settle out in those alluvial flood plains. And also because the velocity is maintained, it exacerbates other channel bank erosion. A Tetra Tech study identified a couple of key things that needed to be done. Primarily, the Bear Creek meadow that had been channelized in the 60s for flood control needed to be restored. That work was completed. It is on private land not managed by Beaty & Associates. But nonetheless, Beaty & Associates were involved in part of the design of that reconstruction. Based on the Tetra Tech report, approximately 50 percent of the sediment entering the Fall River in any one year would be controlled by restoring that naturally functioning hydrologic meadow system, so it slows the water down and allows a lot of sediment to settle out.	These restoration efforts have been acknowledged.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
222.3	Commenter supports the Fall River Resource Conversation District information that was presented at the public workshop.	Comment acknowledged.	No
222.4	There still is an existing slug of sediment in the river. The Tetra Tech report identified that it would take many years to the turn of centuries before that material moved out of the river naturally. The flows and the spring-fed nature of the Fall River just do not lend themselves well to flushing that material out. That was one of the reasons that local public concern prompted the investigation into sediment sources in the Fall River in the early to mid-1990's. By revising the listing and removing silviculture and road-building agriculture from the current stressors, it sends a message to the cooperative land owners that want to do these kind of stewardship projects that their achievements are being recognized. This reduces the amount of regulatory burden on land owners simply because their adjacent to a listed water body.	Comment acknowledged.	No
222.6	Commenter also encouraged the State Board to engage the regional board in a discussion, because the commenter has vetted their opinions through the local people that are involved and are quite knowledgeable about the system, and have got no disagreement at all from them that this was an appropriate time to take this action.	Comment acknowledged.	No
224.1	Commenter supports listings for exotic species in the Delta and Feather River.	Comment acknowledged.	No
225.1	Since there are no water bodies in Plumas County on the 303(d) list, commenter lacks a true understanding of the effects of a temperature impairment listing. A discussion with the County would have been appropriate to inform the County of the proposed listing, deadlines, and potential effects. This did not occur.	Comment acknowledged.	No
225.2	Aware of three letters submitted to the State Water Resources Control Board regarding the Section 303(d) list: Pacific Gas and Electric, the Association of California Water Agencies (ACWA), and the California Regional Water Quality Control Board.	Comment acknowledged.	No
225.4	Commenter would appreciate an invitation to a meeting between the Regional Board and State Board to discuss why the Regional Board does not support the listing.	Comment acknowledged.	No
225.6	The Feather River Coordinated Resource Management Group (CRM) has collected water temperature information that clearly shows that the water leaving the valley floors in the East Branch often exceeds the 21C guideline and contribute to the higher water temperatures experienced in the North Fork downstream of Lake Almanor.	Because the actual data was not submitted with the comment letter, the data could not be evaluated.	No
225.7	A 303(d) listing of the NFFR for temperature impairment would eliminate	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	the Board's flexibility in decision-making on controllable water quality factors		
Staff Report, Volume III, Lahontan Region Fact Sheets			
35.1, 35.4, 35.2, 110.2	The evidence the SWRCB relied upon for Searles Lake is outdated.	The Listing Policy does not put age limitations on data. All data must be considered. The Policy uses the weight-of-evidence approach during data assessment.	No
35.5	There is no freshwater in Searles Lake to support wildlife habitat or migrating waterfowl. Birds are not exposed to hydrocarbons on Searles Lake. An evaluation by the Lahontan RWQCB of the appropriateness of current beneficial use designations for Searles Lake and to consider site-specific beneficial uses was not completed. Access to Searles Lake is restricted at all times except for one weekend in October. The Lahontan RWQCB has not made a determination that Searles Lake is a water body of the United States. At question is whether the Water Boards have programmatic jurisdiction over Searles Lake. Searles Lake is not subject to the Federal Clean Water Act.	Comment acknowledged.	No
35.6	CDFG approved SVM's Section 3005 Mitigation Plan and the combination of avoidance and minimization measures in place represent the use of Best Available Technology.	Comment acknowledged.	No
35.7	Neither the Cleanup and Abatement Order nor the Waste Discharge Requirements address or limit salinity/TDS/chlorides in the brine.	This listing is being brought back onto the 303(d) list because it was taken off in 2002 because a program was in place to address the problem. All data submitted was reviewed and it could not be determined if standards are being met.	No
40.1	Searles Lake is listed for Petroleum products and Salinity/TDS/Chlorides. In 2002, Searles Lake was placed on the Enforceable Programs list with an asterisk that a determination of whether or not this water body is a 'water of the United States' will be made by the Lahontan RWQCB. Request the asterisk be brought forward to the 2006 Water Quality Limited Segments Being Addressed category.	This change has been made.	Yes
40.3	In 2002 an interim agreement between CDFG and IMC Chemicals (commenter); CDFG acknowledged that oil is not a significant cause of bird injuries at Searles Lake. Also a list of data supporting naturally-occurring salinity/TDS/chlorides is attached.	Comment acknowledged.	No
40.4	Searles Lake should be removed for salinity/TDS/chlorides because they are naturally occurring.	The Lahontan Basin Plan does not contain an exclusion for violations of water quality objectives by natural causes (except for nuisance).	No
80.1	Data collected by the Truckee River Watershed Council since 2002	Comment acknowledged.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	indicates there is reason to believe that water quality in Bear Creek is impaired.		
80.2	Commenter requests that Bear Creek remain on the 303(d) list and further water quality assessments be conducted. Also, a comprehensive water quality monitoring plan should be developed and put into place for the Truckee River watershed so that sufficient data are being collected to aid in future listing or delisting decisions.	Comment acknowledged.	No
80.4, 80.7, 80.6, 80.5, 80.3	Reconsider delisting Bear Creek based on three additional years of bioassessment data collected by the Truckee River Aquatic Monitors (TRAM). Commenter recognizes the limitations of their data, but they are presenting the results to show that there is a strong indication of impairment in Bear Creek and that removal from the 303(d) list is premature. Two sets of graphs are presented in the comment letter. The first set is a comparison of Bear Creek for the years 2000-2004. The second set includes data taken entirely by TRAM during 2002 for several different streams in the Truckee River watershed.	The bioassessment data submitted for this water body shows conflicting water quality conditions with what is in the record, however there is no clear evidence that sediment is the cause of the impacts seen in one set of bioassessment data. The data previously used to assess this water body includes several years of turbidity information showing only one sample out of 122 in exceedance of the water quality objective. We agree that more data should be collected in this water body and the commenters suggestion that something other than sediment could be causing the impact seen in this bioassessment data. This data was used to revise the fact sheet for this pollutant water body combination. The recommendation to delist, however remains.	Yes
80.8	A comprehensive water quality monitoring plan needs to be developed and implemented for the Truckee River Watershed.	Comment acknowledged.	No
86.1, 86.2	It is illogical to list Crowley Lake for depressed DO and elevated ammonia which are due to causative factors that have already been identified as natural. They are the result of eutrophication from nutrient-enriched water, mainly N and P. For the reasons N and P were delisted, DO and ammonia should be removed. The elevated ammonia is not man-induced and no TMDL can conceivably be developed to control natural processes. The significant summer algal blooms are largely responsible for the DO depletion and ammonia production.	The Regional Board's Basin Plan does not have numeric water quality objectives (WQOs) for nutrients for Crowley Lake. The BP does have a narrative WQO for 'biostimulatory substances' that can be associated with excessive nutrients. The 'biostimulatory substances' WQO relies on nuisance and adversely affecting the water for beneficial uses to evaluate a water body violation. The Regional Board's basin plan does have numeric water quality objectives for DO and ammonia and these objectives are being exceeded in Crowley Lake. Naturally occurring nutrients are likely the cause of these exceedances', however, the Regional Board's basin plan does not clearly exclude natural conditions from compliance with numeric water quality objectives. Consequently, Crowley Lake must be placed on the 303(d) list for DO and ammonia until these exceedances are reconciled with the water quality objectives in the Lahontan Basin Plan.	No
117.2, 117.1, 130.3, 130.4	Do not list the Susan River for Mercury: The State Water Board Staff Report recommends listing of the Susan River for mercury. The listing is based on two out of four samples, in the TSMP, that exceeded the OEHHA screening values of 0.37 mg/kg, Maximum Tissue Residual Level (MTRL). The MTRL was calculated by multiplying the California	The data assessed for this listing showed water quality standards were not met. TSMP data meets data quality standards as dictated by the Listing Policy. Smaller sample sizes can be used if the frequency of sample exceedances is large, i.e., the number of exceedances is equal to or greater than the minimum number of samples identified using the	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Toxics Rule standard for mercury by a bio-concentration factor. The Susan River should not be listed for mercury because: a. Of the limitations of TSMP data. b. Screening values have not been approved as formal OEHHA criteria. c. The most significant sources of mercury in the Susan River are natural, and the Listing Policy is silent on the issue of natural sources. The State Board should take a comprehensive look at natural sources of mercury during its ongoing development of a statewide water quality objective for methylmercury.	balanced error approach with the binomial approach. Please refer to the Listing Policy (Tables 3.1 and 3.2). To remove water bodies and pollutants from the 303(d) list, additional monitoring data is necessary to show that water quality objectives are no longer exceeded. The issue regarding screening values was addressed during the development of the Listing Policy. The Listing Policy requires the use of guidelines such those presented in the OEHHA report. The OEHHA screening values satisfy the conditions set forth by section 6.1.3 of the Listing Policy. The SWRCB and RWQCBs have flexibility to add, remove or not list waters depending on whether standards are exceeded and without regard to sources or types of pollutants. Natural sources can also cause water quality impairments.	
130.10	Crowley Lake - Concur with listing for dissolved oxygen and ammonia: Lahontan RWQCB recommended and State Board has proposed to delist for nitrogen and phosphorous and list for oxygen and ammonia. Lahontan RWQCB plans to develop site-specific objectives or other Basin Plan amendments. TMDL's will not be developed; however, it is not appropriate to list for oxygen and ammonia until listing issues can be resolved through Basin Plan amendments.	Comments acknowledged.	No
130.11	Searles Lake - Typographical errors on salinity and Do Not List for petroleum hydrocarbons: a. The fact sheet for the 'salinity/TDS/chlorides' listing includes typographical errors. The petroleum hydrocarbon listing was apparently copied and pasted. b. Disagree with listing for petroleum hydrocarbons. Recommendation is dated and does not reflect the current conditions.	Typographical errors have been corrected. Because data was not submitted with the comment letter, data could not be assessed in regards to this comment.	Yes
130.5	New data submitted: Move Aspen, Bryant, and Leviathan Creeks to the 'Water Quality Limited Segments Being Addressed': In May 2000, the USEPA placed Leviathan Mine on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities list, thus becoming a superfund site. Lahontan Region recommends placing these water bodies on the 'Water Quality Limited Segments Being Addressed' category of the 303(d) list.	The subject water bodies have been moved to the 'Water Quality Limited Segments being Addressed' category of the 303(d) list.	Yes
130.6	Bear Creek: Received data and information on the biologic condition of Bear Creek from the Truckee River Watershed Council on January 30, 2006. Requests the opportunity to comment on this new information prior to the State Water Board decision on listing or delisting the water body. This water body is being delisted for sediment.	Data were provided to Regional Board staff.	No
130.7, 130.8	Bodie Creek: New Data - Change from listing for metals and instead list for mercury. Bodie Creek is currently Section 303(d) listed for 'metals'.	The data was reviewed and the recommendation has been changed to list for mercury. This listing will replace the metals listing.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Lahontan RWQCB disagrees with the use of TSMP data and SV criteria; however, based on the results of an impairment verification survey, the Lahontan RWQCB recommends that the listing be refined from the non-specific 'metals' category to 'mercury'.		
Staff Report, Volume III, Colorado River Basin Region Fact Sheets			
52.3, 71.5, 145.8, 145.7	The only evidence provided to support the decision to list the Coachella Valley Storm Water Channel for toxaphene is the results of tissue tests performed on 3 fish consisting of Red Shiner and Tilapia. Neither of these fish species are native to water bodies in the tributaries to the Salton Sea Basin. Red Shiner is a popular bait fish and Tilapia was introduced to the Salton Sea many years ago. Tissue results performed on these fish do not provide sufficient evidence to support the proposed listing. The red shiner collected are likely to have been farm raised where they were exposed to toxaphene when consuming fish food contaminated with toxaphene. Studies show that toxaphene occurs in farm raised fish in concentrations significantly higher than in wild fish. The toxaphene in the Red Shiner and Tilapia tissue is likely the result of toxaphene contaminated fish food used in the fish farming process. It would be inappropriate to use bait fish like Red Shiner that are likely to have been raised in another water body to support the proposed toxaphene listing.	These data meet the requirements of 6.1.4 of the listing policy and are of sufficient quality to be included in the analysis. The listing policy does not make exceptions to the use of non-native fish tissue data.	No
71.1, 145.1	Disagree with the listing for manganese for the Colorado River from the Imperial Reservoir to the California/Mexico Border. Reservation Main Drain 4 (727CRRMD4) is not located on the Colorado River. It is part of the Bard Valley Drains, which is within the Lower Colorado River Basin, but not the lower Colorado River.	The listing for the Colorado River from the Imperial Reservoir to the California/Mexico Border for manganese is being removed from the draft 303(d) list because the sampling station is part of the Bard Valley Drains. The Bard Valley Drains are located on the Quechan Indian Reservation. Indian Reservation lands are not waters of the state.	Yes
71.3, 71.2, 145.2, 145.3, 226.2, 226.3, 226.1	Disagree with the All American Canal (AAC) listing for specific conductance, TDS, and sulfates. The AAC is an extension of the Colorado River constructed for the sole purpose of delivering water from the Colorado River to Imperial and Coachella Valleys for agricultural and municipal use. Annual drinking water reports issued by Imperial Irrigation District clearly indicate that water from the Colorado River conveyed by the AAC achieves all Primary and/or Secondary MCLs, and is of sufficient quality for municipal/domestic supply without treatment to reduce SC, TDS, or sulfate. In summary: the quality of the water in the AAC is virtually identical to that in the Colorado River at the Imperial Dam, which is where water from the Colorado is diverted into the AAC; the quality of the water in the AAC satisfies secondary MCLs (i.e., is within the allowable limits), for SC, TDS, and sulfate, and; pursuant to the State's 303(d) listing Policy, surface waters should be placed on the 303(d) list if a TMDL will resolve the impairment. Developing and implementing TMDLs for the AAC will not be possible without the	Three of 71 water quality samples collected for TDS exceeded the water quality objective. The All American Canal has the MUN beneficial use assigned as an existing use. The All American Canal is a diversion from the Colorado River, which is meant to deliver water for the beneficial uses identified in the Colorado River Basin Plan. The narrative objective for the All American Canal is the same as in the Colorado River, so it is assumed that the numerical objectives for the river are the more appropriate way to interpret the narrative objective in the canal. This approach allows consistency with the Colorado River objective. Based on this approach, reassessment of the data supports a 'Do Not List' recommendation for TDS for the All American Canal. And the All American Canal is not being recommended for listing for specific conductance and sulfates on the 2006 303(d) list.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	assistance and cooperation of states upstream of California that discharge pollutants to the Colorado River.		
71.4	No sample collected from the AAC exceeds 500 mg/l, the health reference level suggested by the USEPA, and the upper secondary MCL level for sulfate (California Code of Regulations, Title 22, Section 64449). In fact, 53 of 66 water quality samples (from 1998-2003) collected from the AAC had sulfate levels within the secondary MCL range of 250 to 500 mg/l, and the remaining had less than 250 mg/l sulfate. Like TDS, sulfate concentrations in the Colorado River result largely from local geology, and climate. Data table is provided within the comment letter.	On October 25th, 2006, the State Board decided to not recommend listing the All American Canal for sulfates.	Yes
71.6, 148.1	Request to delist Palo Verde Outfall Drain (PVOD) for Bacteria Indicators. PVOD was listed in 1993 for pathogen impairment due to high levels of total coliform bacteria, an organism that occurs abundantly in human and animal feces, and in soil. Subsequent studies by USEPA found that E. coli or enterococci are significantly better pathogenic indicators than total fecal coliform, and recommend using the water quality standard for either E. coli or enterococci to protect fresh water recreational use. Forty-one water quality samples were collected from seven locations on PVOD from October 2000 to August 2002 (Data is provided in Table 3 and Figure 6 in comment letter). Only 2 of the 41 samples exceeded the E. coli WQO of 400 MPN/ 100 ml. Therefore the water body should be delisted.	This data was incorporated into a fact sheet for this water body pollutant combination for pathogens. Based on this assessment, data showed standards were being met for this pathogens and the recommendation is to delist Palo Verde Outfall Drain for pathogens.	Yes
76.1	Requests to place Palo Verde Outfall Drain #71540000 in Region 7 on the 303(d) list for DDT to be reconsidered. The data used is as old as 2002. One line of evidence is not sufficient justification. The 4 samples that exceeded were taken over 10 years ago. The data from 1996 to 2002 decreased from less than 50ng/g to 14.3ng/g in 2002.	The Listing Policy does not put age limitations on data. All data must be considered. The Policy uses the weight-of-evidence approach during data assessment. To remove this water body from the 303(d) list, additional monitoring data supporting attainment of standards are necessary.	No
76.2	DDT was banned in 1972. None of the published DDT data from samples for this drain from 1987 to present (14 dates) exceeded the National Academy of Sciences criteria or FDA Action Levels.	The evaluation value for DDT (100 ng/g, OEHHA Screening Value), was exceeded in this water body. To remove this water body from the 303(d) list, additional monitoring data supporting attainment of standards are necessary. While recent values do not exceed; if all data are evaluated together then standards are not met. FDA action levels are not protective of the consumptive beneficial use.	No
76.3	All the management practices implemented and natural processes have already dropped DDT levels almost 7 times below the OEHHA screening value, so a TMDL is not needed.	To remove this water body from the 303(d) list, additional monitoring data is necessary to show that DDT levels no longer exceed the water quality objective.	No
76.4	Since there are no reported samples of DDT in this drain since 2002, perhaps its levels have dropped below action levels and were not reported.	To remove this water body from the 303(d) list using all available data, additional monitoring data is necessary to show that DDT levels no longer exceed the water quality objective.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
145.4	Board staff is incorrectly applying recommended secondary MCLs as enforceable drinking water standards as if these recommended consumer acceptance limits had to be met in order to maintain the municipal beneficial use. The recommended secondary MCL is actually a subjective determination of the level of a constituent associated with a higher degree of consumer acceptance based on taste, odor, or appearance. It is inappropriate for the Board to decide the degree of acceptance for these subjective qualities.	The narrative water quality objective states that discharges of wastes or wastewater shall not increase in concentrations that adversely affect beneficial uses of receiving waters. MCLs were used to interpret the level of protection that is apparently required by the Basin Plans.	No
145.5	Coachella Valley Storm Channel for toxaphene: Commenter would like to identify inaccurate information provided in the proposed listing. The water segment is listed as 'Coachella Valley Storm Channel'. This title is incorrect and fails to specify the specific segment of the Coachella Valley Storm Water Channel that is proposed to be listed. The correct name for this receiving water as listed in the Basin Plan is the 'Coachella Valley Storm Water Channel' and the segment is 'from Lincoln Street to the outlet into the Salton Sea.' The listing also incorrectly identifies 'sediment' for the matrix listed in the lines of evidence. The administrative record contains no sediment data supporting the proposed listing for toxaphene in the Coachella Valley Storm Water Channel.	The water body name has been corrected in the fact sheet.	No
145.6	The Basin Plan for this region does not contain an applicable water quality, standard or objective for toxaphene for the Coachella Valley Storm Drain. There is no data to indicate toxaphene is present in the water body. The National Academy of Sciences guideline for toxaphene is not a water quality standard or objective.	TSMP data was used for the evaluation and this data indicated enough exceedances to result in a listing. The Basin Plan does contain a water quality objective of 0.005 mg/l for toxaphene. The NAS guidelines are the only values available that the State Board is aware of that are scientifically defensible for the protection of aquatic life. Section 6.1.3 of the Listing Policy states that these values can be used and applied.	No
145.9	Board staff has used a binomial test to determine that the 3 of 8 fish tissue samples that exceeded the NAS guideline for toxaphene in the Coachella Storm Water Channel supports this listing. Board staff has determined the minimum number of exceedances that would justify the proposed listing is 2. However, the minimum sample size required to perform a valid binomial test is 16. Simply discarding the bait fish from the evaluation would provide insufficient exceedances to list the water body for toxaphene even when applying the binomial test to a data set that only contains 8 samples. The statistical evaluation of the data set does not provide sufficient evidence to rule out the null hypothesis that less than 3 percent of the samples exceeded the toxaphene guideline. There is no sediment or water quality data indicating toxaphene is present in this water body.	This issue was addressed during the development of the Listing Policy. Table 3.1 of the Listing Policy states that 'the number of exceedances required using the binomial test at a sample size of 16 is extended to smaller sample sizes'. Consequently it is appropriate to apply the Listing Policy provisions to sample sizes less than sixteen.	No
212.10	USEPA supports the Colorado River assessments.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
227.1	There are insufficient exceedances of upper secondary MCLs, and water quality objectives for TDS in the Colorado River.	The Colorado River is not being listed for TDS.	No
	Staff Report, Volume III, Santa Ana Region Fact Sheets		
17.11	The following listings include beneficial uses not included in the Basin Plan: Anaheim Bay PCB listing R8, pg 5: COMM; Huntington Harbour chlordane, Numeric LOE, R-8, pg 24: EST; Huntington Harbour Pb listing, numeric LOE toxicity, R-8, page 27: EST; Huntington Harbour toxicity listing, numeric LOE toxicity, R-8, pg 29, EST; Newport Bay Lower, chlorpyrifos, R-8, page 31: EST; Newport Bay Lower, Cu, numeric LOE, pollutant- sediment and water, R-8, page 33: EST; Newport Bay Lower, DDT listing, numeric LOE, population/community degradation, R-8, page 38: EST, Newport Bay Lower, diazinon, R-8, page 39: EST; Newport Bay Lower, nutrients, R-8, page 41: WARM; Newport Bay Lower, sedimentation/siltation, page 46: WARM; Newport Bay Upper (Eco. Reserve), DDT, numeric LOE pollutant-tissue 1 and 2: WARM; Peters Canyon Channel, DDT, page 65: COMM; Peters Canyon Channel, toxaphene, page 66: COMM; Rhine Channel, Cu, all LOE's, pages 70-73: EST; Rhine Channel, Pb, all LOE's, pages 74-76: EST; Rhine Channel, Hg, all LOE's, pages 77-80: EST; English Canyon, benzo[b]flouranthene, page 66: COMM; San Juan Creek, DDE, page 213: COMM.	These changes have been made. Newport Bay Lower, chlorpyrifos listings have been removed from the 303(d) list; Anaheim Bay PCB, Huntington Harbour chlordane, lead and toxicity, and Newport Bay Lower, Copper and DDT listings have the Marine beneficial use assigned; Newport Bay Lower, diazinon, sedimentation/siltation and nutrients are being placed/remaining on the list in the being addressed category because they have a remedial program in place; Peters Canyon Channel, DDT and toxaphene, and English Canyon, benzo[b]flouranthene, and San Juan Creek, DDE listings have the WARM beneficial use assigned; Newport Bay Upper (Eco. Reserve), DDT, numeric LOE pollutant-tissue have the COMM beneficial use assigned; and the Rhine Channel listings were changed to the Marine beneficial use.	Yes
