

June 17, 2009

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street
Los Angeles, CA 90013
ATTN: Man Voong

Transmitted via e-mail to mvoong@waterboards.ca.gov

Subject: Comments on Proposed 2008 303(d) list

Dear Mr. Voong:

The participating members of the MOA Management Committee, the parties implementing TMDLs in the Calleguas Creek watershed, appreciate the opportunity to comment on the proposed 2008 303(d) list. In addition to a few general comments we feel there are a number of constituents that should be re-categorized on the 303(d) list. This letter provides a summary of the group's comments on the proposed 2008 303(d) list and additional comments previously submitted during the 2006 review detailing incorrect initial listing processes and the inappropriate application of objectives found in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).

In general we are supportive of the list and the changes made to the 2008 list. However we have three specific comments for the Regional Water Board staff's consideration:

1. A number of waterbody/pollutant combinations are listed as still requiring TMDLs (category A) when they are covered by a USEPA approved TMDL.
2. The information provided to support the trash listing in Arroyo Simi is being resubmitted by the Ventura Coastkeepers to correct errors identified during the data review. We request your consideration of the revised data to ensure consistency with the Listing Policy.
3. Comments on the 2006 list that were not addressed during that listing cycle, but remain as issues on the 2008 proposed list.

INCORRECT CATEGORIZATION OF WATERBODY/POLLUTANT COMBINATIONS

In 2006, a number of listings were placed on the 303(d) list for Organochlorine Pesticides. These listings were based on information developed during the preparation of the Calleguas Creek Watershed Organochlorine Pesticides and PCB TMDL that demonstrated that some additional reaches had data that supported additional impairments. In 2006, the State Board included these additional impairments on the 303(d) list because an USEPA approved TMDL was in effect. The Fact Sheets for the constituents listed in Table 1 for the 2006 list from the

SWRCB included the following language as the rationale for including the constituents on the list:

“After review of the available information for this recommendation, SWRCB staff conclude that the water body pollutant combination should be placed in the Water Quality Limited Segments Being Addressed category of the 303(d) list because a TMDL has been approved.”

Based on this rationale, we request that the following listings be changed from category A to category B in the 2008 list. Table 1 summarizes the listings.

Table 1. 2008 OC and PCB TMDL Constituents to be moved to Fact Sheet Category B

Reach	Water Body	Constituent 2008 List	Current Category	Correct Category
1	Calleguas Creek	Endosulfan (tissue)	A	B
2	Calleguas Creek	ChemA (tissue)	A	B
2	Calleguas Creek	Endosulfan (tissue)	A	B
4	Calleguas Creek	ChemA (tissue)	A	B
4	Calleguas Creek	Endosulfan (tissue & sediment)	A	B
5	Calleguas Creek	ChemA (tissue)	A	B
5	Calleguas Creek	Dacthal (sediment)	A	B
5	Calleguas Creek	Endosulfan (tissue & sediment)	A	B
9A	Calleguas Creek	ChemA (tissue)	A	B
9A	Calleguas Creek	Endosulfan (tissue)	A	B
9A	Calleguas Creek	Lindane/gamma-HCH (tissue)	A	B
9B	Calleguas Creek	ChemA (tissue)	A	B
9B	Calleguas Creek	Endosulfan (tissue)	A	B
10	Calleguas Creek	ChemA (tissue)	A	B
10	Calleguas Creek	Endosulfan (tissue)	A	B
11	Calleguas Creek	ChemA (tissue)	A	B
11	Calleguas Creek	Endosulfan (tissue)	A	B
13	Calleguas Creek	ChemA (tissue)	A	B
13	Calleguas Creek	Endosulfan (tissue)	A	B

Additionally, the USEPA approved TMDL for salts (effective December 2, 2008) addresses the boron, sulfate and TDS listings in Fox Barranca, a tributary to the Calleguas Creek watershed. We request that the following listings be moved from Category A to Category B based on the same rationale as expressed in the fact sheets for the other reaches of the Calleguas Creek watershed which will be addressing the salts issue on a watershed scale approach. Table 2 summarizes the listings.