17.13, 85.5, 103.3, 115.4	Also question the application of the National Academy of Science (NAS) Guideline. This comment applies to: Peters Canyon Channel (DDT and toxaphene), Santa Ana Delhi Channel (toxaphene) and Seal Beach (PCBs).	The NAS values are the only values available that the State Board is aware of that are scientifically defensible for the protection of aquatic life. section 6.1.3 of the Listing Policy states that these values can be used and applied.	No
17.14	Huntington Harbour - Toxicity: The number of exceedances and samples in the fact sheet is different than what is in the data. Review of the data showed 45 out of 60 samples exceeded instead of 63 out of 66 exceeded. There are typographical errors in the 'data used' section. In the 2nd sentence, the 2nd sampling date for dry weather should be: 8/8/01. The data reference is incorrect. It should be the Santa Ana RWQCB, not Bay and Greenstein (2003). There was a typographical error in 'Environmental Conditions'. The dates associated with the wet and dry seasons are reversed. Should read: 'Samples were collected during DRY (8/7/01, 8/8/01), and WET season (2/24/03). Spatial Representation: Data were available for 32 stations (no data were included for stations 40, 45, 48, 61, and 67.) The Estuarine beneficial use category is not in the Basin Plan for this water body.	The number of samples exceeding were corrected in the fact sheet as requested. The beneficial use was changed in the fact sheet. The chemical data was located and the reference was corrected.	Yes
17.2, 85.2, 103.28, 115.16, 129.10, 243.2	Do not list the Santa Ana Delhi Channel for toxaphene because the fish tissue objective (NAS Guidelines) cited is very out of date. The SWRCB should evaluate the USACOE Environmental Residue-Effects Database	Since this water body is gated and has no applicable beneficial uses, this fact sheet has been removed from the draft 303(d) list recommendations.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	and the paper 'Linkage of effects to Tissue Residue: Development of a Comprehensive Database for Aquatic Organisms Exposed to Inorganic and Organic Chemicals' by Jarvinen and Ankley, 1999. The samples are too old. No exceedances have been observed in the most recent 3 years. Striped Mullet is believed not to be a resident, thus the only 1 sample in exceedance was from a Red Shiner, which is a resident species. REC-1 is not a beneficial use in the Basin Plan for this water body. No beneficial uses are in the Basin Plan for this water body.		
17.3, 104.4, 104.3, 140.3, 140.10, 243.3, 244.3, 244.2, 244.1	Questioning the appropriateness of the use of the OEHHA screening values from Brodberg and Pollock (1999). This comment applies to: Anaheim Bay (PCBs), Balboa Beach (dieldrin, PCBs), Huntington Beach State Park (PCB's), Seal Beach (PCBs), and Upper Newport Bay (PCBs).	This issue was addressed during the development of the Listing Policy. The Listing Policy requires the use of guidelines such as those presented in the OEHHA report. The OEHHA screening values satisfy the conditions required by section 6.1.3 of the Listing Policy.	No
17.4	Do not list Anaheim Bay for PCBs for the COMM beneficial use because it is not included in the Basin Plan for this water body. There is a typographical error in the 'data used' section. The second sentence should read 'All 4 samples were filet composites'. Please correct.	The COMM beneficial use for Anaheim Bay has been removed. The listing decision was changed from 'List' to 'Do Not Delist' as detailed in the revised fact sheet.	Yes
17.5	For Anaheim Bay for toxicity: the number of exceedances and samples in the fact sheet is different than what is in the data. Review of the data showed 19 out of 59 samples exceeded. Also the fact sheet says that data were collected at 35 stations. The data shows data collected at 33 stations (no data were included for stations 22 and 26.) Please make corrections.	The corrections requested have been made to the fact sheet for this listing.	Yes
17.6	For the Huntington Harbour chlordane and lead listings: Do not list based on the EST beneficial use and make the following corrections: Numeric line of evidence - Sediment: The number of exceedances and samples in the fact sheet is different than what is in the data. Review of the data showed 7 out of 60 samples exceeded instead of what the fact sheet shows: 7 out of 66 exceeded. There is a typographical error in the 'data used' section The data reference is incorrect. The data used was provided by the Santa Ana Regional Water Quality Control Board, not Bay and Greenstein (2003). The fact sheet also says samples were collected at stations 36 thru 72 in Huntington Harbour. Data were available for 32 stations (no data were included for stations 40, 45, 48, 61, and 67).	The number of samples exceeding and typographical errors were corrected in both lines of evidence for both lead and chlordane. The beneficial use was also changed to Marine Habitat for all fact sheets. The chemical data reference was corrected in the fact sheets.	Yes
45.1	The San Mateo Creek, which is a tributary to the Santa Ana River, has been on the EPA 305(b) list since at least 2005, and it is not on the 303(d) list as impaired. Why not?	The purpose of the Section 305(b) report is to present to the U.S. Congress and the public the current conditions of the state's waters. Section 305(b) of the federal Clean Water Act requires each state to prepare a water quality assessment report every two years. The USEPA compiles the information from the state reports and prepares a summary for Congress on the status of the nation’s waters. The California State	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		305(b) report has been prepared in accordance with USEPA guidelines for preparation of 305(b) reports. The difference between the 305(b) report and the 303(d) list is that the 305(b) report is a state-wide assessment of beneficial use protection where the 303(d) list reports just on the waters of the state that do not meet water quality standards. There has been no San Mateo Creek data submitted to the State Water Board for evaluation of pollutants.	
82.2	The delisting of Lake Elsinore for sediment/siltation is supported.	Comment acknowledged.	No
85.1	Several listings in Orange County are based on a small number of samples from one location. One location is not representative of the water body and should not be the basis for listing.	Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allow broad discretion in determining whether or not a sample represents a water body. Single sampling locations can be used under the provisions of the Policy.	No
89.1	Do not list Peters Canyon Channel as impaired for DDT and toxaphene. The data was sampled at one location. The Channel flows for several miles and the data is not representative of the entire water body. Commercial and Sport Fishing is identified as the beneficial use. This beneficial use is not listed as a beneficial use in the Santa Ana RWQCB's Basin Plan for this water body. There cannot be an impairment for a beneficial use that doesn't exist. Also the commenter is concerned that the most recent data is not being used. The most recent data shows no exceedances. This listing is based on older data which does not represent water quality as it is currently.	The beneficial use has been changed to WARM. The Listing Policy does not put age limitations on data. All data must be considered. The Policy uses the weight-of-evidence approach during data assessment. Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allow for sampling of data at one location if the sampling is representative of the condition of the water body. To remove water bodies from the 303(d) list, additional monitoring data is necessary to show that water quality objectives have been met.	Yes
103.12	For Anaheim Bay - toxicity: To be consistent with protocol utilized by SCCWRP as part of the Southern California Bight studies, the impairment threshold should be 85% and not 90%. Regional Board staff notes that use of 85% threshold does not change the proposed listing. The fact sheet, however, should be revised to indicate the correct number of samples that exhibit toxicity in the sediment (2 out of 29 samples in the dry season and 17 out of 30 samples in the wet season). Water column toxicity data collected as part of the same Regional Board study does not appear to have been assessed.	The assessment of toxicity used in the SCCWRP study was used in the listing assessment and the fact sheet has been revised to acknowledge this point. The sample sizes were changed in the fact sheet as requested.	Yes
103.13	Balboa Beach for DDT: Evaluation guideline reference should not include reference to the Newport Pier Health Advisory. The OEHHA screening value as specified in the FED is the correct evaluation guideline reference. The fact sheet could note that there is a Fish Advisory for DDT and PCBs.	This correction has been made to the guideline in the fact sheet. The advisory has been cited in the fact sheet as well.	Yes
103.14	Balboa Beach for dieldrin: Evaluation guideline reference should not include reference to the Newport Pier Health Advisory. The OEHHA screening value as specified in the FED is the correct evaluation guideline reference. There is no Fish Advisory for dieldrin.	This correction has been made to the guideline in the fact sheet.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
103.15	Balboa Beach for PCB's: Evaluation guideline reference should not include reference to the Newport Pier Health Advisory. The OEHHA screening value as specified in the FED is the correct evaluation guideline reference. The fact sheet could note that there is a Fish Advisory for DDT and PCBs.	This correction has been made to the guideline in the fact sheet.	Yes
103.16	Big Bear Lake for Hg: As noted above, Big Bear Lake is already on the 303(d) list for mercury and therefore, this listing and Fact Sheet are not needed. Nonetheless, there are additional data not in the record or in the references used in this 2004 303(d) listing process that lend further support to appropriateness of the existing mercury listing. These data will be submitted upon request by State Board staff. MI (fish migration), COMM (commercial and sport fishing) and SP (fish spawning) are not designated beneficial uses of Big Bear Lake. WILD beneficial use should be added to the list. There are references for Big Bear Lake and its tributaries listed in Appendix 2; however, it is unclear how those references were used for the mercury listing (e.g., Santa Ana RWQCB. 1995b, 2000b, 2001h, 2002k, 2002m and 2005b). Data reference refers to TSMP data from 1992-2002 (TSMP, 2002), but the temporal representation shown in the fact sheet is for samples collected between May 1984 and July 2000. If samples collected prior to 1992 were not evaluated, then the data used to assess water quality, as shown on the fact sheet, are incorrect. For example, only 2 out of 23 composite samples would exceed the OEHHA screening values. Please clarify whether data collected prior to 1992 were included in this analysis and if not, why.	Data was originally incorrectly cited in the fact sheet and this was corrected. Since this water body pollutant combination was already on the 2002 section 303(d) list, the decision was changed to 'Do Not Delist' on the draft 2006 section 303(d) list. The COMM beneficial use is used because sportfishing is an existing use and therefore must be protected. WILD was added to the fact sheet as an additional beneficial use. The data mentioned that is in the administrative record did not substantiate any additional supporting data for this listing.	Yes
103.17	Big Bear Lake for PCB's: COMM (commercial and sport fishing) is not a designated beneficial use of Big Bear Lake. WILD, COLD, WARM, RARE and WILD beneficial uses should be added to the list. There are references for Big Bear Lake and its tributaries listed in Appendix 2; however, it is unclear how those references were used for the PCB listing (e.g., Santa Ana RWQCB. 1995b, 2000b, 2001h, 2002k, 2002m and 2005b).	The COMM beneficial use is used because sportfishing is an existing use in this water body and therefore must be protected.	No
103.18	Huntington Harbour for Toxicity: To be consistent with protocol utilized by SCCWRP as part of the Southern CA Bight studies, the impairment threshold should be 85% and not 90%. Regional Board staff notes that use of 85% threshold does not change the proposed listing. The fact sheet, however, should be revised to indicate the correct number of samples that exhibit toxicity in the sediment (20 out of 30 samples in the dry season and 27 out of 30 samples in the wet season).	The assessment of toxicity used in the SCCWRP study was used in the listing assessment and the fact sheet has been revised to acknowledge this point.	Yes
103.19	Newport Bay, Lower for Chlorpyrifos: No TMDL established for chlorpyrifos and no remedial program is needed. No evidence of impairment due to chlorpyrifos. Fact sheet not needed.	The fact sheet has been deleted in response to this comment.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
103.20	Newport Bay, Lower for DDT: Regarding the use of Bay and Greenstein (2003), this report summarized data obtained in the SCCWRP sediment toxicity study performed under the American Trader Settlement. The report includes additional data obtained under separate contract with USEPA. The appropriate reference for the Newport Bay sediment toxicity study is Bay, et al. (2004); note that some data were revised in the 2004 final report and, therefore, differ from data reported in Bay and Greenstein (2003). Furthermore, the May 2002 data mentioned in the fact sheet are not included in Bay, et al. (2004). Tissue exceedances (16 of 51 samples) are referenced as TSMP (2002). The correct reference is Allen, et al. (2004). Toxicity results are referenced as Bay and Greenstein (2003), but the temporal representation and data quality information appear to pertain to the BPTCP. Need to ensure data results and references match. This comment also applies to the population/community degradation line of evidence for Lower Newport Bay. See staff's impairment assessment for Lower Newport Bay for a more comprehensive evaluation.	BPTCP is now cited as the data reference in the toxicity fact sheets. For the tissue fact sheets the reference has been corrected.	Yes
103.21	Newport Bay, Upper for DDT: The same issue that was described above for use of the Bay and Greenstein (2003) vs. BPTCP reference applies in this section. Temporal representation does not match with the Bay and Greenstein reference. Also tissue data were referenced to Bay and Greenstein (2003), and the correct reference is Allen et al. (2004).	The references have been corrected in the fact sheet.	Yes
103.22	Newport Bay, Upper for Diazinon: No TMDL established for diazinon and no remedial program is needed. Fact sheet not needed.	The fact sheet has been deleted in response to this comment.	Yes
103.23	Peters Canyon Channel for DDT: As noted above, Santa Ana Regional Board staff does not support the proposed listing of Peters Canyon Channel for DDT. Board staff believe only data collected during the past 10 years should be used in performing the impairment assessment, since DDT is no longer used and concentrations have declined dramatically in the environment since its use was restricted in the 1970s. TSMP data collected from 1995-2002 (n=11) showed one exceedance of the NAS guideline (1000 ppb ww). That number does not meet the minimum number of exceedances required for listing under the State's Policy. CM (Commercial and Sport Fishing) is not a designated beneficial use for Peters Canyon Wash.	The beneficial use was changed to WARM. The Listing Policy does not put age limitations on data. All data is considered during the listing process.	Yes
103.24	San Diego Creek Reach 1 for Fecal Coliform: As noted above, San Diego Creek, Reach 2 is already on the 303(d) list for fecal coliform. No TMDL established for fecal coliform and no remedial program is in place.	The fact sheet has been deleted in response to this comment.	Yes
103.25	San Diego Creek Reach 1 for Se: The weight of evidence data does not match references. Data from USEPA's Toxic TMDLs (June 2002) added as well as new data from the County of Orange Storm Water Program	The water body pollutant combination is already on draft 303(d) list. Since the data did not change the decision, the new data provided was not incorporated into the fact sheet.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	and a report on Sources of Se, As and nutrients in the Newport Bay Watershed completed by UC Riverside and CSU Los Angeles under contract to the SWRCB (Meixner et al., 2004). See attached fact sheet with suggested revisions and addition of new data.		
103.26	San Diego Creek Reach 1 for Zinc--Remove from the List: The listing is incorrect - based on data, 4 of 4 water samples do not exceed CTR criteria (Table 6, Bay et al. 2003. Investigation of Metals Toxicity in San Diego Creek). Should be listed under 'Do Not List'.	These data have been reviewed and the analysis modified.	Yes
103.27	San Diego Creek Reach 2 for Unknown Toxicity: As noted above, San Diego Creek, Reach 2 is already on the 303(d) list for unknown toxicity and therefore, this listing and Fact Sheet are not needed. No TMDL established for unknown toxicity and no remedial program is in place.	The fact sheet has been deleted in response to this comment.	Yes
103.31	Fact sheets for Big Bear Lake (mercury) and San Diego Creek (fecal coliform) should be deleted from the category of Fact Sheets Supporting the Listing. These water bodies/pollutants are already on the 303(d) list and should not be deleted from the 303(d) list.	The decision for Big Bear Lake as impaired for mercury has been changed to 'Do Not Delist'. And the fact sheet for San Diego Creek, Reach 1 as impaired for fecal coliform has been deleted.	Yes
103.32	Newport Bay, Lower for sediment toxicity: Sediments in Lower Newport Bay have been found to be highly toxic. Because TIEs have not unequivocally identified the toxicant(s), Regional Board staff recommends listing Lower Newport Bay for unknown toxicity. Evidence in support of listing: Bay Protection and Toxic Cleanup Program (BPTCP) (1994-1997). Eleven sites sampled in Lower Newport Bay. Five out of 11 sediment samples were toxic to amphipods (Rhepoxynius). Ten out of 11 samples showed porewater (100%) toxicity to purple urchin larval development. Spearman Rank Correlation testing showed significant correlation between amphipod toxicity and urchin development toxicity, and chemistry, for total chlordane, total PCB, and DDTs. Four out of 11 sites showed degraded benthic communities (benthic index of 0-0.3); Four out of 11 sites were transitional (benthic index = 0.31-0.6); and 3 out of 11 sites were undegraded (benthic index = 0.61-1). The benthic indices for Newport Bay were significantly correlated with DDE. BIGHT '98 - Toxicity to amphipods was measured at 11 stations: 5 were highly toxic, 4 were moderately toxic, 2 were nontoxic. During BIGHT '98, the highest number of highly toxic samples observed in the Bight came from Newport Bay. BIGHT '03 - Toxicity to amphipods was measured at 8 stations: 5 were highly toxic, 2 were moderately toxic, and 1 was nontoxic to amphipod survival. SCCWRP Sediment Toxicity Study (2004) - In September 2000, 3 out of 4 stations showed sediment toxicity to amphipod survival; 1 out of 3 stations had water column toxicity to sea urchin fertilization and development; no stations showed sediment-water interface toxicity. In May 2001, 3 out of 4 stations had sediment toxicity to amphipods. No TIE was performed on Lower Bay sediments.	A supporting line of evidence in the fact sheet was added that shows the inclusion of these data. Based on the data assessment, enough samples exhibited toxicity and because of this, Lower Newport Bay is now being recommended for listing for sediment toxicity.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
103.33	Newport Bay, Upper for sediment toxicity: Toxicity and benthic community degradation – Upper Newport Bay. Bay Protection and Toxic Cleanup Program (BPTCP) (1994-1997). Six sites sampled in Upper Newport Bay (total of 8 samples; n=8). Two out of 8 sediment samples were toxic to amphipods (Rhepoxynius). Six out of 6 sites sampled showed porewater (100%) toxicity to purple urchin larval development. Spearman Rank Correlation testing showed significant correlation between amphipod toxicity and urchin development toxicity, and chemistry, for total chlordane, total PCB, and DDTs. Three out of 8 sites showed transitional benthic communities (benthic index of 0.31-0.6), intermediate between degraded and undegraded communities. The benthic indices for Upper Newport Bay were significantly correlated with DDE. SCCWRP Sediment Toxicity Study (2004) - In September 2000, reduced amphipod survival was measured in sediments at 3 out of 5 of the sites sampled. One site had 99% mortality. Sediment-water interface was not toxic to sea urchin fertilization, and was toxic to sea urchin development at 1 site. In May 2001, 3 out of 5 sites showed sediment toxicity to amphipods, and the sediment-water interface was toxic to sea urchin fertilization at 2 sites. The TIE concluded that the primary toxicant was likely nonpolar organic pollutants. The authors speculate that toxicity may have been caused by pyrethroids and the source of toxicity was not unequivocally identified. While concentrations of DDTs, chlordane and PCBs were not likely to be high enough to independently result in toxicity according to the authors, there was no evidence to conclude that these pollutants did not contribute to the toxicity that was observed. There was a statistically significant relationship between concentration of total DDT and amphipod survival.	A supporting line of evidence in the fact sheet was added that shows the inclusion of these data. Based on the data assessment, enough samples exhibited toxicity and because of this, Upper Newport Bay is now being recommended for listing for sediment toxicity.	Yes
103.35	Rhine Channel for Zn: Bay Protection Toxic Cleanup Plan (BPTCP) (1994 - 1997). Two out of the 2 samples exceeded the California's Toxic Rule (CTR of 81ug/L). Chemistry & Toxicity in Rhine Channel Sediments - Bay/Brown (SCCWRP) Tech. Rpt. 391 (May 2003). Three out of 20 sediment samples exceed the Sediment Quality Guideline (SQG of 410 ug/g dw). Southern California Coastal Water Research Project (SCCWRP): Newport Bay Sediment Toxicity Studies - Bay/Brown Tech. Rpt. 391 (May 2003). Seven out of 15 sediment samples were toxic (< 50%) to sea urchins during development, and 7 out of 15 sediment samples exhibited less than 50% survival to amphipods. Note that TIEs were not successful in accurately identifying toxicants.	The data from the Sediment Toxicity Studies for Newport Bay was evaluated for zinc. A supporting fact sheet was created that shows the inclusion of these data. Based on this data assessment, enough samples were in exceedance of the CTR and sediment guidelines, and because of this, Rhine Channel is being recommended for listing of zinc.	Yes
103.36	Rhine Channel for Sediment Toxicity: Toxicity - BPTCP (1994-1997). One of 1 site in Rhine Channel had sediment toxicity to amphipods, porewater toxicity to purple urchin larval development, and a transitional benthic community status. So. CA Coastal Water Research Project (SCCWRP): Newport Bay Sediment Toxicity Studies - Bay/Greenstein Tech. Rpt. 433 (June 2004) found NB3 (Rhine Channel) sediment was	A supporting line of evidence was added to the fact sheet that shows the inclusion of these data. Based on the data assessment, enough samples exhibited toxicity and because of this Rhine Channel is now being recommended for listing of sediment toxicity.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	toxic to amphipods and sea urchins during development. Southern California Coastal Water Research Project (SCCWRP): Newport Bay Sediment Toxicity Studies - Bay/Brown Tech. Rpt. 391 (May 2003). Seven out of 15 sediment samples were toxic (< 50%) to sea urchins during development, and 7 out of 15 sediment samples exhibited less than 50% survival to amphipods. Note that TIEs were not successful in accurately identifying toxicants.		
103.38	San Diego Creek Reach 1 for Toxaphene: Recommend that San Diego Creek Reach 1 be listed for Toxaphene based on the following evidence: The TSMP measured pollutant concentrations in red shiner whole fish tissue composites at two stations in San Diego Creek Reach 1 between 1995-2003. During that time, fish tissue toxaphene concentrations exceeded the NAS guideline (100 ppb ww) in 4 out of 13 samples obtained.	This information was added to a fact sheet for San Diego Creek Reach 1 and the recommendation is to 'List' for toxaphene.	Yes
103.39	San Diego Creek Reach 2 for Chlorpyrifos: Water body should be placed in the Water Quality Limited Segments Being Addressed category of the section 303(d) list because a TMDL has been approved by USEPA and an implementation plan has been approved.	San Diego Creek Reach 2 is currently not on the 303(d) list nor is it being recommended for addition to the list. However, San Diego Creek Reach 1 is being recommended for listing in the Being Addressed category of the section 303(d) list for chlorpyrifos.	Yes
103.4	Recommend that data reported in Bay et al. (2004) as well as the additional monitoring data reported in Bay and Greenstein (2003) be used in impairment assessments for water bodies in the Newport Bay watershed.	The data contained in both of these reports has been reviewed. Fact sheets and decisions were modified as needed.	Yes
103.40	Request that San Diego Creek Reach 1 for Selenium be listed on the 303(d) list. The Santa Ana RWQCB has submitted supporting data on a CD with comment letter.	Existing data in the administrative record already supports the recommendation to list this water body pollutant combination on the section 303(d) list. The fact sheet details the data used to support this recommendation.	No
103.6	Agree with the following proposed additions (summary): Anaheim Beach for PCB's and toxicity; Balboa Beach for DDT, dieldrin and PCB's; Big Bear Lake for PCB's; Lake Elsinore for PCB's; Huntington Beach State Park for PCB's; Huntington Harbor for chlordane, Pb and toxicity; Newport Bay (Lower) for Cu, DDT, fecal coliform, nutrients, PCB's and sedimentation/siltation; Newport Bay (Upper - Ecological Preserve) for chlorpyrifos, Cu, DDT, fecal coliform, nutrients, PCB's and sedimentation/siltation; Peters Canyon Channel for toxaphene; Rhine Channel for Cu, Pb, Hg, and PCB's; San Diego Creek, Reach 1 for nutrients, sedimentation/siltation, and selenium, San Diego Creek Reach 2 for diazinon, nutrients, sedimentation/siltation and unknown toxicity; and Seal Beach for PCB's.	Comment acknowledged.	No
103.8	Agree with the delisting of Lake Elsinore for sedimentation/siltation.	Comment acknowledged.	No
115.10	Lower Newport Bay for DDT should not be listed because the toxicity and	The toxicity and biological degradation fact sheets have been changed	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	degradation data referred to was not in Bay and Greenstein (2003) or Bay et al. (2004). Neither report refers to community degradation. The references are incorrect. Older samples generally exhibit higher concentrations of DDT. Newer samples should be weighed more heavily than older data. The OEHHA value should be used to evaluate concentrations in sport fish only. Concentrations of recent samples of resident sport fish are well below the OEHHA guideline value of 100ng/g, over a 70-year lifetime it is 1200 ng/g. The data is too old to be temporally representative. Most data indicate that compounds other than DDT are responsible for both sediment toxicity and community effects. Continue to collect additional data. The fish tissue data are listed as inhibiting the MA, RA, SP, and WI beneficial uses, all of which are related to marine habitat.	for Lower Newport Bay for DDT to cite BPTCP as the data reference. The Listing Policy does not establish age limitations on data. All data must be considered, even older data. To remove this water body from the 303(d) list, additional data is necessary. For the fish tissue fact sheets the COMM beneficial use was cited.	
115.1	The 5 proposed compound-specific listings focus on 5 primary contaminants, which are not likely causing toxicity problems in the watershed. These listings will divert resources away from contaminants actually causing the toxicity problems. Newport Bay was listed for metals and pesticides which gave the Regional Board flexibility to focus resources on those chemicals causing problems.	Based on the trends graphs and figures provided, it cannot be determined what the causes and impacts are based on the decline of these pollutant concentrations in the watershed without additional supporting data.	No
115.11	Do not list Lower Newport Bay for PCB's because the third line of evidence mistakenly cites 10 of 50 tissue samples exceed, when it should be 9 of 51 samples exceed. Toxicity data referred to was not in Bay and Greenstein (2003) or Bay et al. (2004). Bay and Greenstein (2003) report no toxicity results from their 2001 and 2002 sampling, and Bay et al. (2004) report toxicity results from sampling conducted in 2000 and 2001. The samples are too old to be temporally representative. Exceedances are assessed based on an OEHHA value, which assumes 70 years of consumption at these concentrations, when the concentrations are shown to be declining. Evidence suggests that sediment toxicity is not related to PCB's; Bay et al. (2004) explicitly state that. None of the 3 sediment samples exceeded a sediment quality guideline for PCB's of 400ng/g.	The third line of evidence was changed to show 9 exceedances of 51 samples. The toxicity fact sheet has been changed to cite BPTCP as the data reference. The Listing Policy does not put age limitations on data. All data must be considered, even older data. To remove this water body from the 303(d) list, additional data is necessary to determine that water quality objectives are being met. State Board staff concurs that none of the 3 sediment samples exceeded the objective. The fact sheet reflects this.	Yes
115.12	Do not list Upper Newport Bay for copper because the first data set is an incorrect reference to Bay and Greenstein (2003). The sampling dates don't correspond with sampling reported in Bay et al. (2004). The actual reference is unclear. Toxicity data referred to are not contained in Bay and Greenstein or Bay et al. Bay and Greenstein (2003) report no toxicity results from their 2001 and 2002 sampling, and Bay et al. (2004) report toxicity results from sampling conducted in 2000 and 2001. Only 2 exceedances of the CTR saltwater criterion form the basis for this listing, which is too few. The sample size of 4 is too small. Of 2 sediment samples reported in Bay and Greenstein (2003), none exceeded the ERM sediment guideline for Cu. The data is too old. The SWRCB	The toxicity fact sheet has been changed to cite BPTCP as the data reference. The correct reference is cited in the fact sheet. Based on the Listing Policy, a sample size of four with two samples exceeding is allowable. This is enough to list the water body for copper. The Listing Policy does not put age limitations on data. All data must be considered. To remove this water body from the 303(d) list, additional data is necessary to determine that water quality objectives are being met. When sediment quality objectives have been approved, they will be used in the listing assessments.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	sediment objectives should be the basis for listings based on sediment data.		
115.13	Do not list Upper Newport Bay for DDT because the toxicity and degradation data referred to was not in Bay and Greenstein (2003) or Bay et al. (2004). Bay and Greenstein (2003) report no toxicity results from their 2001 and 2002 sampling, and Bay et al. (2004) report toxicity results from sampling conducted in 2000 and 2001. Bay and Greenstein (2003) has no fish tissue data. The data referenced appears to be Allen et al. (2004). The data is too old to be temporally representative and community degradation appears to be linked with other constituents other than DDT. Sediment toxicity data reported by Bay et al. (2004) is not clearly linked with DDT. The authors note that sediment toxicity is uncorrelated with DDT. The diamond turbot sample is old. Accounting for decline in DDT has not been done in the use of the OEHHA value or analysis of trends over time. Exceedances in non-resident fish tissue samples does not mean the water body is impaired for DDT.	The toxicity and biological degradation fact sheet has been changed to cite BPTCP as the data reference. The tissue data fact sheet now cites Allen et al. (2004) as the reference. Based on the Listing Policy, a sample size of four with two samples exceeding is enough to list a water body. The Listing Policy does not put age limitations on data. All data must be considered. Data for fish species have been incorporated although they may not be year-round residents or natives of this water body, and that there is a possibility these fish species accumulated the pollutant(s) in another water segment. However, this data cannot be ruled out without further additional data to support the removal of this water body from the 303(d) list by meeting water quality standards.	Yes
115.14	Do not list Upper Newport Bay for PCB's because 1 of 23 tissue samples from M.J. Allen et al. (2004) exceeded the OEHHA value for PCB's. This exceedance was noted by the SWRCB after publishing the summary fact sheet to justify the listing, but did not show up in the document. The OEHHA value is not explicitly cited as the value to which this data was compared. Sediment toxicity data referred to was not in Bay and Greenstein (2003) or Bay et al. (2004). Sediment toxicity data reported by Bay et al. (2004) is not clearly linked with PCB's. Only 1 of the 3 tissue exceedances was for a fish that is believed to be a year-round resident, the other 2 samples are from species believed to be non-resident species. Accounting for decline in PCB's has not been done in the use of the OEHHA value or analysis of trends over time. None of the 4 sediment samples exceeded the sediment quality guideline for PCB's of 400ng/g and hence this should not justify sediment toxicity.	The fish tissue data set was changed to state one of 23 samples exceeded. The toxicity fact sheet was changed to cite BPTCP as the data reference. Sediment toxicity is exhibited in the Upper Newport Bay watershed based on the toxicity line of evidence in the fact sheet. All data for all fish species have been used even though they may not be year-round residents of this water body. Without additional data, it cannot be verified that pollutants were accumulated in another water segment.	Yes
115.15	Do not list Peters Canyon Channel for DDT and toxaphene based on the Commercial and Sportfishing beneficial use because it is not in the Basin Plan for this water body, and do not include data prior to 1999 because they do not represent the current status of the channel's morphology. Subsequent to channel morphology change, only 1 exceedance was observed in 1999-2002 data for DDT, and none were in exceedance for toxaphene. Prior data should not be assessed. The fish tissue objective (NAS Guidelines) cited is very out of date. The SWRCB should evaluate the USACOE Environmental Residue-Effects Database and the paper 'Linkage of effects to Tissue Residue: Development of a Comprehensive Database for Aquatic Organisms Exposed to Inorganic and Organic Chemicals' by Jarvinen and Ankley, 1999. The data is too old. Only 1	The fact sheet has been changed to cite WARM as the beneficial use. The Listing Policy does not put age limitations on data. All data must be considered. The NAS values are the only values available that can defensibly be used to protect aquatic life. Section 6.1.3 of the Listing Policy states that these values can be used. Based on the trends graphs provided, it cannot be determined what caused the decline of these pollutant concentrations in the watershed without additional supporting data. The data are still not low enough to meet the narrative standard. To remove this water body from the 303(d) list, additional data is necessary to determine that water quality objectives are being met.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	exceedance was observed in the last 10 years and none for the most recent 4 years for DDT, and no exceedances were observed in the most recent 4 years for toxaphene.		
115.17	For Balboa Beach for DDT - the number of exceedances in the fact sheet was different than that calculated using the data cited. The fact sheet indicated 4 samples out of 21 exceeded. Review of the data from the administrative record resulted in 3 out of 21 exceedances. This discrepancy may be due to the isomers included in the calculation of total DDT. Please make this correction.	This change has been reviewed and the analysis modified.	Yes
115.18	For San Diego Creek , Reach 1 for Se - There was a typographical error in the weight of evidence. The 1st sentence should read 'Four of 4 samples exceeded the CTR Chronic Freshwater criteria,..' Please make this correction.	This change has been reviewed and the analysis modified.	Yes
115.19	Do not list San Diego Creek, Reach 1 for Zn because data listed in the fact sheet does not indicate exceedances of the Zn CTR standard. The number of exceedances presented in the fact sheet was different than that calculated using the data provided. The fact sheet says 4 out of 4 exceeded. Data shows none out of 4 exceeded. Adjusted for the hardness of the samples, the CTR standard for Zn is 382 ug/L (acute) and 379 ug/L (chronic).	This change has been reviewed and the analysis modified.	Yes
115.20	Trends in DDT concentrations, particularly fish and mussel tissue concentrations, are evident in data collected for approximately 20 years in the Newport Bay watershed. For Red Shiner, data shows substantial declines in tissue DDT concentrations from 1983. Mussel tissue data from the Upper Newport Bay show decreasing DDT concentrations dating to 1982.	Based on the figures provided, staff cannot determine what the DDT concentration values are and if the tissue samples exceed the water quality objective.	No
115.2	Concerned that several data references are inaccurate, cannot be located and mischaracterize the data. New data has been sent with comment letter.	The new data provided has been reviewed by staff and several changes have been made in regards to this comment.	Yes
115.21	A steady conversion of land used for agriculture to developed land uses continues to reduce the quantities of DDT 'available' for transport in storm flows. Development tends to immobilize DDT, reducing concentrations in downstream watershed areas. It is best to expect the continued reduction of DDT concentrations in the watershed.	Based on the land-use distribution graphical representation and maps provided, it cannot be determined what the causes and impacts land-use has on the decline of DDT concentrations in the San Diego Creek watershed without additional supporting data.	No
115.22	Concentrations and masses of DDT watershed soils have declined, and will continue to decline in the future.	Based on the figures provided, it cannot be determined what the causes and impacts are based on the decline of DDT concentrations in the watershed without additional supporting data.	No
115.23, 115.31, 115.28	The highest PCB concentrations may be found in non-resident fish, indicating an important source of toxaphene outside the Bay and	The data for these species have been incorporated into the analysis even though they may not be year-round residents of this water body. It	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	watershed. Species that are not year-round residents of the Bay are not adequate indicators of watershed concentrations since toxaphene concentrations in these species may have been accumulated elsewhere.	is possible that these fish accumulated these pollutant(s) nearby. However, this data cannot be ruled out without further additional data to support the removal of this water body from the 303(d) list.	
115.24	The State Board has utilized forage fish, analyzed as whole fish concentrations, to estimate human health risk. The fish data cited (SARWQCB) in several lines of evidence are from 'Allen et al (SCCWRP, 2004) and actually represent 2 data sets. The earlier data set (2000-2001) is composed of sport fish and the second (2002) is of forage fish. The forage fish are unlikely to be consumed by sport fishermen. The DDT residues in forage fish are for the entire fish and not the muscle (filet). Since DDT tends to be in fatty tissue, the residues are higher on a wet weight basis than in the sport fish filets. The OEHHA guidance assumes only the filet is ingested, so using the entire fish is inappropriate.	The Listing Policy allows the use of whole body residues in analyzing fish tissue data. Forage fish were used in a precautionary way to represent the concentrations of fish that may be consumed.	No
115.25	In some parts of the Newport Bay watershed there is evidence of degradation of biological populations and communities, and sediment toxicity, but they have not been linked to DDT. Bay et al. (2004) explicitly notes that sediment toxicity was uncorrelated with DDT in their results. Sediment and water toxicity is more likely to be caused by other constituents, including organophosphates, pyrethroids, and carbamates. There is no evidence that DDT is responsible for impacts such as biological degradation and toxicity.	These listings are based on DDT bioaccumulation in fish tissue.	No
115.26	Data collected starting in 1983 show a substantial decline in tissue toxaphene concentrations from 1983. Watershed sediment data from 1990 also demonstrate a clear decline in toxaphene concentrations.	Based on the figures provided, it cannot be determined what the toxaphene concentration values are and if the tissue samples exceed the water quality objective.	No
115.27	A steady conversion of land used for agriculture to developed land uses continues to reduce the quantities of toxaphene 'available' for transport in storm flows. These changes are evident in figures 3, 4, and 5 (attachment B).	Based on the land-use distribution graphical representation and maps provided, it cannot be determine what the causes and impacts land-use have had on the decline of toxaphene concentrations in the San Diego Creek watershed.	No
115.29	Commenter is unaware of any data suggesting that sediment toxicity or degradations of biological populations or communities have occurred in Peters Canyon Channel or in Santa Ana Delhi Channel. There is some evidence of these effects downstream in Newport Bay. There is no evidence that organochlorines, including toxaphene, are responsible for impacts such as biological degradation and toxicity in the watershed. It appears that other compounds are responsible.	The Santa Ana Delhi Channel fact sheet has been removed because it was inappropriately recommended for listing. Based on the analysis of the tissue data for Peters Canyon Channel, toxaphene and DDT are recommended for listing.	Yes
115.30	Tissue data exists for the species, Red Shiner from 1983 showing a substantial decline in total PCB concentrations.	Based on the figures provided, it cannot be determined what the PCB concentration values are and if the tissue samples exceed the water quality objective.	No
115.6	DDT should not be listed in Lower Newport Bay, Upper Newport Bay and Peters Canyon Channel. The data cited are useful in establishing the	Based on the provided graphs and figures depicting trends, it cannot be determined what the causes and impacts are based on the decline of	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	rate at which concentrations are declining, but should be considered in conjunction with available data. The SWRCB should continue to evaluate any additional data to further confirm that the levels of DDT are in fact declining in the watershed (See attachment B).	these pollutant concentrations in the watershed, nor can the concentration values be determined.	
115.7	Toxaphene should not be listed in Peters Canyon Channel or the Santa Ana Delhi Channel. The same reasons hold true for this listing as for the DDT Newport Bay listings. The SWRCB should continue to evaluate any additional data to further confirm that the levels of toxaphene are in fact declining in the watershed.	Based on the provided graphs and figures depicting trends, it cannot be determined what the causes and impacts are based on the decline of these pollutant concentrations in the watershed, nor can the concentration values be determined without the supporting data. The Santa Ana Delhi Channel is being removed from the 303(d) list because it was incorrectly recommended for listing in the first place.	Yes
115.8	PCB's should not be listed in Lower Newport Bay or Upper Newport Bay for the same reasons as the DDT and toxaphene listings. The SWRCB should continue to evaluate any additional data to further confirm that the levels of PCB's are in fact declining in the watershed.	Based on the provided graphs and figures depicting trends, it cannot be determined what the causes and impacts are based on the decline of these pollutant concentrations in the watershed, nor can the concentration values be determined without the supporting data.	No
115.9	Delist Lower Newport Bay for Cu because the toxicity data referred to are not contained in Greenstein (2003) or Bay et al. (2004). Also the 2 samples were collected on the same day which is not temporally representative. Of 3 sediment samples cited in Bay and Greenstein (2003), none exceeded the ERM sediment quality guideline for Cu. Sediment toxicity data referred to by the SWRCB could not be located, but sediment toxicity found by Bay et al. (2004) is not clearly linked with Cu and thus does not constitute a confirming line of evidence.	Staff has corrected the toxicity fact sheet for Lower Newport Bay for Cu to cite BPTCP as the data reference. Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allow for samples collected on the same day to be considered if they are collected at separate locations that are more than 200 meters apart. State Board staff concurs that the 3 sediment samples did not exceed the ERM guideline.	Yes
140.1	Commenter disagrees with the recommendation to list Big Bear Lake for PCBs.	Using the Listing Policy guidelines, the data assessed exceeded the WQOs for PCBs and shows this water body does not meet water quality standards.	No
140.5	The proposed guideline for PCBs does not meet peer review requirements set forth in Section 6.1.3 of the Listing Policy. Nor does it 'identify a range above which impacts occur and below which few impacts are predicted' as required in the same section of the Policy. Moreover, the administrative record supporting the use of OEHHA's screening value is incomplete. The QAPP is missing from the file.	The Listing Policy requires the use of guidelines like those presented in the OEHHA report. The OEHHA screening values satisfy the conditions set forth by section 6.1.3.2 of the Listing Policy. The Listing Policy specifically allows the use of OEHHA Screening Values. A QAPP is not required when selecting these types of guidelines.	No
140.6, 140.4, 140.2	PCB concentrations previously identified in various fish tissue samples do not present any threat to human health. The FDA established the maximum recommended tolerance level for PCBs at 2000 ppb. In all the fish tissue sampled from Big Bear Lake, none were greater than 350 ppb compared to the FDA tolerance level of 2000 ppb. Therefore, PCBs are not accumulating at levels that are harmful to human health.	For the 2002 list, USFDA Action Levels were not used. USEPA has concluded that these values do not provide as great a level of protection for consumers of fish and shellfish caught and consumed than do human health criteria.	No
140.7	A 303(d) listing will cause unnecessary public confusion. As noted earlier, OEHHA has already examined the same fish tissue data and concluded that no Public Health Advisory is necessary for Big Bear	There were enough samples that exceeded the WQOs that showed impairment of this water body for PCBs and mercury. To remove this water body from the 303(d) list, additional monitoring data is necessary.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Lake. If the State Board declares this lake as impaired, the public will not know which agency to believe. In turn, this may cause anxiety among the 6 million people who visit the lake each year. A reduction in tourism would have severe adverse impacts on the local economy and cause far worse impacts to human health than the estimated effects of trace amounts of PCBs. Rising unemployment is strongly correlated with increased heart disease, stroke, alcoholism, drug abuse, crime, divorce, child abuse, and other debilitating illnesses. PCBs were found primarily in Carp which is considered to be a nuisance species in Big Bear Lake. It is rarely consumed in any significant quantities as angler prefer to keep the Bass, Trout and Sunfish in the lake. For the last two years, more than 4,000 pounds of Carp are caught and buried in the forest as part of a large scale tournament designed to reduce their population. This is strong evidence of just how unpopular Carp are.		
140.8	The FED states the Listing Policy does not allow the use of MTRLs and USFDA action levels. That is not true since the Policy itself does not prohibit the use of FDA action levels.	Section 6.1.3 of the Listing Policy states that evaluation guidelines selected by USEPA and OEHHA may be used. For the Big Bear Lake mercury and PCB listings, the OEHHA screening values were used to evaluate data. FDA values were not used because the level of beneficial use protection cannot be determined.	No
140.9	If the SWRCB wishes to impose a more restrictive standard than the FDA, they must comply with Section 13241 of the CWC and perform a new assessment of the economic impacts of that decision (as described by the California State Supreme Court in the recent Burbank case).	The standard for this water body includes a narrative water quality objective that was evaluated using the OEHHA values. No new objective was developed or approved. The section 13241 analysis is not needed.	No
146.1	The proposed revisions to the 303(d) list to include a TMDL for PCB's in Lake Elsinore is not supportable because: The Section 303(d) list identifies 'CM - Commercial and Sport Fishing (CA)' as a beneficial use of Lake Elsinore. The Basin Plan does not include 'CM' among Lake Elsinore's beneficial uses. A water quality objective from the Basin Plan states that Toxic substances shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health. This objective does not seek to protect the beneficial uses identified in the proposed listing. The proposed Listing identifies a 20ppb screening value in fish flesh as the evaluation guideline. The value comes from a study done by Brodberg & Pollock and is cited in an OEHHA research report used as the source of the screening value. The screening value was 'not intended as levels at which consumption advisories should be issued'. The use of 20ppb is inappropriate because it is a screening value and not a water quality objective.	Although the COMM beneficial use is not designated as an existing beneficial use in the Basin Plan, recreational and consumptive fishing does occur on the lake and it is possible that people consume the fish that they catch. The water quality objective applied to this listing pertains to inland surface waters, which applies to this water body. The Listing Policy requires the use of guidelines like those presented in the OEHHA report. The OEHHA screening values satisfy the conditions set forth by section 6.1.3 of the Listing Policy. The OEHHA value is not being used to establish a consumption advisory. The Listing Policy does not put age limitations on data. All data must be considered. Smaller sample sizes can be used if the frequency of sample exceedances is large, i.e., the number of exceedances is equal to or greater than the minimum number of samples identified using the balanced error approach with the exact binomial approach. Please refer to the Listing Policy (Tables 3.1 and 3.2). The source of the PCB concentrations has no bearing in whether the standard is met or not met in the water body.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	The data cited does not include data sets obtained from the analysis of Carp fish flesh, or from largemouth Bass analyses in which PCB's were not detected. Some of the data used includes sample sizes of seven fish or less. It is unclear how these sample sizes and the unexplained exclusion of largemouth Bass fish flesh data showing non-detects can support the proposed listing of PCB's. The data cited appears to be out of date. The source of PCB's in the fish flesh analysis cited by the State Board is not well understood. Recent water column studies conducted on Lake Elsinore and studies of the effluent from the EVMWD regional wastewater reclamation plant showed non-detects for PCB's. The EVMWD requests that this data be made available as soon as possible. EVMWD is not in a position, financially or otherwise, to be burdened with the duty of serving as a responsible party to the implementation of the TMDL or the monitoring activities which must be associated therewith.		