Table 2. 2008 Salts TMDL Constituents to be moved to Fact Sheet Category B

Water Body	Constituent List	Current Category	Correct Category
Fox Barranca	Boron	A	B
Fox Barranca	Sulfates	A	B
Fox Barranca	TDS	A	B

TRASH LISTING IN ARROYO SIMI

We would like to support the recent Ventura Coastkeepers (VCK) re-submittal of data used as the basis for the trash listing in the Arroyo Simi. Members of the MOA group identified a discrepancy in the data available on the fact sheet (Decision ID 10423). VCK staff have since identified the errors and revised the data sheet to accurately reflect the conditions observed in Reach 7 (Arroyo Simi) during the 2006 sampling period. We are supportive of this data submission and appreciate VCK staff working in a cooperative effort to help identify and revise the data. We appreciate the VCK taking a proactive approach to ensure that data is accurate and correct, and support Regional Water Board staff accepting this revised data.

We request, in light of the re-submittal of the data, that the Regional Board staff consider the information in the context of the State's Listing Policy. The FED for the Listing Policy (page 90) discusses the need to use both numeric and non-numeric data for determining a trash listing. We request that the decision to list trash be based on consideration of both numeric and non-numeric data as discussed in the FED. Although not available for review, we would request that the listing in Arroyo Simi only be listed if the resubmitted data includes one or both of the following non-numeric types of information that can be used to verify the numeric values for trash. Additionally, we request that the following information be a requirement of any data submittal used as the basis for a new trash listing, and that the information be available for review during the review process:

1. Photographic or Other Documentation Providing Evidence of the Impairment - By utilizing photographic information in the listing, the Regional Board will be better able to identify specific locations of the impairment and possibly better identify sources of impairment. Beyond the TMDL development stage, by having more detailed information contained in photos, this would assist in the development of implementation plans. If photographs are not available, field logs, survey forms, or other information should be provided to ensure the submitted results are verifiable by the SWRCB or RWQCB as required by the Listing Policy.
2. Specific *Trash* Details - Having more specific data beyond the general trash category will further assist in the development of the TMDL and the subsequent TMDL implementation effort. This information would greatly assist in both phases of the TMDL process.

The following comment was submitted during the 2006 review:

“Calleguas Creek Reaches 4 (Revolon Slough) – Trash

In 1996, trash was listed based on the 1996 WQA. The 1996 trash listing in Reach 4 in the WQA reads as follows: “Trash”. However, there is no reference to where or when the data were collected or who collected the data...The categories used for assessing field observations of trash included “none, trash observed, and significant amount of trash observed” (Table 9 of 1996 WQA). However, no objectives are

expressly stated and it is unclear whether the “trash observed” and/or “significant amount of trash observed” categories represented an exceedance of an objective.”

During our last review, the group had extensive issues in trying to obtain the original data submitted for the Revolon Slough/Beardsley Wash Trash listing. We appreciate the new approach utilized for the 2008 listing procedure with associated fact sheets that include the listing data available for review. However, we feel that data used to justify listings for impairments like trash require supporting documentation to ensure the observations are verifiable. The Regional Board needs to ensure the re-submitted data meets these requirements prior to listing trash in the Arroyo Simi.

Should Regional Board staff decide that the information is sufficient for listing per the Listing Policy requirements, we request that the listing be placed on the list with a characterization of Category C-Being addressed by action(s) other than a TMDL. As stated in the FED (page 90), the recommended alternative for addressing trash is:

“Identify trash as a problem using numerical data and non-numeric information (as described in Alternative 2) but allow existing programs to address any identified water-related trash problem.”

To allow the trash problem to be addressed by an existing program, the FED provides the following guidelines for making the determination:

- A regulatory program has been adopted and is being implemented by another state, regional, local, or federal agency, and the program will correct the impairment.
- Sufficient mechanisms exist to provide reasonable assurances that the program will address the impairment in a reasonable period of time.
- Sufficient mechanisms to enforce the program exist or the RWQCB otherwise has sufficient confidence that the program will be implemented.
- Water quality standards attainment can be demonstrated through an existing monitoring program or a future monitoring program with reasonable assurance of implementation.
- The program contains conditions that require trackable progress, and such progress is tracked.
- For alternative programs intended to control non-point source contributions to an impairment, such programs comport with the requirements of the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, including, but not limited to, the Key Elements of an NPS Pollution Control Implementation Program (SWRCB, 2004a).

The FED specifically acknowledges that storm water permits and associated Storm Water Management Plans (SWMP) are an existing program that can be utilized for justifying this categorization.

“If trash is a nuisance in water bodies of the State and storm drains are the major source, then existing storm water permits could be used to reduce the trash discharged via storm drains.”