Staff Report, Volume III, San Diego Region Fact Sheets

6.2, 17.1, 125.5	The Listing Policy provides a disincentive to adequately monitor waters. Many San Diego water bodies were not listed due to insufficient sample size. The Listing Policy should not provide this perverse incentive to avoid monitoring or collecting further data on currently listed segments where there is limited data. There are some water bodies where all samples exceeded yet they were not listed due to an insufficient sample size. Footnotes provided in comment letter with water bodies of concern.	Smaller sample sizes can be used if the frequency of sample exceedances is large, i.e., the number of exceedances is equal to or greater than the minimum number of samples identified using the balanced error approach with the exact binomial approach. Please refer to the Listing Policy (Tables 3.1 and 3.2). To remove water bodies from the 303(d) list, relatively large monitoring data sets are necessary to show that water quality objectives are no longer exceeded.	No
17.10, 79.4, 93.1, 105.1	Do not list San Juan Creek for DDE because the sample size was small and taken from 1 location. Hence, the data is not representative of the water body as a whole and that conflicts with what the Listing Policy states.	Smaller sample sizes can be used if the frequency of sample exceedances is large, i.e., the number of exceedances is equal to or greater than the minimum number of samples identified using the balanced error approach with the exact binomial approach. Please refer to the Listing Policy (Tables 3.1 and 3.2). Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allows broad discretion in evaluating data. Data from one location collected over a period of 8 months can be used to support a listing recommendation.	No
17.7	English Canyon benzo[a]fluoranthene listing: Do not list based on the COMM beneficial use, and data taken from one sampling station. Commenter asks that the State Board please make these corrections: The commercial and sport fishing beneficial use categories are not in the Basin Plan for this water body. The reported concentrations for these PAHs range from below the lab reporting limit (0.01 to 0.0125 ug/L, depending on the date of the analyses) to 0.11 ug/L. The CTR has no freshwater criteria for PAHs for the protection of aquatic life. It does for human health based on bioconcentration factors (BCF). BCFs estimate the concentration of these compounds in water that bioaccumulate in aquatic organisms harmful to humans. Since the COMM beneficial use is not in the Basin Plan, the BCF should not apply. Samples were taken	The typographical errors were corrected. The beneficial use was changed to WARM. Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allow for sampling at one station because sampling occurred over a period of eight months. Also, the CTR was incorrectly cited as a human health guideline. This guideline does apply to water and organisms.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	from 1 location only. There were also typographical errors in the weight of evidence and Evaluation Guideline sections. The evaluation guideline is presented in units of mg/L, when they should be micrograms per liter (0.0044 ug/L).		
17.8	For the English Canyon dieldrin listing - do not list because samples came from only one location and that is not representative, and please correct the typographical errors in the Weight of Evidence section. The evaluation guideline is presented in units of mg/L, when it should be micrograms per liter (ug/L).	Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allows broad discretion in determining sample representativeness. One location can be used to support a recommendation to list a water body. Typographical errors have been corrected.	Yes
17.9	Oso Creek TDS listing: Do not list because samples came from only one location. Commenter asks that State Board please make other corrections: The fact sheet indicates that the water quality objective (WQO) for TDS in HSA 901.21 is 750 mg/L. The Basin Plan indicates that the WQO for TDS for this HSA is actually 500 mg/L. Then the number of exceedances would change to 13 out of 13 exceed. The Evaluation Guideline section refers to objectives within the Santa Margarita River watershed. Oso Creek is in the San Juan Creek watershed. Also samples were taken from only 1 location, which is not temporally representative.	Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allow broad discretion determining sample representativeness. Quarterly sampling over a 3-year period can be used to support a listing recommendation. Corrections were made to the TDS WQO to 500mg/L and the samples exceeding were corrected as requested in the fact sheet. The evaluation guideline section of the fact sheet was deleted since it was incorrect.	Yes
38.1, 69.4, 69.1, 69.3, 69.2, 100.1, 121.6, 121.5, 121.8, 121.7, 121.4, 121.2, 121.1, 143.12, 143.11, 143.14	Please remove all of San Diego Bay for PCB's. The reasons are that it is inappropriate to add an entire water body without evidence that the entire water body is impacted. The OEHHA value is not a guideline, but advisory. The weight-of-evidence approach has not been satisfied since listing is based on one LOE. The Regional Board has extensive sediment data. Also Sediment Quality Objectives are more appropriate and are scheduled to be adopted in Feb. 2007.	The data used satisfies the data quality and quantity requirements found in sections 6.1.4 and 6.1.5 of the Policy, respectively. The 18 samples come from various locations that cover a significant area if not the entire area of San Diego Bay. All 18 samples exceeded the OEHHA Screening Value and this exceeds the allowable frequency listed in Table 3.1 of the Listing Policy. With regards to the use of the OEHHA screening value this issue was addressed during the development of the Listing Policy. The Listing Policy requires the use of guidelines such as those presented in the OEHHA report. The OEHHA screening values satisfy the conditions set forth by section 6.1.3 of the Listing Policy. The beneficial use associated with this water body is Commercial and Sports Fishing and the evaluation of tissue data as opposed to sediment data would be a better indicator to whether this particular beneficial use is being protected.	No
38.2	Additional sediment sampling not considered by the Board is available from the Southern California Bight 1998 Regional Monitoring Program. Analysis of the data from this sampling pool shows background levels for PCBs averaging 84 ug/kg. This level is dramatically below the PCB sediment guideline in the Board's Listing Policy. It is the opinion of the commenter that the inclusion of the entire San Diego Bay for PCBs on	Data provided includes Bight 98 data. The exceedances from samples, when combined with SWAMP sample exceedances, exceed the maximum number of measured exceedances allowed to remove this water body segment from the list. The fact sheet has been revised to reflect the new data analyzed. Average data values cannot be used in this situation because the guideline is a maximum value and such data	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	the 303(d) list is premature in that all readily available data has not been considered. Once all relevant data is considered, the list should only include those portions of the Bay where water quality standards are not being met.	should be compared to the guideline.	
42.1	Murrieta Creek should not be listed as impaired for arsenic, copper, and zinc. The sampling data base is insufficient as concentrations exceeded the Basin Plan objective only on one day.	This data has been reanalyzed and the fact sheet modified to account for the issue raised.	Yes
42.3, 42.2, 42.4	Murrieta Creek should not be listed as impaired for nitrogen. The Basin Plan does not: 1 - stipulate a numerical nitrogen standard, and 2 - establish a numerical standard for N:P ratio.	The Basin Plan states that a desired goal in order to prevent plant nuisance in streams and other flowing waters appears to be 0.1mg/L total P. These values are not to be exceeded more than 10% of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the Regional Board. In Table 3.2 of the Basin Plan, Water Quality Objectives, for Murrieta Creek HA N&P, annotation 'a', 'The Water Quality Objectives do not apply westerly of the easterly boundary of Interstate Highway 5. The objectives for the remainder of the Hydrologic Area (Subarea) are as shown.' Murrieta Creek is in the remainder of the HA.	No
51.10	Some of the data sets consist of a single grab sample and for many constituents there are no numeric water quality objectives and no specific translation methodology as required under 40 CFR Section 131.11.	The Listing Policy allows the use of grab samples. Constituents recommended for listing have numeric water quality objectives or water quality criteria. In these cases a translator is not needed.	No
51.1	Commenter disagrees with recommendation to list De Luz Creek for iron and manganese.	Comment acknowledged.	No
51.2	Commenter disagrees with recommendation to list Murrieta Creek for iron, manganese, and nitrogen.	Comment acknowledged.	No
51.3	Commenter disagrees with recommendation to list Rainbow Creek for iron and recommendation to continue to keep nitrogen and phosphorous on the list because a TMDL is in place. The record for the Rainbow Creek TMDL provides ample evidence that the basis of this process is flawed and requires reexamination.	A water body cannot be removed from the 303(d) list until monitoring data that meets the requirements of the Listing Policy shows that the water body is no longer exceeding water quality standards for these constituents. The information reviewed does not provide adequate evidence to delist.	No
51.4	Commenter disagrees with the recommendation to list Sandia Creek for iron, manganese, nitrogen, and phosphorous.	Comment acknowledged.	No
51.5	Commenter disagrees with recommendation to list Temecula Creek for nitrogen and phosphorous.	Comment acknowledged.	No
51.6	Commenter disagrees with recommendation to list Tecolote Creek for phosphorous.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
51.8, 51.14, 51.13, 51.12, 51.9, 51.11, 133.9, 133.1	The water quality objectives used for finding exceedances in Agua Hedionda Creek and therefore listing manganese and sulfates at this location are from the Basin Plan and are secondary drinking water standards. Despite the designation of Municipal and Domestic water, it is not used as a drinking water source and therefore secondary drinking water standards are an incorrect standard to apply for finding exceedances.	We are compelled to apply the beneficial uses and water quality objectives as specified in the Basin Plan. In this case water quality standards are not met. Any changes in the Basin Plan is beyond the scope of the Listing process.	No
63.2, 63.3, 142.13	Some drinking water reservoirs may contain higher levels of total dissolved solids (TDS) because the Colorado River contains naturally occurring higher levels of TDS. Unfortunately many of the these WQOs, which were established years ago, are based on limited information and do not take into account the need for storage of imported water.	At the October 25th Water Board meeting, comments were received concerning total dissolved solids in terminal reservoirs in the San Diego region. The Board concluded that it was inappropriate to list these water bodies based on secondary MCLs when the TDS values of the incoming supplying waters were higher than the MCLs. Narrative standards are therefore met.	Yes
63.4, 63.6, 63.5, 63.7, 134.1, 142.14, 142.11, 142.22, 142.15, 147.2, 235.2, 235.3	Due to the erosion of geological deposits, naturally occurring elements such as aluminum, manganese and other metals sometimes are found in drinking water lakes and reservoirs. There are no viable methods for removing these constituents from these water bodies. But they are regulated by DHS and treated drinking water meets regulatory standards.	Natural processes may be the cause of water quality problems. The Regional Board Basin Plan explicitly states what the water quality objective(s) are for these/this constituent(s) for these reservoirs. Identifying the sources of pollutant(s) is beyond the scope of the Listing Policy.	No
66.42	For the recommendation to delist Loveland Reservoir for pH; available data indicate exceedances of the Basin Plan numeric WQO for pH in 31 out of 194 samples. State must provide good cause for delisting or retain pollutant on 303(d) list for this segment.	The frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 32 measurements above the standard are needed to maintain the listing (Table 4.2 of the Listing Policy). No additional data and information in the record would support maintaining the listing.	No
66.43	For the recommendation to delist Murray Reservoir for DO; available data indicate exceedances of Basin Plan WQO for DO in 9 out of 70 samples. State should t provide good cause for delisting or retain pollutant on 303(d) list for this segment.	The frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 11 measurements above the standard are needed to maintain the listing (Table 4.2 of the Listing Policy). No additional data and information in the record would support maintaining the listing.	No
66.44	For the recommendation to delist Mission Bay shoreline for pathogens; available data indicate exceedances of Basin Plan Bacteria WQOs in 2,016 of 17,847 samples. State should retain on list based on exceedances of numeric WQOs.	The frequency the standard is exceeded is too low to support continued listing of the pollutant for this water body. In order to maintain the listing under the provisions of the Listing Policy at least 3,178 measurements above the standard are needed to maintain the listing (Table 4.2 of the Listing Policy). No additional data and information in the record would support maintaining the listing.	No
66.45	For the 'do not list' recommendation for San Diego Bay at Shoreline Park for pathogens; available data indicate 3 of 17 geometric mean and 20 of 166 single samples exceed Basin Plan bacteria WQOs, which is sufficient evidence of impairment. State should retain on list based on	The frequency the standard is exceeded is too low to support a new listing of the pollutant for this water body. In order to list under the provisions of the Listing Policy at least 5 measurements above the geometric mean standard or 37 single sample measurements are	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	exceedances of numeric WQOs.	needed to support a new listing (Table 3.2 of the Listing Policy).	
69.5, 121.9	The State Water Board's development of Sediment Quality Objectives is a more appropriate approach to sediment issues for entire water bodies such as the San Diego Bay. The State Water Board is required by statute to adopt Sediment Quality Objectives as part of a comprehensive program to protect existing and future beneficial water uses within California's enclosed bays and estuaries. These objectives must be adopted by February 28, 2007. Given this statewide effort, a decision to list an entire water body for a sediment water quality problem is premature.	The basis for this listing is tissue data, not sediment data. Sediment objectives cannot be used until they are adopted.	No
79.1	There are calculation and typographical errors on the fact sheet. 1) Water quality objectives for TDS in Oso Creek is 500 mg/L, not 750 mg/L. 2) Evaluation Guideline: Oso Creek is in the San Juan Creek Watershed, not the Santa Margarita River Watershed. 3) Units of measurement should be ug/L, not mg/L.	The fact sheet has been revised to reflect these corrections.	Yes
79.2	Request that English Canyon Creek, San Juan Creek, and Oso Creek not be listed for benzo[b]fluoranthene, dieldrin, and sediment bioassays, TDS, and DDE.	These pollutants exceeded water quality guidelines for the mentioned water bodies and, in accordance with Policy section 3, meet the conditions for listing.	No
79.3	The Commercial and Sportfishing beneficial use listed in the fact sheet for the English Canyon Creek is not included in the Basin Plan for this water body. Therefore, the bioconcentration criteria should not be applied.	This is not listed as a beneficial use for this water body in the Basin Plan. However, the other listed beneficial uses for English Canyon allow for the application of existing water quality guidelines.	No
79.5	The reported concentrations for PAHs in English Canyon Creek range from below the laboratory reporting limit of 0.01to 0.0125 ug/L to .11 ug/L.	Comment acknowledged.	No
79.6	On the English Canyon Creek fact sheet there are typographical errors in the weight of evidence section. The units should be changed from mg/L to ug/L.	This revision has been made.	Yes
79.7	Oso Creek TDS: 13 out of 13 samples exceeded the 500 mg/L evaluation guideline, rather than 12 out of 13, as described in the fact sheet.	This revision has been made.	Yes
82.4, 82.3	The listing of Murrieta Creek for arsenic, copper, iron, manganese and zinc is opposed. A summary table of data collected from 1994-2005 is attached to the comment letter. For Murrieta Creek: rainfall records indicate there were no summer rain showers that would have been responsible for the flow at Calle de Oso Road. The samples most likely reflect specific conditions occurring during the day that the samples were collected (perhaps an illegal discharge) rather than a chronic water quality condition. Commenter requests that the two data points be considered representative of a single exceedance (based on Section 6.1.5.3 of the Listing Policy), which would result in one exceedance and	The new data for copper, zinc and arsenic were reviewed and incorporated into the assessment for this water body. While there are only two samples, they were collected in two different locations on the same day and therefore can be considered under the provisions of the policy to be representative of this water body.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	no listing.		
82.5	Opposes the listing of the Lower Santa Margarita River for Hg. Other than the fish tissue samples, no other ancillary evidence exists to support the listing. It is also not clear what fish was sampled, whether the fish is migratory, or where the tissue samples came from (liver, etc.) Liver tissue is prohibited based on the Listing Policy.	These data have been reviewed and the analysis modified in the fact sheet.	Yes
105.2	San Juan Creek for DDE, there are typographical errors in the Weight of Evidence and Water Quality Objective/Water Quality Criterion sections: the evaluation guideline is presented in units of mg/L. The actual units are micrograms per liter (0.00059 ug/L).	This has been corrected in the fact sheet and weight of evidence.	Yes
116.1	Review the reports (attached to comments) that recommend delisting of two sites; San Diego Bay Shoreline, Point Loma Hydrologic Area (908.10) at Shelter Island Shoreline Park (Shelter Island Park) and San Diego Bay Shoreline, Coronado Hydrologic Area (910.10) at Tidelands Park (Tidelands Park), both for bacteria indicators. Data, currently in the SWRCB record, clearly shows that these sites are well below the guidelines set out in the Water Quality Control Policy (Section 4.3) for all three bacteria indicators.	Staff has reviewed the new data provided. Nothing contained in the reports changes the staff recommendation.	No
116.2	Commenter acknowledges that Tidelands Park is currently proposed for delisting. Their data evaluation supports that recommendation. Additionally, a thorough data review indicates that Shelter Island Park also meets the Policy's delisting criteria. Their report analyzes data from 2002 through August 2005. While the commenter acknowledges that some of the more recent data is outside of the time period of the 2006 draft data solicitation, they have included it to show that bacteria levels continue to remain low.	Staff has reviewed the new data provided. Nothing contained in the reports changes the staff recommendation.	No
121.3	It is generally inappropriate to include an entire water body on the 303(d) list. Section 303(d)'s purpose is to focus on segments of water bodies that are not meeting applicable water quality standards. By focusing on segments, site specific analyses can take place.	Comment acknowledged.	No
122.1	Loma Alta Creek has only limited beneficial uses.	Comment acknowledged.	No
122.5, 122.6, 122.2, 122.3, 122.4	In Table 3.2 of the Basin Plan, there is no limit stated for TDS, chlorides, sulfates, sodium, nitrogen, phosphorus, iron, manganese, methylene-blue-active substances, or boron for Loma Alta Creek.	This water body pollutant combination was incorrectly recommended for the 303(d) list. The listing decision was changed to 'Do Not List'.	Yes
125.2	The list fails to meet requirements to include impaired waters meeting listing criteria. Tecolote Creek appears to be misclassified as 'Do Not List' for oil and grease when the fact sheet states that there is sufficient justification in favor of placing this pollutant water body combination on the 303(d) list.	The error in the weight of evidence section of the fact sheet has been corrected. The listing decision remains the same. There exists no numeric water quality objective to assess this data against to determine if water quality standards are being met or exceeded.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
125.6	At least on the San Diego water body (Loma Alta Creek) received consistent 'poor' scores for benthic macroinvertebrate assemblages but could not be listed because no monitoring data was available for pollutants in water or sediment.	Comment acknowledged.	No
125.7, 125.8, 125.1, 125.10, 125.9	Aside from the listing for PCBs the San Diego Bay listing must be expanded to include mercury and arsenic as well. Five health risk studies conducted on the safety of eating bay fish over the past 10 years have demonstrated significant risks to frequent or high- risk consumers from mercury, PCBs, and arsenic in fish.	To assess whether the water body in question is meeting standards for these constituents, data must be provided for assessment to determine if water quality standards are being met. This data should be provided to the Regional Boards during the next listing cycle for consideration.	No
133.2	The decision to list the water segment Batiquitos Lagoon for phosphorus is inappropriate because water samples were not actually taken in Batiquitos Lagoon. The sampling locations for the phosphate listing are on San Marcos Creek, and not in Batiquitos Lagoon. The Basin plan identifies Batiquitos Lagoon as a Coastal Water, and the standards used here are from the Basin Plan for inland surface waters, which does not include Batiquitos Lagoon. The Listing policy 6.1.5.4 states 'Data must be measured at one or more sites in the water segment in order to place a water segment on the section 303(d) list', and therefore, this water segment should not be considered for listing.	These data have been reviewed and the analysis modified.	Yes
133.3	The state of California has not identified a pollutant for the sediment toxicity proposed listing for Buena Vista Creek in accordance with Section 6.1.3 of the Listing Policy. In addition, the specific location of the samples within Buena Vista Creek is not identified (GPS not available, one unidentified station in Buena Vista Creek, jurisdiction not given), which may conflict with the Policy to determine whether those samples are spatially and temporally representative of water quality in the water segment.	Under Section 2.1, the Listing Policy states that waters shall be placed in the category of Water Quality Limited Segments of the 303(d) list if it is determined, in accordance with the California Listing Factors, that the water quality standard is not attained; and the standards nonattainment is due to toxicity, a pollutant, or pollutants. In this case toxicity data are available and satisfies the other Listing Policy requirements (section 3.6) for placement on the list.	Yes
133.4	The state has not met Section 3.2 and Table 3.2 of the Policy, which would require a minimum of 5 exceedances for a conventional pollutant for Buena Vista Creek for TDS.	These data have been reviewed and the listing is revised.	Yes
133.5	The state of California has not identified a pollutant for the proposed listing of San Marcos Creek for sediment toxicity in accordance with Section 6.1.3 of the Listing Policy. In addition, the specific locations of the samples within San Marcos Creek are not identified, which may conflict with the Policy to determine whether those samples are spatially and temporally representative of water quality in the water segment.	Under Section 2.1, the Water Quality Control Policy states that waters shall be placed in the category of Water Quality Limited Segments of the 303(d) list if it is determined, in accordance with the California Listing Factors, that the water quality standard is not attained; and the standards nonattainment is due to toxicity, a pollutant, or pollutants. In this case toxicity data are available and satisfies the other Listing Policy requirements (section 3.6) for placement on the list.	No
133.6	There appears to be little benefit in developing a TMDL for a water segment due to a legacy pollutant, such as DDE for San Marcos Creek, which does not have any new or current sources associated with it for	Waters must be placed on the list if water quality standards are not met. The ability to complete the TMDL is not a consideration.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	determining load allocations.		
139.1	The proposed listing of the Lower Santa Margarita River (SMR) for mercury is erroneous and legally insufficient for the following reasons: -The data used to create the fact sheet shows that only one of the 130 fish tissue samples exceeds the screening value, not two out of eight (which the fact sheet states). -Even if there were two exceedances, this data is 'stale' since it was collected between 1979 and 1999 and it does not likely reflect current mercury loadings (if any) in the Lower SMR. -There are no known sources of mercury contamination on Camp Pendleton or anywhere else in the SMR watershed.	The data available to make the assessment indicates in the fact sheet that there were 4 tissue samples with no exceedances for mercury in the Santa Margarita River. The fact sheet does not state one exceedance out of 130 samples. These samples were taken from March 1979 to August 1999. The recommendation is to not add this water body pollutant combination to the list. The Listing Policy has no provision for using only 'fresh' data.	Yes
139.2	The constituents iron, manganese, and sulfates (for which De Luz Creek is proposed for listing) are all naturally occurring and, as such, there is no mechanism for controlling loadings in the event the proposed listing results in the development of a TMDL.	Many Basin Plans contain language distinguishing between controllable water quality factors that result in degradation of water quality and those factors that are not controllable. In each of these cases applicable water quality standards are exceeded and a pollutant contributes to or causes the problem. Before we can change our recommendation we would need compelling information that would support the removal of this water body - pollutant combination from the 303(d) list.	No
139.3	The data used for the proposed De Luz Creek listings indicates that sampling sites were located off Camp Pendleton. It is quite possible that, given the largely undisturbed nature of much of Camp Pendleton's landscape, impairment for these substances does not occur in the Camp Pendleton segments of De Luz Creek. There are simply no data indicating impairment for iron, manganese, or sulfates in the Camp Pendleton portions of De Luz Creek.	State Board staff analyzed all data for De Luz Creek and made the listing recommendation based on the data for that water body. Identification of the source of the impairment is beyond the scope of the listing Policy.	No
142.10, 236.2	Listing reservoirs which store imported water as not meeting the water quality standards for Total Dissolved Solids [TDS] and for individual salt constituents does not help to protect water quality and does not sustain any beneficial use. We recommend against listing any reservoir that stores imported water for TDS or individual salt constituents.	Reservoirs, identified as inland surface waters, are subject to the Water Quality Objectives as described in the Basin Plan. Any changes in the Water Quality Objectives should be addressed as part of the Basin Planning process.	No
142.12	These listings of the drinking water sources might alarm the public. It is our understanding that the inclusion of a reservoir on the 303(d) list does not impose any sort of statutory limitation on the use of the reservoir as a source of supply to our system, and we are confident that suggested 'impairments' pose no health risk or operational constraint for these drinking water sources. We recommend that the State Board and San Diego Regional Board explicitly state this in all documents relating to the 303(d) list.	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
142.16	This matter needs to be addressed and remedied in the next Triennial Review of the San Diego Basin Plan should be changed such that it recognizes the inherent characteristics of imported water and sets appropriate water quality standards for reservoirs that store imported water. In the meantime, we recommend that no SDWD reservoirs be listed for TDS, chloride, or sulfate. Specifically, we recommend that the following water body -pollutant combinations be dropped from the proposed 303(d) List: El Capitan Lake [Reservoir] -Total Dissolved Solids [Staff Report, Volume 1, p. 28 and Fact Sheets, Region 9, p.60]; Miramar Reservoir -Sulfates [Staff Report, Volume 1, p. 29 and Fact Sheets, Region 9, p.124]; Miramar Reservoir -Total Dissolved Solids [Staff Report, Volume 1, p. 29 and Fact Sheets, Region 9, p.126]; Murray Reservoir -Total Dissolved Solids [Staff Report, Volume 1, p. 229 and Fact Sheets, Region 9, p.134]; San Vicente Reservoir -Chloride [Staff Report, Volume 1, p. 30 and Fact Sheets, Region 9, p.232]; San Vicente Reservoir -Sulfates [Staff Report, Volume 1, p. 30 and Fact Sheets, Region 9, p.241]; San Vicente Reservoir -Total Dissolved Solids [Staff Report, Volume 1, p. 30].	Comment acknowledged.	No
142.18, 142.17	The listing of reservoirs for the pollutant 'color' is not protective of any beneficial use of the reservoirs.	The Basin Plan Water Quality Objectives for color apply to these water bodies.	No
142.19	It is recommended that the following water body-pollutant combinations be dropped from the proposed 303(d) list: Barrett Lake [Reservoir] -color [Staff Report, Volume I, p. 27 and Fact Sheets, Region 9, p.14]; El Capitan Lake [Reservoir] -color [Staff Report, Volume 1, p.28 and Fact Sheets, Region 9, p.52]; Morena Reservoir -color [Staff Report, Volume 1, p. 29and Fact Sheets, Region 9, p.128]; Otay Reservoir, Lower -color [Staff Report, Volume 1, p.29] and [Fact Sheets, Region 9, p.163]; San Vicente Reservoir -color [Staff Report, Volume 1, p.30 and Fact Sheets, Region 9, p.234].	Comment acknowledged.	No
142.20	We recommend that the two proposed listings for antimony and beryllium in El Capitan Reservoir be dropped because of errors in assessing the data and because assessment of all available data clearly shows that these constituents do not rise to the level needed to list.	These data have been reviewed and revisions made.	Yes
142.2	The two proposed listings for Los Penasquitos Creek, phosphate and TDS, are based upon 2 and 4 samples, which do not meet the minimum sample size (5) for conventional pollutants as outlined in State Board Policy.	Phosphate is a nutrient, and as such is considered a toxicant as defined in the Water Quality Control Policy. In Table 3.1 of the Policy, the minimum sample size to list for toxicants is 2. These data for Total Dissolved Solids have been combined with additional data from the County of San Diego. This has resulted in 8 out of 8 exceedances. The fact sheet has been revised to include this additional data.	Yes
142.21	With regard to the proposed listing of El Capitan Reservoir for Antimony and Beryllium, it is important to note that both pollutant exceedances in	These data have been reviewed and revisions have been made.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	El Capitan Reservoir came from one sample of 80 samples analyzed.		
142.23, 142.25	In the reservoirs (and other reservoirs in California) pH in surface waters is directly influenced by photosynthesis in the reservoir. The SDWD's monitoring of its reservoirs is done in the daytime-as a result, the data set captures the elevated pH values but misses the lowered pH values.	The pH standards are intended to prevent excessive algae growth. The higher daytime pH values are expected, but not above Basin Plan water quality objectives.	No
142.26	Under anoxic conditions at the sediment/water interface in deep water during late summer and early fall, some compounds, including manganese and iron, become soluble and are released from sediment into the water. Elevated concentrations on manganese and iron are found only in deep water and peak in summer and fall. This demonstrates that seasonal concentrations of manganese and iron are the result of natural processes in the reservoirs and not the result of the discharge of pollutants.	We are compelled by the Listing Policy to evaluate all available data reflecting water quality conditions as they exist in the water body. The Basin Plan does not have an exclusion for 'natural sources'. Modifications of Basin Plans are beyond the scope of the listing process.	No
142.27	It is recommended that the following water body -pollutant combinations be dropped from the proposed 303(d) list: Barrett Lake [Reservoir] -manganese [Staff Report, Volume 1, p. 27 and Fact Sheets, Region 9, p.16]; El Capitan Lake [Reservoir] -manganese [Staff Report, Volume 1, p. 28 and Fact Sheets, Region 9, p.58]; Hodges, Lake [Reservoir] -manganese [Staff Report, Volume 1, p. 28 and Fact Sheets, Region 9, p.97]; Morena Reservoir -pH (high) [Staff Report, Volume 1, p. 29 and Fact Sheets, Region 9, p.130]; Otay Reservoir, Lower -manganese [Staff Report, Volume 1, p. 29 and Fact Sheets, Region 9, p.167]; San Vicente Reservoir -manganese [Staff Report, Volume 1, p. 30and Fact Sheets, Region 9, p.249]; Sutherland Reservoir -manganese [Staff Report, Volume 1, p. 30 and Fact Sheets, Region 9, p.258]; Otay Reservoir, Lower -iron [Staff Report, Volume 1, p. 29 and Fact Sheets, Region 9, p.165].	In order for these water body/pollutant combinations to be removed from the list, new data is needed to establish that water quality standards are being met.	No
142.3	Recommend that the State Board identify either total or dissolved copper as the pollutant in America's Cup Harbor, Harbor Island East and West, and Marriot Marina.	This revision has been made to show dissolved copper is the pollutant.	Yes
142.4	Supports most of the beach delisting recommendations; however, PB Point is the northern portion of the Tourmaline Surf Park in the Scripps HA, does not meet the criteria for delisting and should not be delisted.	This area is located within Scripps HA, 6.30 and subject to the Water Quality objectives for the inland surface waters listed in the Basin Plan. Data used to assess water quality supports a delisting.	No
142.5	For Chollas Creek: extend area 0.5 miles up the south fork. For the San Diego River: extend area an additional six miles upstream. Commenter understands that the requested area changes are based upon a re-evaluation of existing data. The rationale for the change was not included for review. Commenter would appreciate the opportunity to review the rationale.	The area change for Chollas Creek was requested based upon data from the Chollas Creek Diazinon TMDL that showed station DPR(2) to have concentrations of diazinon that warranted listing. On a map, the San Diego River should be a continuous line from Carlton Hills Bridge all the way down to the Pacific Ocean. The line currently is missing the upper portion and contains four other missing segments.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
142.6	Mission Bay Shoreline: please provide an explanation of the requested change. The City of San Diego also requests time to review said evidence and be able to provide comments to the State Board regarding this issue.	The reason for the area change for Mission Bay Shoreline arose from correspondence in June 2004 from James Smith at the San Diego RWQCB. The request was that Mission Bay should have just the shoreline listed for Bacterial Impairments and just the areas near the mouths of Rose and Tecolote Creek listed for eutrophic and lead.	No
142.9	The proposed listings of the Barrett, El Capitan, Hodges, Miramar, Morena, Murray, Otay, San Vicente, and Sutherland reservoirs are based on only a small portion of the available data. Extensive monitoring is available. This has resulted in tens of thousands of data points, all of which are available to the State Board and the Regional Board. Only a fraction of these data were considered by State Board staff.	State Board Staff reviewed all data that was received as a result of the solicitation process, and submissions from Regional Boards and other interested parties.	No
143.1	The list should include separate listings and delistings for indicator bacteria for storm weather conditions and dry weather conditions. Delisting beach segments for all weather conditions before responsible stormwater agencies have addressed storm flow bacteria loads is not protective of water quality. Delisting for dry weather conditions will appropriately recognize the attainment of WQOs during periods of low flow. Listing for storm conditions will recognize the ongoing impairment of beach water quality to storm water loads.	The Listing Policy supports broad interpretation of water quality standards to accommodate a wide range of water body-specific circumstances. The circumstances that can be used to assess sample representativeness include the implementation of control measures, averaging samples when collected very close in time, etc. In developing the recommendations for the 2006 list, no data were systematically excluded from the comparison to standards unless the exclusion was required by the water quality standard itself (e.g., Region 4's seasonal bacteria standards) or allowed by the Listing Policy. In the case of water quality objectives or criteria that apply to waters at all times of the year without a stated seasonal, or dry and/or storm water period exclusion, all data for segments were combined in the weight-of-evidence assessment. This approach avoids the possibility of selectively removing data until only some 'a priori' conclusion is reached. This data exclusion could, if used independently of the provisions of the water quality standard, lead to greater or fewer listed waters depending on the judgment of the staff person making the assessment. 'Seasonal listings', or listings based on dry weather and/or storm water runoff periods, do not make sense because the water body and pollutant are either on or not on the list (the section 303(d) list is the State's priorities for which TMDLs get developed first). Seasonal, or dry and/or storm water period problems are more appropriately addressed in the development of TMDLs.	No
143.10	The fact sheet for Tidelands Park in San Diego Bay recommends 'Do Not List' for indicator bacteria on the proposed 2004 list. However, Tidelands Park was previously placed on the 2002 list for indicator bacteria. Therefore, the only possible actions on this water body are 'Do Nothing' or 'Delist.' Please check the data to see if an error was made in preparing a 'Do Not List' fact sheet instead of a 'Delist' or 'Do Nothing' fact sheet for Tidelands Park.	The fact sheet has been revised as 'Delist' to reflect this comment.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
143.15	Regarding water quality objectives for bacteria listings, the Ocean Plan and the Basin Plan should be cited as the source of the bacteria water quality objectives. The draft currently cites Assembly Bill 411 as the source of the bacteria WQOs. Assembly Bill 411 is not in and of itself, a WQO in the Ocean Plan. The Health and Safety Code Beach Monitoring requirements are not part of the San Diego RWQCB Basin Plan and are not appropriate to site as water quality objectives for inland surface water, enclosed bays, and estuaries such as Mission Bay.	These references to standards were changed.	Yes
143.16	Chronic toxicity can affect aquatic life beneficial uses, but the rationale for applying it to RARE or WILD beneficial uses has not been described in adequate detail for the purposes of these listings. Without additional information, this is not sufficient to support the impairment to RARE or WILD beneficial uses.	This has been corrected in the fact sheets.	No
143.2	Do Not Delist. Separate dry weather and storm weather listings for bacteria indicators. The hydrology of dry weather urban runoff is significantly different than the hydrology of stormwater runoff in the San Diego Region. These different conditions require different types of structural controls to address bacteria loads.	The dry and wet weather hydrology in the San Diego Region would require different types of structural controls to address bacterial loads; however, this information has no bearing when determining whether a water body should be listed (on) or delisted from the 303(d) list.	No
143.3	Mission Bay data (from 1999 through 2003) was analyzed by the Regional Board (submitted on CD). A comparison of dry weather to storm weather data was made. Storm weather samples frequently exceed the listing standard and did not meet the delisting standard. The two tributaries to Mission Bay (Rose and Tecolote Creeks) have low flow diversion structures at their mouths preventing dry weather flows from entering Mission Bay. When stormwater runoff overwhelms these low flow controls, exceedances of single sample bacteria WQOs is significant.	The Listing Policy supports broad interpretation of water quality standards to accommodate a wide range of water body-specific circumstances. The circumstances that can be used to assess sample representativeness include the implementation of control measures, averaging samples when collected very close in time, etc. In developing the recommendations for the 2006 list, no data were systematically excluded from the comparison to standards unless the exclusion was required by the water quality standard itself (e.g., Region 4's seasonal bacteria standards) or allowed by the Listing Policy. In the case of water quality objectives or criteria that apply to waters at all times of the year without a stated seasonal, or dry and/or storm water period exclusion, all data for segments were combined in the weight-of-evidence assessment. This approach avoids the possibility of selectively removing data until only some 'a priori' conclusion is reached. This data exclusion could, if used independently of the provisions of the water quality standard, lead to greater or fewer listed waters depending on the judgment of the staff person making the assessment. 'Seasonal listings', or listings based on dry weather and/or storm water runoff periods, do not make sense because the water body and pollutant are either on or not on the list (the section 303(d) list is the State's priorities for which TMDLs get developed first). Seasonal, or dry and/or storm water period problems are more appropriately addressed in the development of TMDLs.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
143.4	Revise the delisting recommendation for Mission Bay individual shoreline segments. Mission Bay should be listed or delisted based on sampling results from those areas rather than lumping all the data together and considering the Bay as a whole. Tidal flushing is different throughout the Bay, some shoreline segments meet WQOs consistently, while others are routinely in violation. This is true for both dry weather (dw) and storm weather (ww) conditions at some sites. The Regional Board analyzed the Mission Bay bacteria data from 2001-2003 for each sampling location for dw and ww (new data in attachment 1 and 2). The recommendations for listing and delisting Mission Bay segments for dw and ww conditions are included in a data table (Table 1 in comment letter).	The new analysis provided was reviewed. Under this new analysis the Mission Bay water body was broken up into 34 water body segments, with a new water body pollutant combination (combinations) being developed for each segment. Currently, a fact sheet for each one of these combinations does not exist. This new analysis should be addressed during the next listing cycle. With regards to the recommendation of listing/delisting into the categories of dry weather and wet weather conditions the Listing Policy does not contain a provision that defines wet and/or dry weather events individually, as it pertains to (these) specific water bodies. Without such a provision we would not be able to refine the 303(d) listing while taking into consideration dry and wet weather events.	No
143.5	List the La Jolla Children's Pool for bacteria indicators. It should be listed due to its high number of exceedances of bacteria water quality objectives. During the data collection period (1999-2003), 99 of 344 analyses exceeded the WQO for all 3 indicator bacteria. The exceedances were mainly due to total and fecal coliform.	The La Jolla Childrens Pool shall remain listed for bacteria indicators.	No
229.3	Delistings of San Diego RWQCB stretches of the Pacific Ocean and local bay segments where dry weather data exists that meets the criteria. Each time it rains, 72-hour advisory postings go into effect on these stretches. Wet weather data exists in the municipal storm water program.	Comment acknowledged.	No
229.5	Commenter supports listing of San Diego Bay for PCB's. Commenter is also concerned with fish consumption and has conducted and submitted a pier fishers survey into the record. Encourages future studies to consider Hg, arsenic, DDT, cadmium, benzopyrene, etc.	Comment acknowledged.	No
229.6	Commenter supports the copper listings in San Diego Bay.	Comment acknowledged.	No
235.1	Commenter disagrees with listings for DO and TDS at Sweetwater and manganese, aluminum and DO at Loveland Reservoir.	Comments acknowledged.	No
235.4	Regarding Sweetwater Reservoir listing for TDS, the water in this reservoir is imported from Northern California, the Bay Delta, and the Colorado River. These waters, before entering the reservoir, are often already in exceedance of the Basin Plan objective for TDS. This would make it difficult to regulate TDS in this reservoir.	For Sweetwater Reservoir and other terminal reservoirs in the San Diego Region, the State Water Board at its October 25, 2006 meeting, found that these waters should not be listed for TDS because the source waters met applicable water quality standards. It was found to be inappropriate to list these water bodies based on secondary MCLs when the TDS values of the incoming supplying waters were higher than the MCLs. Narrative standards are therefore met. Hence, Sweetwater Reservoir and the other reservoirs previously recommended for listing are not being placed on the 2006 section 303(d) list for TDS.	Yes
237.1	Los Penasquitos Creek should not be listed for phosphate and TDS because the sample sizes do not meet the minimum sample sizes in	After reviewing the fact sheet for the TDS listing, a correction was made to the weight of evidence. The correct sample size is eight, with eight	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	table 3.2.	samples exceeding the water quality objective. The weight of evidence had incorrectly stated two of two samples exceeded for phosphate. A sample size of eight meets the sample requirements of table 3.2. Phosphate is a nutrient and as such is considered a toxicant. The minimum sample size for the listing of a toxicant is 2 (table 3.1).	
237.2	For San Diego Bay Shoreline at Harbor Island East and West, please state whether this is for total or dissolved copper.	The lines of evidence are for dissolved copper.	No
237.3	Would like to see the evidence that Regional Board staff is supporting the request to the State for a 0.5 mile extension of Chollas Creek to the south fork.	The line of evidence in the fact sheet states that the request to extend Chollas Creek came from correspondence with James Smith at the San Diego Regional Board.	No
237.4	The Mission Bay Shoreline area change doesn't have an explanation of the change. Would like to be able to review that recommendation and comment on it.	The fact sheet states the reason for the area change.	No
243.1	If there are doubts about putting something on the list, then State Board should err on the side of waiting until more data can be collected. The English Canyon is proposed for listing because it has 4 samples, which is the minimum sample size. All samples were from 1 location hence these samples are not representative of the water body. It should not be proposed for listing.	Sections 6.1.5.2 and 6.1.5.3 of the Listing Policy allow for this because sampling occurred over a period of months. Thus sampling is representative of the condition of the water body.	No
Do Not Delist Staff Report, North Coast Region Fact Sheets			
303.1	Supports the continued listing of the Laguna de Santa Rosa as impaired for excess nitrogen, phosphorus, sediment, temperature and low dissolved oxygen. High nutrient levels adversely affect the Laguna's beneficial uses (REC-1, REC-2, and COLD). The nutrient levels also fuel the growth rate of algae, invasive aquatic plants like Ludwigia, and contribute to breeding habitat for mosquitoes that transmit West Nile virus.	Comment acknowledged.	No
Do Not Delist Staff Report, San Francisco Bay Region Fact Sheets			
106.1	Commenter submitted a letter from DFG regarding habitat conditions in Pescadero Creek.	Comment acknowledged.	No
Do Not Delist Staff Report, Los Angeles Region Fact Sheets			
66.34, 75.2, 75.1	For the 'do not delist' recommendation for Santa Monica Bay for Chlordane; assessment record supports delisting. Fact sheet shows Chlordane exceeded marine sediment guideline in none of the 24 samples, which is sufficient evidence of non-impairment using weight of	These data were reviewed and incorporated into the fact sheet and the decision recommendation has been changed to 'delist'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	evidence approach. More recent data of fish tissue and sediment results show narrative WQS are being attained (see data files submitted by LA RWQCB for this segment). State should delist pollutant for this segment.		
73.26	Ballona Creek Estuary Do Not Delist Listing --- Incongruent language. Listed for DDT, paragraph 3 contradicts impairment determination. Pg 224.	This language has been corrected.	Yes
83.38	Santa Monica Bay Offshore/Nearshore -- Chlordane, PAHs: Available sediment data show that the water segment is not impaired for chlordane and PAHs in sediments; therefore, this water segment should be delisted. Available data from the Southern California Bight Regional Monitoring Surveys conducted in 1998 (Bight'98) and 2003 (Bight'03) provide a sufficient number of samples to demonstrate that chlordane and PAHs do not occur in sediments in this water body at concentrations that exceed the sediment quality evaluation guidelines. New sediment data for chlordane and total PAHs were provided. Out of the additional 29 sediment samples for chlordane taken in 2003, none exceeded the ERM. Likewise, for total PAHs, none of the 29 additional sediment samples from Bight '03 exceeded the ERM for total PAHs. Therefore, the combined data set from the Bight '98 and Bight '03 regional surveys indicates that out of a combined total of 52 samples for chlordane, none exceed the sediment quality guideline being applied by the SWRCB. The combined data set for total PAHs shows that out of a total 52 sediment samples, none exceed the applicable sediment quality guideline.	This more recent data has been reviewed for Santa Monica Bay for chlordane and PAHs and incorporated into the fact sheets. The data was found to support a recommendation to delist this water body for both these constituents.	Yes
107.18	Although the commenter agrees with the decision not to delist Coyote Creek for lead, it should be noted that the State Board decision is based on combined wet- and dry-weather LACDPW storm water data. Wet- and dry-weather data should not be combined in the assessment because these data represent very different conditions in the River. Instead, data from the two periods should be assessed independently. In the data review for the San Gabriel metals TMDL, Regional Board staff found 7/62 exceedances based only on wet-weather samples and including more recent data from the 2004/2005 storm season (see Attachment 3c of comment letter). Although it does not appear to affect the do not delist recommendation, the second line of evidence is from the same data set as the first line of evidence. The second line of evidence is based on total lead. However, dissolved lead was also reported and was analyzed as part of the first	The fact sheet has been modified to include new information and this has changed the recommendation to 'delist'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	line of evidence.		
107.22	Need clarification on the weight of evidence used in the decision to recommend not delisting copper in San Gabriel River Reach 2. Is the decision not to delist based on the total number of exceedances for both lines of evidence (i.e., 11 out of 88 samples)? Commenter requests clarification on the source of data used in the first line of evidence. Is it solely wet-weather data? If so, supports combining it with the data used in the second line of evidence.	The data used for the two original lines of evidence were overlapping data from the same source. This data has been reassessed using the hardness based criteria for each sample and none of the 51 samples from 1998-2004 exceeded the CTR CCC for dissolved copper. The data from 1997, which contained the exceedances previously identified in the draft recommendations was not included as there is no hardness data associated with these samples so the criteria could not accurately be calculated. In reviewing the data and draft recommendations, an average hardness was used to assess all samples originally. This revised fact sheet uses individually calculated criteria for each sample and is therefore a more accurate portrayal of conditions in this water body. The recommendation for this pollutant water body combination has been changed to 'delist'.	Yes
228.2	Santa Monica Bay - Listing Policy states listing for beach closures is not valid. Need to review all available data on these beaches since there is a TMDL in effect on these beaches.	Bacteria indicator data has been reviewed for many locations in Santa Monica Bay and when appropriate, the beach closure listings have been replaced with listings for indicator bacteria and placed in the Being Addressed category of the list. Keeping these water bodies on the list in their own category allows the State to track where programs are in place and ensure that future data demonstrates water quality improvements. Once sufficient data becomes available showing that a problem no longer exists, the water body will be delisted.	Yes
228.6	Recommend delisting Santa Monica Bay for chlordane due to new sediment and tissue data acquired supporting this. Delist by using a weight of evidence approach or evaluate new data.	Additional data was reviewed and the decision was changed to 'Delist'.	Yes