The recently adopted Ventura County Municipal Storm Water NPDES Permit contains a number of provisions to address trash that can be utilized to address the trash impairment.

- Catch basin prioritization, inspection, and cleaning based on the amount of trash generated.
- Trash management at public events.
- Trash can installation and maintenance in high trash generation areas.
- Trash excluder installation on catch basins or conduct alternative BMPs to reduce trash discharges to receiving waters within two years.

These provisions are sufficient to categorize the trash listing in Category C on the 303(d) list. The permit is an adopted regulatory program that is enforceable by the RWQCB, contains a monitoring program, and reporting programs that demonstrate progress and the provisions will address discharges of trash to the Arroyo Simi within a reasonable amount of time.

2006 COMMENTS

During the 2006 303(d) list review, stakeholders from the Calleguas submitted comments concerning specific listings in the watershed, some of which have been addressed since that review. We feel we the following comments were not adequately addressed and would like Regional Water Board staff to consider the following comments during the review process for the 2008 list. These comments pertain to waterbody/pollutant combinations that were listed prior to 2002 and for which the original listings were not reviewed for consistency with the Listing Policy.

In the 2006 303(d) listing process, the State Board had appropriately taken the approach of reevaluating existing listings based on the newly established Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) to identify faulty listings. We strongly supported this approach and the majority of the comments in the letter sent in 2006 and this letter are based on the examination of readily available information in the administrative record for the 303(d) lists developed in 1996, 1998, and 2002. We believe this information was available to the State Board during the development of the 2006 list and should have been considered during the listing cycle for identifying faulty listings as was done for other waterbodies throughout the state.

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

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

Table 3 presents a summary of the comments outlined in the 2006 letter, excluding the comments we feel were addressed. The remaining portion of this letter provides the detailed discussion supporting the reasons for delisting pollutant reach combinations in Table 3.

Table 3. Summary of Comments

Reach	Constituent	Reasoning for delisting
4	Chlorpyrifos in Fish Tissue	The original listing was based solely on an EDL. The Listing Policy does not allow the use of EDLs in listing or delisting decisions. Additionally, the data do not exceed the chlorpyrifos screening value of 10,000 ug/kg set for the protection of human health from the consumption of fish/shellfish.
5	Chlorpyrifos in Fish Tissue	The listing in Reach 5 was based on the data collected in Reach 4 and should be considered for delisting for the same reasons.
5	Dacthal in Sediment	In 2002 dacthal was delisted in sediment and fish tissue for all reaches of the CCW except for Reach 5. The Regional and State Boards recommended delisting dacthal in sediment because there are no approved valid approved guidelines for Dacthal.

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

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

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

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

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

Table 4. Summary of Chlorpyrifos Fish Tissue Data Collected by the TSMP in Revolon Slough at Wood Road

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

Bolded indicates results believed to be the basis for the listing

Note: *Pimephales promelas* (fathead minnow) was the test species.

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

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

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

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

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

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

State Board: "After reviewing the available data and information and the RWQCB documentation for this recommendation, SWRCB staff conclude that the water body should

be removed from the section 303(d) list because approved valid guideline for Dacthal in sediment do not exist.”

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

Thank you for your consideration of these comments. If you have any questions, please feel free to contact Ashli Desai, Larry Walker Associates, at 310-394-1036 or via e-mail at ashlid@lwa.com.

Sincerely,



Lucia McGovern
Chair, TMDL MOA Management Committee
Parties Implementing TMDLs on the Calleguas Creek Watershed

c. Dr. Eric Wu, Los Angeles Regional Water Quality Control Board,
ewu@waterboards.ca.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 17, 2009

Man Voong
Los Angeles Regional Water Quality Control Board
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Dear Man Voong:

Thank you for the opportunity to comment on the Los Angeles Regional Water Board's draft 2008 Clean Water Act Section 303d list. We carefully reviewed the draft listing decisions and factsheets and we have concluded the vast majority of the assessment determinations are consistent with federal listing requirements. We write to support Regional Board staff recommendations to identify certain impairments as being addressed by a TMDL alternative. We also recommend several additional changes to the draft 303(d) list including: delisting impairments on Wilmington Drain, Los Angeles River Reach 6 and Malibu Lagoon; and corrections regarding prior TMDLs completed for Robert H Meyer Memorial Beach, Fox Barranca and various reaches of Calleguas Creek.