Do Not Delist Staff Report, Central Valley Region Fact Sheets

49.2, 109.4, 109.1, 220.1, 221.1	Delist the Harding Drain for ammonia, diazinon, and chlorpyrifos because new data supports that a delisting is warranted.	These new data have been reviewed and have resulted in listing change recommendations for both ammonia and diazinon. The new data submitted however does not support a delisting recommendation for chlorpyrifos.	Yes
109.2	Delist Don Pedro Reservoir for Hg because the original listing was based on faulty data. The data is based on outdated analytical techniques, is not spatially representative (collected in the northernmost arms of the lake) and was incorrectly applied to compare against the USEPA criterion. The data was collected decades ago prior to the development of 'clean' and 'ultra-clean' metals techniques. New data should be completed on the Reservoir to assess potential impairment. In the past, extensive comments were submitted concerning the listing of the Reservoir for Hg. To date, TID has not received any detailed response to these comments.	Don Pedro Reservoir is currently not on the 303(d) list for mercury, however Don Pedro Reservoir is listed on the 303(d) list for mercury. In response to this comment, samples should be representative of the water body segment. To the extent possible, samples should represent statistically or in a consistent targeted manner the segment of the water body. Numeric criteria for mercury in fish tissue have been developed for both human health and wildlife protection. The U.S. Environmental Protection Agency (USEPA) recently established a human health protection criteria of 0.3 milligram per kilogram methylmercury in the edible portions of fish. This criterion is used to determine attainment	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		with the narrative toxicity objective. The Listing Policy does not put age limitations on data. All data must be considered. To remove this water body from the 303(d) list, additional data indicating compliance with water quality objectives is necessary.	
218.2	Commenter feels strongly that the San Joaquin River should not be delisted for salinity and that other commenters in favor of delisting it are presenting information to the Board that does not accurately reflect actual conditions in the water body.	Comment acknowledged.	No
Do Not Delist Staff Report, Santa Ana Region Fact Sheets			
103.37	San Diego Creek Reach 1 for Diazinon: Water body should be placed in the Water Quality Limited Segments Being Addressed category of the section 303(d) list because a TMDL has been approved by USEPA and an implementation plan has been approved.	This water body has been moved to the 'Water Quality Limited Segments Being Addressed' category of the section 303(d) list.	Yes
103.5	San Diego Creek Reach 1 for Chlorpyrifos: Water body should be placed in the Water Quality Limited Segments Being Addressed category of the section 303(d) list because a TMDL has been approved by USEPA and an implementation plan has been approved.	This water body has been placed in the 'Water Quality Limited Segments Being Addressed' category of the section 303(d) list.	Yes
Do Not List Staff Report, San Francisco Bay Region Fact Sheets			
123.2	There is sufficient data of impairment to list the greater San Francisco Bay for PBDEs. There is growing and disturbing evidence that PBDEs are present in the SF Bay ecosystem at levels that are harming beneficial uses of the Bay in terms of aquatic organisms, wildlife, and human health. One specific study found PBDEs in the tissue of local filter feeding bivalves. Several other studies demonstrate the presence of PBDEs in the Bay at levels that can cause impairment. The San Francisco Estuary Institute (SFEI) published a study last year that shows high concentrations of PBDEs in South Bay sediment and concentrations of PBDEs in mussels, oysters, and clams as high as 64, 47 and 106 ppb. Another study that Board Staff failed to consider is one that reported that concentrations of PBDEs found in Bay Least Terns were the highest ever reported in biota. Other studies show there are new and controllable sources of PBDEs currently being discharged within the Bay watershed. the State Board Staff erred in its decision to not list the Bay for PBDEs. The Board did not consider all available evidence, and ignored available evidence stated as necessary for listing. Available studies already show that PBDEs can be found in Bay water and sediment at harmful levels, are accumulating in local Bay seals, fish, bird eggs and bivalves, and are currently being discharged. Staff had sufficient evidence to list the San Francisco Bay as impaired for PBDEs. Specific studies are cited in the	There is not enough readily available data at this time to support listing this water body for this pollutant. While PBDEs have been detected in organism tissue and sediments, it cannot be determined if the pollutant is likely to cause or contribute to the adverse effects because a numeric guideline or water quality objective is not available.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	comment letter as recommendation for Board staff to obtain and review.		
123.3	There is sufficient data of impairment to list the greater San Francisco Bay for Polycyclic Aromatic Hydrocarbons. SFEI research demonstrates that PAHs are present in the Bay sediment and water column at concentrations that are likely to produce detrimental responses in aquatic organisms, in violation of the Basin Plan. Collected across the Bay and over a period of nine years, the data generated by SFEI is spatially and temporarily representative as required by the Listing Policy. The 19 of 26 exceedances for sediment threshold levels meets the requirements of listing factor 3.6. Baykeeper believes PAHs are measurably and negatively impacting aquatic life in the Bay, in violation of the Basin Plan, and therefore we strongly recommend that the Board place the Bay on the 303(d) list for this harmful pollutant. Specific studies are cited in the comment letter as recommendation for Board staff to obtain and review.	The recommendation is to not delist the portions of the bay which are listed for PAHs. Data that was not submitted to the SWRCB as part of the data solicitation for the development of the 303(d) list or in comment letters was not considered as part of this assessment.	No
127.2	Commenter supports the Board's position to not list sections of the San Francisco Bay for PCBs as there is not enough information to support such a listing.	Comment acknowledged.	No
127.3	In 1998 EPA listed nickel, but since, the CTR number has been adopted into the Basin Plan. The water body is in compliance. Commenter recommends that the SF Bay be delisted for nickel.	Because the actual data was not submitted with the comment communication, the data could not be evaluated; consequently, a determination to delist, could not be conducted.	No
	Do Not List Staff Report, Los Angeles Region Fact Sheets		
66.26	For the 'do not list' recommendation for Los Angeles Harbor (Fish Harbor) for Cu, Pb, and Zn; assessment record is inaccurate. Fact sheet shows 1 out of 6 sediment toxicity excursions and sediment exceedances for Pb (8 out of 10 samples), Cu (10 out of 10 samples), and Zn (10 out of 10 samples), which is sufficient evidence of impairment based on narrative WQOs. State should include pollutants on list for this segment.	The fact sheets and decisions have been revised to include this data in the assessments for these pollutants in this water body. All three recommendations have been changed to 'list'.	Yes
83.13	Rio Hondo Reach 2 -- Ammonia: Available receiving water data show that the water segment is not impaired. New data were provided. In the case of Rio Hondo Reach 2, the monthly ammonia objective was exceeded only once out of 71 monthly measurements. The daily objective was never exceeded. Thus, the Districts agree with the SWRCB's determination that, based on the currently available data, Rio Hondo Reach 2 should not be listed for ammonia.	Staff has reviewed the new data provided. However, the new data was not incorporated into the fact sheet because it did not change the staff recommendation.	No
83.35	Santa Clara River Reach 6 -- Nitrate+Nitrite: Agree; Available receiving water data show that the water segment is not impaired and therefore this water body should not be listed for nitrate + nitrite. New nitrate + nitrite data for Santa Clara River Reach 6 consist of	The new data was assessed and included in the fact sheet. The new recommendation is 'Do Not List'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	Districts' data from samples collected at two stations in Reach 6 from December 2003 through July 2005. A portion of the data used in the fact sheet were collected before conversion of the Districts' WRPs in the Santa Clara River watershed to nitrification-dentrification (NDN) mode. As discussed in the comments regarding the proposed listing of nitrite for Reach 6 of the Santa Clara River, nitrogen measurements taken in the Santa Clara River before the implementation of NDN processes are not reflective of current water quality conditions. The new data provided were collected after the conversion to NDN mode of Districts' facilities discharging to the Santa Clara River and are thus reflective of current water quality conditions. The post-NDN data shows that the nitrate + nitrite water quality objective of 10 mg/L is being attained. Out of 39 samples collected in Reach 6, none of the samples exceed the water quality objective. Since the post-NDN water quality data show that the water quality objective is attained, the Districts agree that the SWRCB should not list the Santa Clara River Reach 6 as impaired for nitrite + nitrate.		
83.36	Santa Clara River Reach 5, Santa Clara River Reach 6 -- Phosphate: The commenter agrees with the staff recommendation.	Comments acknowledged.	No
107.15, 107.14	The State Board should list the Aliso Canyon Wash for diazinon. The current draft states that 1 out of 6 samples exceed the DFG Diazinon acute hazard assessment criterion of 0.16 ug/l 1-hour average for the protection of aquatic life beneficial uses. The previous draft listed diazinon based on 4 out of 6 samples exceeding the DFG diazinon acute hazard assessment criterion of 0.08 ug/l 1-hour average for the protection of aquatic life beneficial uses, which is the correct criterion.	The Fish and Game criterion for diazinon was revised in 2004 and between the time that Regional Board staff reviewed the draft and the time the draft was released to the public, all diazinon fact sheets were revised to reflect the new criteria. Since the new criteria is less restrictive some of the samples which had previously exceeded no longer were considered to be in exceedance. The new 1-hour criteria is 0.16 ug/l and the 4 day criteria is 0.10 ug/l.	No
119.2	The listing for diazinon in the Santa Clara River reaches 5 and 6 states that 'a sufficient number of samples exceed the California Department of Fish and Game Aquatic Life Toxicity one hour average of 0.08 mg/L and 4-day average of 0.05 mg/L.' Four samples with two samples exceeding were collected in October 2001 (2 samples) and November 2001 (2 samples). Samples taken at the same location on the same day should be averaged. If this were done only a single sample would exceed.	Santa Clara River Reach 5 status for diazinon has been revised. Santa Clara River Reach 6 line of evidence for the diazinon listing indicates 28 out of 29 samples exceeded. The sampling was conducted over a period of nine months, August 2002 through April, 2003, at six stations.	Yes

Do Not List Staff Report, Central Valley Region Fact Sheets

66.35	For the 'do not list' recommendation for the Feather River (Oroville to Sacramento River) for Cu; available data indicate CTR standards are violated for Cu (10 out of 124 samples). State should list pollutant for this segment.	The frequency the standard is exceeded is too low to support a new listing of the pollutant for this water body. In order to list under the provisions of the Listing Policy at least 18 measurements above the standard are needed to support a new listing (Table 3.1 of the Listing Policy).	No
66.38	Fact sheets for several additional Central Valley waters appear to support	All data and information readily available in our administrative record	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	(and actually recommend) listing due to invasive species; yet the State does not actually include these additional waters among new listings. Please clarify the invasive species assessments of these waters in the fact sheets and, if warranted, revise the listing decisions accordingly.	regarding invasive species were reviewed. Data that showed concentrations of pollutant(s) with a trend in declining water quality standards attainment were used during listing assessments for native species. These data indicated that invasive species could be at least one factor in the decline of native species concentrations in the water segment. In some studies it was not possible to assess impacts of invasives on native species. The fact sheets for invasive species listing recommendations also cite other environmental factors that could cause or contribute to the decline native species.	
104.6	Supports the decision not to add to the List: Diazinon in the American River, Lower; Hg in the Bear River, Lower; Chlorpyrifos and Diazinon in the Sac. River; and Chlorpyrifos in the Sac. River.	Comment acknowledged.	No
132.1	The listing of the Feather River, North Fork (below Lake Almanor) for Mercury and Temperature has incorrectly identified existing beneficial uses to include warm freshwater habitat. Edits need to be made to the Fact Sheets for this river segment - delete any suggestion of a warm freshwater habitat designation.	The beneficial uses have been corrected.	Yes
225.5	The Middle Fork of the Feather River (MFFR) is an unregulated river with elevation changes and characteristics similar to the NFFR. The MFFR exhibits temperatures in excess of the 21 degrees C guideline used in the listing. Commenter has doubts that the natural NFFR temperatures remained below the temperature guidelines. Stated in the NFFR Project Relicensing, 'the river was traditionally cold in the winter but warmer in the summer with fish that needed cooler water moving upstream in the shaded pools of the streams of the watershed.'	The sample size did not meet the requirements of the Listing Policy (Table 3.2) to recommend listing the Middle Fork Feather River on the section 303(d) list for temperature. However, the sample size for the North Fork Feather River met the requirements of the Listing Policy and had enough samples exceeding the temperature guidelines to place it on the 303(d) list.	No
Do Not List Staff Report, Colorado River Basin Region Fact Sheets			
66.39	For the 'do not list' recommendation for the New River (Imperial) for Cu; available data indicate CTR exceedances for Cu (10 out of 24 samples). State should list pollutant for this segment.	Staff reviewed all available data including that which was submitted by the Regional Board. The analysis indicated an insufficient number of exceedances to list this pollutant and therefore the recommendation has not been changed.	No
Do Not List Staff Report, Santa Ana Region Fact Sheets			
66.40	For the 'do not list' recommendation for Anaheim Bay for Dieldrin; assessment record is incomplete since it does not include all lines of evidence. EPA added this to the 2002 list based on exceedances of fish tissue values. Fact sheet shows only sediment results (none out of 58). State should provide good cause for delisting or retain pollutant on 303(d) list for this segment.	The fish tissue line of evidence has been added to the fact sheet, and as a result, we have changed the decision for Anaheim Bay for dieldrin to 'do not delist'. As part of the changes to the fact sheet, staff has added a decision for Anaheim Bay for PCBs as 'do not delist' and added a decision for Anaheim Bay for chlordane as 'do not list'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
66.41	For the 'do not list' recommendation for Huntington Harbour for Dieldrin; assessment record is incomplete since it does not include all lines of evidence. EPA added this to the 2002 list based on exceedances of fish tissue values. Fact sheet shows only sediment results (none out of 66). State should provide good cause for delisting or retain pollutant on 303(d) list for this segment.	There is no fish tissue data in the administrative record for Huntington Harbour. Data in the administrative record shows that none of 60 sediment samples exceeds the water quality objective. Based on section 4.11 of the Listing Policy, this is sufficient to delist this water body-pollutant combination from the 303(d) list.	Yes
103.29	Recommend listing Newport Bay, Lower for Chlordane: The State Board recommendation is based solely on the lack of measurable chlordane in fish tissue (SCCWRP Bioaccumulation of Contaminants in Recreational and Forage Fish in Newport Bay, California, in 2000-2002). There are other relevant data that apply to this assessment that evidently were not part of the State Board record. Because there is significant toxicity, coupled with 13 of 30 sediment samples that exceed the chlordane SQG, SARWQCB staff recommends that Lower Newport Bay be listed for chlordane. Relevant data are summarized: Sediment Chemistry reported in BPTCP (1994) - 8 of 11 samples exceeded the SQG for chlordane (6 ppb dw). Sediment Chemistry reported in BIGHT '98 - 2 of 11 samples exceeded the SQG for chlordane. Sediment Chemistry reported in the SCCWRP Sediment Toxicity Study (2004) - none of the 5 samples measured had detectable concentrations of chlordane. Sediment Chemistry reported in Orange County NPDES Monitoring Reports (2000-Present) - 3 of 3 samples exceeded the SQG for chlordane (6 ppb dw). Toxicity - BPTCP (1994-1997) - 5 of 11 sediment samples were toxic to amphipods. Ten of 11 samples showed porewater toxicity to purple urchin larval development. Spearman Rank Correlation showed significant correlation between toxicity and chemistry for chlordane. Four of 11 sites showed degraded benthic communities. Toxicity - BIGHT '98 - 5 of 11 sites were highly toxic to amphipods, 4 of 11 sites were moderately toxic, and only two were nontoxic. Toxicity - BIGHT '03 - 5 of 8 samples were highly toxic to amphipods, 2 of 8 samples were moderately toxic, and 1 was nontoxic. Toxicity - SCCWRP Sediment Toxicity Study (2004) - In Sept. 2000, 3 of 4 stations showed toxicity to amphipod survival, 1 of 3 stations had water column toxicity to sea urchin fertilization and development; no stations showed sediment-water interface toxicity. In May 2001, 3 of 4 stations showed toxicity to amphipods.	The data from the Sediment Toxicity Studies for Newport Bay and the BPTCP data was evaluated for chlordane. Supporting lines of evidence in the fact sheet were added that shows the inclusion of these data. Based on the data assessment, enough samples exceed the water quality objectives. The new recommendation is 'List'.	Yes
103.30	Newport Bay, Upper for Chlordane: The State Board recommendation is based on the lack of exceedances of chlordane in the water column or exceedances of sediment quality guidelines. However, there are other relevant data that apply to this assessment that evidently were not part of the State Board record. Because there is significant toxicity, coupled with 27 of 36 sediment samples that exceed the chlordane SQG, SARWQCB staff recommends that Upper Newport Bay be listed for chlordane. Sediment Chemistry - SCCWRP Newport Bay Sediment Toxicity Studies	The data from the Sediment Toxicity Studies for Newport Bay and the BPTCP data was evaluated for chlordane. Supporting lines of evidence in the fact sheet were added that shows the inclusion of these data. Based on the data assessment, enough sediment samples exceeded the sediment guideline and exhibited toxicity and because of this, the new recommendation is 'List'.	Yes

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION

(2004). Note that SWRCB used the older, 2003 version of the SCCWRP study; data for chlordane were revised in the 2004 final report. The evaluation guideline for total chlordane in marine and estuarine sediments that is recommended in the State's Listing Policy s (6 ppb dw, Long et al., 1995) commonly is applied to the sum of one or more of the following chlordane species: alpha- and gamma-chlordane, cis- and trans-chlordane, cis- and trans-nonachlor, and oxychlordane. According to the Toxicological Profile for Chlordane (US Department of Health and Human Services, 1994), chlordane is not a single chemical but consists of a mixture of about 140 components, including trans-chlordane, cis-chlordane, beta-chlordane, heptachlor, and trans-nonachlor (cis-chlordane is also known as alpha-chlordane, and trans-chlordane is commonly known as gamma-chlordane). Contrary to what was stated in the SWRCB fact sheet, staff believes that if gamma-chlordane is the only species measured and/or observed to exceed the Long et al. guideline, then that exceedance is valid even in the absence of a separate guideline that is specific for gamma-chlordane. The SCCWRP study measured chlordane in 8 samples (not 5 as stated in the fact sheet) on May 2001 and March 2002, at the following stations in Upper Newport Bay: NB6, NB7, NB8, NB9, NB10, NB10b, NB10c. There were 3 exceedances of the SQG (6 ppb dw) out of 8 samples. The SCCWRP analyses did not include calibration standards, so results are considered to be estimates only and should perhaps not be used in the impairment assessment. Also note the SWRCB fact sheet appears to have been listed twice. Water Chemistry - The SCCWRP Newport Bay Sediment Toxicity Studies measured chlordane in one sample (n=1) just below the Pacific Coast Highway bridge that was meant to represent Upper Newport Bay (the sample was not taken at NB10 as stated in the fact sheet). The sample was nondetect for chlordane. Note the SWRCB fact sheet listed these data twice. Toxicity - Based on the SCCWRP Newport Bay Sediment Toxicity Studies (2004) - Significant sediment toxicity was noted. There are other relevant data that apply to this assessment that evidently were not part of the SWRCB record. Based on these additional data that show a total of 27 exceedances of SQGs out of 36 samples, and additional sediment toxicity data that linked sediment toxicity to chlordane, Regional Board staff recommends that Upper Newport Bay be listed for chlordane. Those data are summarized below: Sediment Chemistry reported in Masters, P.M. and Inman, D.L. 2000. Transport and Fate of Organochlorines Discharged to the Salt Marsh at Upper Newport Bay, California, USA, Environ. Toxicol. Chem. 19(8): 2076-2084. Ten out of 10 samples exceeded the SQG (6 ppb dw) for chlordane. Sediment Chemistry reported in the Bay Protection and Toxic Cleanup Program (BPTCP) 1994, 1996. Three of 7 samples exceeded the SQG (6 ppb dw) for chlordane. Sediment Chemistry reported in County of Orange NPDES Monitoring Report (2000-Present). Eleven out of 11 samples exceeded the SQG for chlordane (6 ppb dw). Toxicity -

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	BPTCP (1994-1997). Two of 8 samples were toxic to amphipods; 6 out of 6 sites sampled showed porewater toxicity to purple urchin larval development. Spearman Rank Correlation testing showed significant correlation between amphipod toxicity, urchin development toxicity, and chemistry for total chlordane. Three of 8 sites showed transitional benthic communities (intermediate between degraded and un-degraded).		
103.34	Rhine Channel for Chlordane: Data from studies below indicate 2 of 20 sediment samples exceeded the chlordane SQG, and significant toxicity is also present (although specific toxicants could not be identified), SARWQCB staff recommends listing Rhine Channel for chlordane. Fish Tissue Chemistry - Toxic Substances Monitoring Program (TSMP) showed two of two samples collected in 1997 and 1999 did not exceed the OEHHA screening value for chlordane (30 ppm ww). Sediment Chemistry - BPTCP showed one of two samples exceeded the chlordane SQG (6 ppb dw). Sediment Chemistry - Orange County Monitoring Reports for MS4 Permit showed 1 of 1 sample exceeded chlordane SQG. Sediment Chemistry - SCCWRP Chemistry and Toxicity in Rhine Channel Sediments (2003) - None of the 15 samples exceeded the chlordane SQG. Sediment Chemistry - SCCWRP Sediment Toxicity Study (2004) - None of the 2 samples exceeded the chlordane SQG. Toxicity - BPTCP (1994-1997). one of 1 site in Rhine Channel had sediment toxicity to amphipods, porewater toxicity to purple urchin larval development, and a transitional benthic community status. Toxicity - SCCWRP Sediment Toxicity Study (2004) - Sediment toxicity to amphipod survival was observed in September 2000 and May 2001, sediment-water interface toxicity to sea urchin development or fertilization was also observed. TIEs were not successful in accurately identifying toxicants. Toxicity - SCCWRP Chemistry and Toxicity in Rhine Channel Sediments (2003) - 11 of 15 sites had toxicity to amphipods. Ten of 15 samples had sediment-water interface toxicity. No association between sediment contamination and toxicity could be established.	The data from the Sediment Toxicity Studies for Newport Bay and BPTCP was evaluated for chlordane. A fact sheet was created that shows the inclusion of these data. Based on this data assessment, not enough sediment samples exceeded the sediment quality guideline, although toxicity was exhibited. The new recommendation is 'Do Not List'.	Yes

Other Comments

9.1, 12.1, 39.1	Because the current comment deadline, 12/06/05, falls on the same day as the northern California workshop, commenters request a six week extension to this deadline. This would allow more time for stakeholder dialog with regulators in consideration of the large quantity of data to review.	The extension of the comment was granted by the State Water Board. A second extension was also granted that extended the comment period to January 31, 2006.	No
24.16, 43.22	The State Board is encouraged to actively pursue efforts to develop new or revised guidelines. Once a new guideline is established, the water quality standard may be revised and the listing may be reevaluated properly. However, absent any new guideline or standard, and absent affirmative information to show that the water segment is not, in fact,	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	impaired or threatened, it is inappropriate in the context of Section 303(d) to delist previously listed segments based on staff's proposed rationale.		
32.6	Support the proposed delistings for diazinon in various water bodies.	Comment acknowledged.	No
43.41	Commenter has included data which supports the listing of several beaches throughout the state.	All of the data provided has been reviewed and fact sheets revised if the available data support keeping the water body and pollutant on the list.	Yes
43.47	The State Board should ensure that all readily available information is evaluated.	Comment acknowledged.	No
43.48	The State Board should state that as a rule previous listings for which TMDLs have already been adopted should not be reevaluated and overturned during the listing process and that this issue is more properly addressed as part of TMDL implementation.	Comment acknowledged.	No
43.50	The State Board should direct State Board staff to forego reevaluating previous listings in this round and leave that task to the individual regional boards, who are more knowledgeable about their own local water bodies and listing decisions, to implement during the next round of listing in 2008 in accordance with the above clarifications.	Comment acknowledged.	No
43.9	The State Board should do the following: (1) state that as a rule previous listings for which TMDLs have already been adopted should not be reevaluated and overturned during the listing process and that this issue is more properly addressed as part of TMDL implementation; (2) make clear that the Listing Policy should not be used retroactively to overturn prior listing decisions unless one of the three situations specified in the Policy exists and there is substantial evidence to demonstrate with a high degree of persuasion that the earlier decision was not correct (including an affirmative demonstration that the water is currently in attainment); and (3) direct State Board staff to forego re-evaluating previous listings in this round and leave that task to the individual Regional Boards, who are more knowledgeable about their own local water bodies and listing decisions, to implement during the next round of listing in 2008 in accordance with the above clarifications.	Comments acknowledged.	No
44.1, 44.4	Commenter supports the State Board's proposal to add Bodega Bay, the Delta Waterways, the Cosumnes River, and portions of the San Joaquin River for exotic species. The resulting degradation and impairment of beneficial uses in these areas are well documented and are only escalating today.	Comments acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
44.3	Commenter commends the State Board for recognizing both the severity of the problems caused by exotic species and that TMDLs are an appropriate avenue for dealing with them.	Comment acknowledged.	No
51.7, 84.5	The critical failure in the CWA process was not acknowledging what the natural background levels in the real world were when the Basin Plan objectives were established.	Comment acknowledged.	No
53.3	Additional data that was not available to the State Board during the 2006 listing cycle which is available to support some of the comments and can be provided.	Comment acknowledged.	No
63.1	Commenter appreciates the extension of the comment period.	Comment acknowledged.	No
65.13	Make sure that the list is consistent with the Clean Water Act.	Comment acknowledged.	No
65.2	The Board needs to consider providing additional resources and time to finish this large task of completing the 303(d) list.	Comment acknowledged.	No
66.1	Commenter supports several individual 303(d) assessments.	Comment acknowledged.	No
72.1	Commenter proposes change in trash TMDL from zero to non-zero and/or allowing for some periods of elevated trash levels (the warm months of June through September).	Changing the targets for the trash TMDL are outside the scope of the Section 303(d) listing process.	No
72.2	The Forest Service has increased its trash collection capacity with the addition of several various sized trash receptacles.	Comment acknowledged.	No
73.117	Los Angeles River Reach 1 (Estuary to Carson Street)-Aluminum, Total: MUN Beneficial uses are designated under SB 88-63 and RB 89-03. As a result of a court decision, MUN bodies are not subject to MUN criteria. The court decision requires USEPA to approve or disapprove the Basin Plan in such a way that MUN criteria could not be used for 303(d) listing decisions for waters designated as potential MUN. Additionally, the most conservative applicable water quality criterion for aluminum is 1000 µg/L for the Basin Plan MUN objective. In Los Angeles River Reach 1 (Estuary to Carson Street), the criterion was exceeded in 6 of 80 samples, which is 7.5% of the sample events. Under the State's Listing Policy Section 4, a water body is eligible for delisting for dissolved aluminum if there are 6 or fewer exceedances out of the 80 samples. State Board did not prepare a fact sheet for this pollutant water body combination.	Los Angeles River Reach 1 (Estuary to Carson Street) for aluminum is being delisted from the 2006 303(d) list because the original listing basis was faulty. There is no aluminum objective for this reach and during the original listing, an inappropriate objective was applied to the data.	Yes
73.15	The 2002 §303(d) list did not associate beneficial uses with the pollutants for most water bodies. The 2006 fact sheets do not always identify the beneficial use that is being impacted, which triggers the need for a listing of impairment. The identification of the beneficial use being impacted is	In all fact sheets beneficial uses are identified. In future listing cycles, beneficial uses will be identified for all listings.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	required as part of the water quality standard. The SWRCB and RWQCBs should associate each impairment on the 2006 §303(d) list with a beneficial use.		
81.2	The fact sheets do not provide consistent information regarding hardness data used to calculate hardness-dependent metals criteria. The fact sheets should be revised to clearly indicate the hardness values used to calculate the water quality criteria.	Revisions were made to fact sheets in order to clarify how the hardness based criteria was calculated. In almost all cases, the criteria was calculated for each individual sample using the hardness value for that sample. However, there were a few instances where only the average hardness data was available and used. In cases where the average value was used, recommendations were to not list so using this average value did not result in any new listings.	Yes
81.3	Only water quality data with paired hardness values should be used. In the absence of information that supports the selected hardness value, the data should not be considered to be of sufficient quality to make water quality attainment determinations.	Revisions were made to fact sheets in order to clarify how the hardness based criteria was calculated. In almost all cases, the criteria was calculated for each individual sample using the hardness value for that sample. However, there were a few instances where only the average hardness data was available and used. In cases where the average value was used, recommendations were to not list so using this average value did not result in any new listings.	No
84.6, 114.6, 129.4	Commenter requests division of labor - the State Board develops the 303(d) list and the Regional Boards focus on water quality standards and on the development of TMDL's and other programs to address impaired waters and ensure that beneficial uses are attained be continued.	As required by the Listing Policy, future 303(d) listings of impaired water bodies will be generated at the Regional Water Boards.	No
103.7	Would like to know if a database to support the current listing process exists so that it can be used to accommodate the data that will need to be reviewed for the upcoming listing cycles.	At present, a database for storing all data and information is not available.	No
108.5	Commenter asks that we please concur with representatives from the building industry (Pasadena Workshop), that problems with water quality standards in the Basin Plans need to be addressed.	Comment acknowledged.	No
114.2	Establishment of Water Quality Objectives: Adopt appropriate policies and take whatever additional steps are necessary to ensure that the Basin Plans and the 303(d) list are consistent with California Water Code section 13241. This section specifies establishment of water quality objectives.	Comment acknowledged.	No
114.5	Water Quality Standards in Basin Plans: The big problem is Basin Plans and their water quality objectives. The State Board should consider how to address problems with water quality standards in Basin Plans.	Comment acknowledged.	No
116.3	Commenter believes that continuous review and revision to the 303(d) list strengthens the validity of the listed sites. Furthermore, as TMDLs continue to be developed, ensuring the list is accurate and up to date will	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	improve efforts and increase efficiency when addressing those waters that need improvement.		
119.3	More recent samples show diazinon as non-detected. Also, the sale of diazinon has been banned by EPA since December 31, 2004 and it is reasonably expected that this will eliminate all urban usage of diazinon once existing stocks have been used.	The banning of this chemical will eventually result in diazinon being removed from these water bodies. It is uncertain, however, when attainment of water quality standards will be achieved. Consequently, the timeframe for attainment of standards is not specified. The Listing Policy allows for an existing regulatory program to be used if attainment of the standards occurs within a reasonably specified time frame. For diazinon phase out, the timeframe for compliance is not specified or known.	No
123.16	Strongly urge the Board to err on the side of protecting water quality in Region 2 and 5 water bodies by applying the precautionary principle to listings.	Comment acknowledged.	No
126.2, 126.1, 201.1, 206.3, 234.4	Commenter is unhappy that State Board staff has made the record for this item virtually inaccessible. The record is not available on the web, it is not available at the Regional Board offices, and it is not available on CD format for us to view in the comfort of commenter homes and offices. Regional Board staff responsible for this issue made an effort to obtain a copy of the record and was unable to do so. He was told he had to come to Sacramento to see the record and there was no guarantee that he would be able to obtain copies.	Due to staff and budgetary constraints, the entire administrative record is not available in electronic format, although some data submissions were in this format. The administrative record supporting the proposed 2006 303(d) list is housed in the Division of Water Quality, State Water Resources Control Board. This information has been available along with contact phone numbers since September 2005 on the State Water Resources Control Board web site. Depending on the size of the data requested, several inquiries were handled via regular mail or email (if data was available in electronic format). For larger data requests, interested parties have complete access to the requested records so copies can be made.	No
129.11	Commenter agrees with the County of Orange assertion that screening values should not be inappropriately used as a water quality standard for determining impairments.	This issue was addressed during the development of the Listing Policy. The Listing Policy requires the use of guidelines such as those presented in the OEHHA report. The OEHHA screening values satisfy the conditions required by section 6.1.3 of the Listing Policy.	No
129.14	Suggest that future data and data analysis used to support 303(d) list decisions be made available at the appropriate RWQCB Offices for public review.	All data in the State Board's administrative record used for this draft 303(d) list, as well as all recent comment letter data submittals will be provided to the appropriate Regional Board offices for future listing processes.	No
129.15	Commenter would like to commend the State Board staff for the improvements made to the 303(d) list, and for recommending changes that will further improve the list.	Comment acknowledged.	No
129.5	The State Board should stick to the cut-off date for data submittal and not review any new data until the next 303(d) listing cycle.	Comment acknowledged.	No
129.6	Commenter disagrees with David Beckman. There is agreement that listings for which rigorous supporting data is missing should not be	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	preserved in the name of the 'Precautionary Principle'.		
129.8, 236.3	The listing of raw water sources and storage reservoirs are being judged in relation to criteria intended to apply at the point of delivery of municipal or domestic water supplies. This is due from the implementation of the State Boards 'Sources of Drinking Water Policy'.	This is outside the scope of the 303(d) listing process. The 303(d) process interprets and implements such Policies towards the application of the 303(d) list.	No
137.10	The commenter recommends that the State Board set water quality goals that take into consideration the unique set of physical and environmental characteristics that determine water temperatures for individual stream segments within a watershed.	Comment acknowledged.	No
142.24	Preliminary review shows that when all data are considered, the number of pH values exceeding the water quality objective does not rise to the level needed to list. Commenter requests additional time to complete the assessments of data sets and forward that assessment to the State Board.	State Board used all available data when making the assessment on pH and this data indicated exceedances in water quality objectives resulting in listings. Based on several requests at the two 303(d) workshops, the State Board granted an extension of the submittal for comments to January 31, 2006.	No
142.8, 237.6	Will the State Board be preparing a CEQA document regarding the proposed 303(d) listing? Commenter requests time to review and comment on the CEQA analysis for this process.	The State Board is not preparing a CEQA document regarding the section 303(d) listing process. Compliance with CEQA is not required.	No
143.17	Commenter appreciates the efforts of the Water Board to establish a comprehensive list of impaired waters.	Comment acknowledged.	No
147.1	The 303(d) process needs to be better integrated with a more robust and sophisticated regional water quality Basin Planning process to justify water quality objectives and effectively address beneficial use attainability.	Comment acknowledged.	No
207.2	Commenter feels that citizen monitoring can play an increasingly important role in collecting baseline data to make some of these listing decisions.	Comment acknowledged.	No
207.3	Commenter would have appreciated a little bit more interaction with the State Board on their data and how to use it.	Comment acknowledged.	No
212.1	USEPA has concerns regarding the interpretation of biostimulatory objectives.	Comment acknowledged.	No
212.3	USEPA wants to make sure that the list gets finalized soon; preferably by 4-1-06. Believes that the 303(d) list and 305(b) Lists should be combined in the future.	Comment acknowledged.	No
213.1	Commented that the SWAMP program is under funded and in need of more monitoring data.	Comment acknowledged.	No
213.2	Indicator species, such as the sea otter, are getting sicker due to poor	Comment acknowledged.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	water quality.		
215.1	Concurs with staff on the exotic species listings and the inclusion of the TMDL water bodies in the 303d list.	Comment acknowledged.	No
215.5	There needs to be more consistency in the size of the water body impaired. Commenter was not able to determine this easily from the fact sheets.	The fact sheets detail where sampling occurred for each listing and the name is indicative of the segment of the water body being listed. When the 303(d) list is approved, there will be a description of the estimated size that is affected or impaired.	No
230.1	The Listing Policy has not been applied as intended.	Comment acknowledged.	No
232.1	Commenter acknowledges that developing the 303(d) list is a significant task, to say the least, to put the list together and that staff do not have necessarily the resources that they need.	Comment acknowledged.	No
232.2	Since the 303(d) list and the TMDL program provide the safety net for the State's water quality regulatory program, it's essential that that safety net be solid and strong and that the appropriate water bodies that should be on the list be on the list.	Comment acknowledged.	No
239.1	Make sure that the listings are very carefully considered and supported.	Comment acknowledged.	No
239.3	Translators may not accurately reference metals, but particulates instead during high-flow conditions.	Comment acknowledged.	No
241.3	Please include with all the fact sheets plotted data sets on charts in order to identify water quality trends and age of the data.	While this graphing would be ideal, it is not possible now with the resources currently available.	No
245.1	Dissolved oxygen - have to ask how much of that is naturally occurring. We need to take that into account when developing objectives and standards.	Comment acknowledged.	No
301.1	The schedule for TMDL development statewide should be updated and made available to the public.	The schedule is being updated as part of the list development process.	No
301.2	The current process of developing TMDLs is a concern, since it is difficult to begin the process of feasibility assessment, design, and installation of projects containing appropriate structural BMPs within space-constricted areas adjacent to highways and related facilities.	The process for developing TMDLs is addressed through the implementation of the 'Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options'.	No
301.3	Projects sometimes must be reanalyzed (and possibly redesigned) to address the requirements of subsequent TMDLs.	This is beyond the scope of the section 303(d) Listing process.	No
301.4	The State and Regional Boards should follow a holistic approach to mitigating water quality impairments, so that the ultimate performance requirements of any and all BMPs that must be installed can be	This is beyond the scope of the section 303(d) Listing process.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	considered at the beginning of the planning and design process of projects to meet the conditions of TMDLs.		
301.5	Listings should not be made using 'potential' uses. Many of the water bodies listed for potential REC-1 uses are concrete channels that are fenced and access is prohibited.	In most cases potential uses must be protected. After the release of the draft 303(d) List in September of 2005, several water bodies which had been inappropriately assigned potential beneficial uses for certain waters designated MUN in Region 4 were revised to remove these uses from consideration.	No
302.1	Commenter encourages the Water Board to recommend FERC to decommission and remove the lower four Klamath River Dams operated and licensed by Pacificorp, Iron Gate (HAS 115.37), Copco 1 & 2 (HAS 105.38), and J.C. Boyle dams, to meet water quality standards by increasing flows and cooling temps to discourage proliferation of toxic algae (Microcystis aeruginosa and Anabaena flos-aquae) and gill rot bacteria (Ceratomyxosis shasta) responsible for the deaths of over 50,000 salmon on the Klamath River in 2002.	Although the 303(d) Listing Process identifies water quality problems associated with dams, the solutions to the problems are determined as part of the TMDL development process.	No
302.2	Restoration of the Klamath River following decommissioning would provide additional spawning habitat for endangered Chinook and Klamath Coho salmon, steelhead, and other anadromous fish, including sturgeon and eel.	Comment acknowledged.	No
302.3	The Yurok, Hupa, and Karuk native nations within California all depend upon the Klamath ecosystem's continuous salmon runs for their cultural and physical sustenance. Increasing the salmon population would also boost tourism along the river.	Comment acknowledged.	No
302.4	The hydroelectric power provided by the four dams can be easily replaced by sustainable solar and wind generated power. Agricultural uses are not impacted since the dams do not divert water for agriculture.	Comment acknowledged.	No

Comments related to issues not addressed in the 2006 listing recommentations

2.1, 56.1, 223.2	Delist the Lower San Joaquin River as a water body impaired by salt and boron. The Vernalis salinity objectives are met, beneficial uses are not impaired, and the Vernalis salinity objectives will continue to be met in the future. Copy of data provided. There is available data that shows no impairment. The integrity of the data used is in question. Should use CALSIM2 data.	In developing the proposals for the 2006 section 303(d) list, staff did not analyze any data, information, or proposals for delisting of the lower San Joaquin River for salinity or boron. The State Water Board recently approved a TMDL for salt and boron and it is probable that USEPA will approve the TMDL if it is compliant with federal TMDL requirements. Since the section 303(d) list is simply the state's priority list for which waters need TMDLs (please refer to 40 CFR 130.7), the decision to keep a water body on the list or remove it has no bearing on the quality of the TMDL. TMDLs are required for waters where standards are not met (CWA section 303(d)(1)) and for waters where standards are met (CWA section 303(d)(3)).	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
		These comments address new data and information that was not readily available to State Water Board staff before the draft recommendations were released or focus on previous listings where data and information are not yet summarized. The completion of fact sheets for these data and information are being delayed until the next listing cycle to avoid further delay in the completion of the 2006 section 303(d) list and to avoid possible bias if all data and information are not in the administrative record. All the data and information provided was reviewed; however, priorities for using the data to prepare new fact sheets were established on the data sets that were already summarized in fact sheets. These priorities were established because limited staff resources preclude the development of summaries for all waters, all pollutants, and all water bodies.	
27.1	DWR and USBR are now (as of April 1, 2005) required to meet three interior South Delta water quality objectives at Brandt Bridge, Old River near Middle River, and Old River at the Tracy Road Bridge under the same criteria as Vernalis; 0.7 EC April through August, 1.0 EC September through March. As disclosed in the recent CDO hearings, DWR and USBR violated the Brandt Bridge 1.0 standard for a number of months in 2003 and failed to disclose such violation. This violation occurred because the USBR operates New Melones to meet Vernalis only i.e., it does not make releases to meet any salinity standard other than New Melones) and USBR and DWR have undertaken no other actions by which the Brandt Bridge standard (or the other two standards), would be met. Hence, the lower portions of the San Joaquin River in the Delta are adversely affected by the upstream portions of the River where the high saline discharges occur. Therefore, the water body continues to be impaired.	In developing the original recommendations for revision of the Section 303(d) list, the fact sheets were not proposed to assess listing status of the Lower San Joaquin River salt and boron listings. A new fact sheet for this pollutant water body combination has not been developed because listings with approved TMDLs were low priority for fact sheet development.	No
27.2	Commenter opposes the San Joaquin River Group Authority and San Joaquin River Management Group recommendation that the San Joaquin River be delisted as being impaired by salt and boron. Generally, the reasons given are that there have been no recent water quality violations (for salinity) in the last ten years, and that the. updated CalSim II model indicates that the Vernalis water quality standard (the Water Quality Objective for agricultural beneficial uses) is anticipated to be met in all but a few of the most critically dry periods. Neither of these assertions are correct.	Comment acknowledged.	No
27.3, 217.11	With regard to water quality violations, they are both wrong and misleading. First, the water quality standard at Vernalis is met only at Vernalis. Extremely high saline discharges to the river from the CVP contractors in the San Joaquin Valley occur upstream of Vernalis and at concentrations which sometimes exceed the standard by a factor of 10.	All data and information provided has been reviewed and it is likely that the standards are not met.	No

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	These poor quality waters are slightly diluted by Tuolumne and Merced River flows, but at not lowered to the standard (0.7/1.0 EC) until releases from New Melones on the Stanislaus occur at approximately the Vernalis location. Thereafter, evaporation, riverine habitat evapotransporation, agricultural consumptive use, etc., cause the water quality again to rise above the standard as the river flows downstream. Hence, the compliance SJRGA references is only realized in a very short stretch of the river and certainly not in the 60 miles upstream thereof. Water quality is required to be met throughout the channel, not just at the monitoring/compliance locations.		
27.4	An upstream salinity standard has not been met. Given this, it cannot be reasonably argued that there have been no water quality violations on the San Joaquin River, or that the water body is not impaired due to salinity.	Comment acknowledged.	No
27.5, 217.6	Assertions that the Vernalis (they ignore the three other standards because they are trying to change them) is not at risk is also irrelevant. Other commenters rely on updating of the CalSim II model for the assertion. However, the CALFED peer review of that updating highlights certain problems, including underestimations of salinity and flows. As a result, the optimistic view of SJRGA is currently unsupportable. Further, SDWA has previously listed a number of upstream actions which are likely to occur which will decrease river flows and exacerbate the salinity problem. These upstream actions have not been included in the recent CalSim II modeling.	Comment acknowledged.	No
27.6	The law allows listing notwithstanding any recent violation of the Vernalis standard.	Comment acknowledged.	No
27.7	Recommend that the San Joaquin River continue to be listed as impaired due to salt and boron.	Comment acknowledged.	No
27.8	The Lower SJR should be listed for salt and boron. Reuse of water in the area is concentrating the salts - increasing salinity. CALSIM2 is currently under review.	Comment acknowledged.	No
31.8, 31.7, 31.6, 31.9, 43.45, 43.42, 53.8, 53.6, 53.7, 53.11, 53.5, 53.12, 53.9, 54.3, 54.14, 55.1, 55.3, 55.4, 55.5, 55.2, 60.1, 73.146, 73.116, 73.63, 73.62,	Several commenters submitted new data and information not previously available to State Water Board staff when the draft recommendations were developed. An example of this was data from Monrovia Canyon Creek for lead. The data used which was from 1988 to 1994, the sampling location was outside the city limits, and a change in priority from low to high based on the application of a TMDL Consent Decree. Sampling has been conducted since the 2002 section 303(d) list for lead and has supplied this new data in their comment letter. New data from 31 samples is provided from 2003 to 2006.	These comments address new data and information that was not readily available to State Water Board staff before the draft recommendations were released or focus on previous listings where data and information are not yet summarized. The completion of fact sheets for these data and information are being delayed until the next listing cycle to avoid further delay in the completion of the 2006 section 303(d) list and to avoid using data and information that may be only a subset of all data (I.e., to avoid bias). All the data and information provided was reviewed; however, priorities for using the data to prepare new fact sheets were established on the data sets that were already summarized in fact sheets. These priorities were established because limited staff	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
73.153, 73.152, 73.154, 73.147, 73.64, 73.145, 73.137, 73.120, 73.77, 73.76, 73.74, 73.73, 73.68, 73.67, 73.155, 73.197, 73.66, 73.126, 73.94, 73.212, 73.211, 73.210, 73.209, 73.206, 73.205, 73.202, 73.114, 73.113, 73.101, 73.100, 73.195, 73.95, 73.156, 73.93, 73.199, 73.198, 73.79, 73.196, 73.60, 73.194, 73.192, 73.188, 73.187, 73.186, 73.96, 73.157, 73.33, 73.83, 73.84, 73.85, 73.86, 73.87, 73.37, 73.89, 73.88, 73.90, 73.173, 73.175, 73.177, 73.178, 73.184, 73.59, 73.50, 73.51, 73.39, 73.78, 73.80, 73.49, 73.48, 73.47, 73.46, 73.45, 73.43, 73.44, 98.1, 103.43, 103.46, 103.45, 103.42, 103.44, 103.41, 107.26, 107.23, 107.24, 107.25, 113.1, 113.6, 113.4, 123.8, 123.7, 123.5, 123.4,		resources preclude the development of summaries for all waters, all pollutants, and all water bodies. New data and information were summarized in existing fact sheets in every case where the data changed or appeared it would change the September 2005 draft staff recommendations. In the interest of completing the revision to the list in a reasonable amount of time, the data sets were assigned lower priority and assessments were not initiated if a TMDL had already been completed or if it was not clear that all readily available data had been submitted for inclusion in the administrative record. The consequences of delaying the assessment on new data and information until the next listing cycle are: 1. Since completed TMDLs must be implemented without regard to listing status, reassessment of data for waters with a TMDL serves only to assess compliance with TMDL provisions. 2. For waters where new data shows the water body should be removed from the list, the only consequence of delay is that the delisting status would possibly be identified during TMDL problem statement development. 3. Submittals typically contain a limited amount of data and information. In many circumstances when completing the required weight of evidence analysis, other information must be obtained in order to complete the analysis. Completing fact sheets without the time to look for supporting evidence could lead to errors in our recommendations. Errors in listing or delisting may be avoided by completing the assessment in the next listing cycle because a more complete assessment can be made.	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
130.9, 133.8, 133.7, 143.8, 143.7, 143.6, 143.9, 211.4, 214.4, 214.3, 220.2, 221.2, 236.1			
56.2	The initial analysis did not consider the significant impact from changes in the basin. For example: The hydrology of the basin has changed and the analysis does not accurately reflect current conditions. The analysis does not account for changes in the basin due to the Central Valley Improvement Project. The analysis does not take into account the Grasslands Bypass Project and its significant reduction of salt load in the basin. Current modeling analyses are consistent with collected data, and draw a different conclusion than the original technical TMDL analysis. Divergent conclusions were drawn due to inaccurate assumptions and incomplete data sets.	In developing the original recommendations for revision of the section 303(d) list, State Water Board staff did not prepare a fact sheet to assess listing status of the salinity and boron listings for the Lower San Joaquin River. All the data and information on the DVD and CD have been reviewed. A new fact sheet has not been added to the listing or delisting recommendations because the information provided did not change any of the original 2005 staff recommendations, and to avoid possible bias in the assessment as it was not clear that all data are in the administrative record. In addition, the State Water Board approved the TMDL for salt and boron in the Lower San Joaquin River and as part of that action confirmed the need for listing this portion of the San Joaquin River.	No
56.5, 56.4, 92.18, 92.10, 217.9, 217.8, 217.7, 217.5, 217.3, 217.2, 223.1	There has been 100 percent compliance with the Vernalis EC water quality objectives for ten years. The Regional Water Board has disputed whether this period accurately represents the full range of climatic and hydrologic conditions that may occur in the LSJR. Modeling shows that 15 exceedances are predicted in the 73-year period from 1922 to 1994. Regional Water Board modeling predicted 70 exceedances in the 73-year period. Even if data through 2004 are used the number of expected exceedances is 139 out of total of 996 monthly periods.	The Regional Water Board made different assumptions and analyzed different portions of data sets in coming to the conclusion in the TMDL that water quality standards were not met for salt and boron in the LSJR. While the commenter's and Regional Water Board's assessment contradict one another, information in the record supports the conclusion that water quality standards are not met (Grober, 2006).	No
92.11	The LSJR-EC and LSJR-boron listings were not mentioned in the delist or do not delist recommendations related to the development of the 2006 section 303(d) list.	It is true that fact sheets were not developed for these pollutants present in the LSJR. No data and information was submitted during the data solicitation period (April to June, 2004) regarding these listings. Over the past several years the Regional Water Board staff has been developing a TMDL for the pollutants and has assessed all data and information related to these listings.	No
92.12	The water quality sampling used to support in the TMDL the existence of LSJR impairment by salt and boron is biased. In its TMDL documents the Regional Water Board repeatedly cites to frequent exceedance of the South Delta EC water quality objectives recorded from 1986 to 1998. The Vernalis Irrigation Season EC objective was exceeded 49% of the time and the Vernalis Non-Irrigation Season EC objective was exceeded 11% of the time. The non-irrigation season data is not sufficient to list using the Listing Policy.	The Regional Water Board made different assumptions and analyzed different portions of data sets in coming to the conclusion in the TMDL that water quality standards were not met for salt and boron in the LSJR. The Listing Policy allows wide discretion by Regional Water Boards in determining the spatial and temporal representation of data to be used in listing decisions. In general, an exceedance of 49 percent is sufficient to maintain a listing under section 4.2 of the Listing Policy (Grober, 2006).	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
92.13	Comment related to the data used by the Regional Water Board for the period from 1987 to 1992 (half the years referenced). This was one of the longest, most severe droughts on record in California. From 1986 to 1998, there were six wet years and seven critical years. This period represents the worst case scenario for the LSJR basin. Under section 6 of the Listing Policy, this period cannot be used.	Section 6 of the Listing Policy provides the Regional Boards with wide latitude to interpret data and information. For example, section 6.1.5.3 states '[s]amples should be representative of the critical timing that the pollutant is expected to impact the water body.' Considering water quality during drought conditions meets the intent of the Listing Policy.	No
92.14	The Vernalis EC objectives at Vernalis do not spatially represent the impaired water body. The data set used to show that standards are not met does not geographical represent the water body. The Listing Policy prevents this data from being used.	The Listing Policy provides wide latitude in determining the spatial representativeness of data used to make listing decisions. The Listing Policy does not prevent the use of single stations to represent water segments as long as it is acknowledged that spatial representation may be limited. The Policy acknowledges that at times, the available data may not be completely representative of water quality conditions.	No
92.15	The Vernalis water quality objectives do not apply to the 130-mile segment of the LSJR from Mendota Pool to Vernalis. The objectives apply at Vernalis and are intended to protect agricultural beneficial uses in the South Delta.	The water quality objectives for the listings in question apply only to the Lower San Joaquin River at Vernalis.	No
92.16	Currently, there are no EC objectives for the segment of the LSJR upstream from Vernalis. The Vernalis EC objectives have been used for Basin Planning and in development of TMDLs for the LSJR from Mendota Pool down stream to Vernalis.	Comment acknowledged.	No
92.17	The water quality sample used to justify impairment of the LSJR by salt and boron does not represent the current basin. Historical flow and water quality data is not indicative of future trends due to substantial water management operations and regulatory changes in the LSJR basin.	The samples represent the location at which they were collected. It is not required by the Listing Policy that all sampling used represent the entire basin. To the contrary the Listing Policy requires that all data and information be used to make listing determinations. Only when a single sample is available does the Listing Policy place limits on the usability of the data for a listing determination. In delisting circumstances, at a minimum between 26 and 28 samples (depending on the pollutant) are needed before delisting can be considered.	No
92.19	The Regional Water Board is required by the Listing Policy to reevaluate the status of the LSJR for EC and boron. This did not occur.	The Regional Water Board reevaluated the listing when they developed the problem statement for the TMDLs. The assessment made by the Regional Water Board is included in the administrative record (Grober, 2006).	No
92.20, 217.4	Trends in compliance with Vernalis EC objectives require delisting. Changes in EC below the Vernalis EC objective do not affect crop yield. Evidence supporting LSJR impairment of agricultural beneficial uses is non-existent and anecdotal. South Delta farmers cannot show any actual harm to agricultural beneficial uses and comparisons of historical crop data with EC show any claims of impairment are anecdotal. The beneficial use is not impacted if the EC objective is exceeded. For example, no instances of elevated EC at Vernalis has corresponded to significantly low bean yields.	Annual EC levels at Vernalis have shown an increasing trend in EC levels based on data from 1930 to 2004 water years. These data have been summarized by the Regional Water Board staff (Grober, 2006). Mean annual EC has nearly doubled since the 1940s as a result of many factors, including the diversion of high quality water originating in the Sierra Nevada, importation of low quality (i.e., high salinity) water from the Delta, groundwater accretions, and surface and subsurface agricultural discharges.	No

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		The crop yield data provided are very difficult to analyze in terms of beneficial use impacts associated with the agricultural use of LSJR water. The patterns of crop yield for corn, alfalfa, beans, and asparagus is neither increasing or decreasing (the R-squared values are quite low). Also these analyses assume that each of the crop yields in the LSJR uses water from the LSJR and that acres of production are constant. As acknowledged by the commenter, many water users use water from other sources like the Delta-Mendota Canal. It is therefore not surprising that elevated EC levels at Vernails do not correspond to crop yields because it is probable that the observed county-wide crop yields are not representative of crop yields from fields irrigated solely with LSJR water. In addition, acres of production have decreased for some crops (e.g. beans).	
92.2, 92.1	A report was submitted for the Lower San Joaquin River (electrical conductivity and boron). The commenter's recommendation is to delist EC and boron from the section 303(d) list. A CD and DVD were submitted containing approximately 5 gigabytes of data and information.	In developing the original recommendations for revision of the section 303(d) list, State Water Board staff did not prepare a fact sheet to assess listing status of the salinity and boron listings for the Lower San Joaquin River. All the data and information on the DVD and CD have been reviewed. A new fact sheet has not been added to the listing or delisting recommendations because the information provided would likely change listing status. In addition, the State Water Board approved the TMDL for salt and boron in the Lower San Joaquin River in 2006 and as part of that action confirmed the need for listing this portion of the San Joaquin River. These comments address new data and information that was not readily available to State Water Board staff before the draft recommendations were released or focus on previous listings where data and information are not yet summarized. The completion of fact sheets for these data and information are being delayed until the next listing cycle to avoid further delay in the completion of the 2006 section 303(d) list and to make sure a complete assessment is made. All the data and information provided was reviewed; however, priorities for using the data to prepare new fact sheets were established on the data sets that were already summarized in fact sheets. These priorities were established because limited staff resources preclude the development of summaries for all waters, all pollutants, and all water bodies.	No
92.21	The basis for the EC water quality objectives are faulty. Data used to establish the South Delta EC objectives did not account for rainfall. The development of the objective was intended to protect organic soils which are rare in the South Delta. The Vernalis Irrigation Season objective only provides substantial protection to crops irrigated with San Joaquin River water upstream for the Stockton Deep Water Ship Channel and east of the Head of Old River Barrier.	Evaluating or modifying water quality objectives is beyond the scope of the section 303(d) list development process.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
92.22	The State Water Board is currently conducting its Periodic Review of the Bay-Delta Water Quality Control Plan (Delta Plan) and has decided to review the Vernalis EC water quality objectives. Recommendations have been made to raise the irrigation season objective to 1.0 uS/m.	Comment acknowledged.	No
92.23	A thorough review of the 1996 section 303(d) administrative record shows that the LSJR was listed for salt and boron without the use of any data. Nothing but a 'belief' that the salt and boron are problems supports the LSJR listings, but under the Listing Policy credible evidence and reliable, quantitative data is required. There is no evidence that the Vernalis EC objectives are not being attained.	The requirements for the 1996 listing process were minimal. The requirements of the Listing Policy were not in place until 2004. There is evidence that salinity levels have increased between 1930 and 2004.	No
92.24	To keep the LSJR on the section 303(d) list for EC and boron it is necessary to prove the Vernalis EC objectives are not being met, they must prove actual, not just theoretical, harm is occurring to LSJR agricultural beneficial uses, and they must prove the harm suffered is caused by EC exceedances.	The Listing Policy does not require that beneficial use impacts are associated with violations of chemical-specific water quality objectives. In order to consider delisting, the Delta Plan water quality objectives should be evaluated under section 4.2 of the Listing Policy. The analysis provided by the commenter clearly contradicts the analysis performed by the Regional Water Board that supported the development of the salt and boron TMDL. In the TMDL using a different set of assumptions and analyze somewhat different data sets, the Regional Water Board found that water quality standards are not achieved in the LSJR for salt and boron. This conclusion was approved by State Water Board.	No
92.3	The data and information submitted includes numeric water quality data from the monitoring station at Airport Way Bridge near Vernalis, agricultural crop data, geographic data (e.g., maps, GIS coverage's, soil type data, etc.), testimonial information (e.g., statements of witnesses under oath, hearing transcripts, etc.), various State and Regional Water Board reports and correspondence, analyses of data, and information related to potential sources of pollutants.	All of the data and information was reviewed.	No
92.4	The LSJR must be delisted due to faulty data analysis. Data used to develop 303(d) listings before 2006 may not have met the stringent standards subsequently adopted in the Listing Policy and may have led to improper conclusions regarding the water segment's status. A water body listed on the basis of such data must be removed from the list.	The 1996 listings were developed using the minimal guidance required at the time. These listings were made long before the Listing Policy was in place.	No
92.5	No data was used to list the LSJR for salt and boron in 1996 and this failure was never cured in subsequent listing cycles. Salt and boron were never added to the list in 1996. Salt and boron did not appear as pollutants on the list until three days after the list was adopted by the Regional Water Board. No reasons why salt and boron were added to the list were expressed in the Regional Board memorandum document the change. Documents referenced in a subsequent Regional Water Board memorandum references the justification to be certain sections of	During the development of the 1996 list, the Regional Water Boards were not required to follow any specific approach for developing the section 303(d) list. Significant amounts of staff and Board judgment were used to assemble the list.	No

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	the Water Code, the 1995 Delta Plan, and a 1985 State Water Board order related to Kesterson Reservoir.		
92.6	In 1998, the salt and boron listings were changed in two ways. First the 'salinity' listing was changed to EC. No data were evaluated to supporting this change. The other change designated the LSJR for a TMDL for the control of discharges of salt and boron.	Comments acknowledged.	No
92.7	In the 2002 listing cycle, the 130-mile segment of the LSJR from Mendota Pool to Vernalis was divided into four segments. No explanation was given for the change. During this listing cycle the completion date for completing the TMDL was also changed fro 1999 to 2002.	Comment acknowledged.	No
92.8, 217.1	Two Regional Water Board reports are available that provide data for the LSJR. Both reports only study water years 1996-1998 on October 1, 1995-September 30, 1998. Since the reports do not evaluate the entire segment and the study period or historical range of climatic conditions experienced in the LSJR basin, neither alone, or even together, can cure the deficiencies of the 1996 section 303(d) listing for EC, irrespective of their data, analyses, or conclusions.	The Regional Water Board evaluated much more data than the two reports cited by the commenter. A summary of the data and information used by the Regional Water Board is included in the administrative record (Grober, 2006).	No
92.9	Regional Water Board data from the LSJR near Vernalis for EC for water years 1996 and 1997 show no exceedances of EC WQOs.	Comment acknowledged.	No

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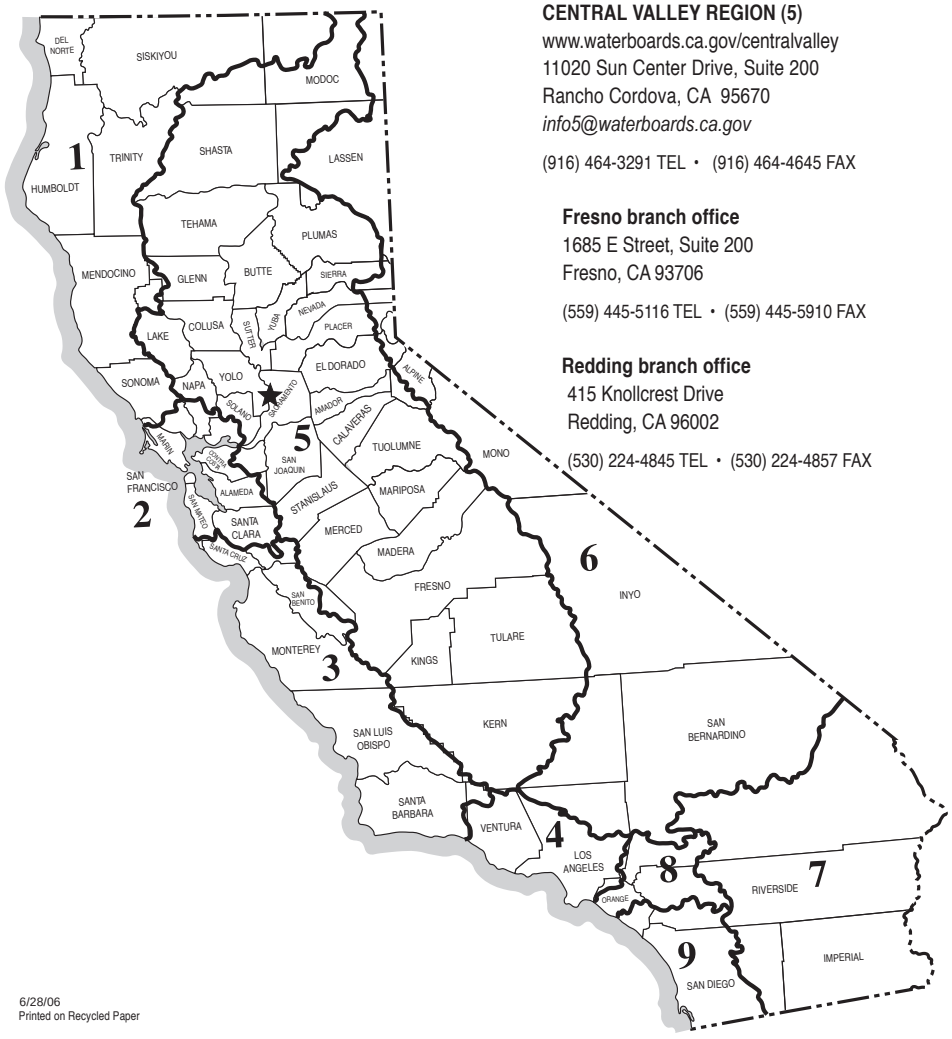

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