Delistings from the 303(d) list

EPA supports staff recommendations to delist Wilmington Drain ammonia and requests that Regional Board staff consider delisting this waterbody for copper and lead. The City of Los Angeles has collected thirty-three samples from 2007 to 2009 in this waterbody and two additional samples were collected by the Regional Board in that timeframe. The overall record indicates only two excursions above the standard for copper and zero excursions above the standard for lead. We urge staff to evaluate these monitoring results and review the assessment decisions for either of these metals in Wilmington Drain. Additionally, EPA requests that Regional Board staff consider delisting three volatile organic compounds (TCE, PCE and 1,1-DCE) on Los Angeles River Reach 6. The City of Los Angeles has collected forty samples from 2006 to 2007 in this reach. Monitoring results for trichloroethene (TCE), tetrachloroethene (PCE) and 1,1-dichloroethene (DCE) show no excursions above the applicable standard for all non-drinking water purposes. A potential municipal use is associated with this segment of the Los Angeles River. However, both TMDLs and assessments are based on designated and existing uses, not potential uses. This segment is therefore not impaired by volatile organic compounds. For both of these waterbodies EPA has provided the raw data in prior communications.

Additionally, EPA urges Regional Board staff to consider delisting the shellfish harvesting advisory from Malibu Lagoon. The Malibu Creek Watershed Bacteria TMDLs (EPA approval on 1/10/06) addressed impairments for coliform, swimming restrictions and enteric viruses and pointed out that shellfish harvesting was not a designated beneficial use in Malibu Lagoon. This waterbody is therefore not impaired by the shellfish harvesting advisory as indicated on the draft 303(d) list.

TMDL Alternatives

EPA supports the Regional Board staff recommendation to identify Malibu Lagoon benthic community effects listing as being addressed by an alternative to a TMDL. An upcoming Malibu Lagoon restoration project will address this impairment. The Malibu Lagoon Restoration Feasibility Study lists structural and non-structural best management practices that will be implemented during restoration. These measures are expected to improve sediment delivery and increase scour to some areas, increase grain size, and allow more oxygen rich water to bed sediment. This restoration project will commence in 2009 and will be effective at restoring the beneficial uses.

EPA also supports the Regional Board staff recommendation to identify Port Hueneme DDT (dichlorodiphenyltrichloroethane) and PCBs (polychlorinated biphenyls) as being addressed by an alternative to a TMDL. A Port Hueneme Harbor dredging project was initiated in 2008 and is designed to remove contaminated sediments from the harbor, and as a result eliminate the bioaccumulation potential of the DDT and PCBs contaminated sediment and ongoing impacts to the aquatic biota thereby addressing these impairments.

Waterbody pollutant combinations with existing TMDLs, misidentified as requiring TMDLs

Two waterbodies are listed incorrectly in the draft list as requiring a TMDL for impairments that have had TMDLs completed already. EPA requests that Regional Board staff correct the listing for beach closures at Robert H. Meyer Memorial Beach to indicate that a TMDL has already been approved. It was included in the Santa Monica Bay bacteria TMDLs (EPA approval on 6/19/03) which included all of the waterbody pollutant combinations identified in Assessment Unit 48 of the *Heal the Bay v. Browner* consent decree. Additionally, EPA would like Regional Board staff to correct the listings for boron, sulfates and total dissolved solids at Fox Barranca and indicate that a TMDL has already been approved. Many waterbody segments in this watershed were resegmented and renamed. EPA believes these TMDLs were included in one of the reaches in the Calleguas Creek Salts TMDLs (approval on 12/2/08) that covered the waterbody pollutant combinations identified in Assessment Units 3 and 4 of the *Heal the Bay v. Browner* consent decree.

In addition, various reaches of Calleguas Creek are shown in the draft 303(d) list as requiring a TMDL for endosulfan, dacthal, and Chema. These were identified in the Calleguas Creek Watershed Organochlorine Pesticides and PCBs TMDL (EPA approval on 3/14/06) as "category 2" because they were found to not be causing impairment. They were, however, given load and wasteload allocations set equal to numeric targets for all listed reaches. EPA requests

that Regional Board staff correct the draft 303(d) list to identify these waterbody pollutant combinations as either delisted or having an approved TMDL for the contaminants in question. The Calleguas Creek Organochlorine Pesticides and PCBs TMDLs and the Calleguas Creek Toxicity TMDLs (EPA approval on 3/14/06) addressed all waterbody pollutant combinations identified in Assessment Units 2 and 5 of the *Heal the Bay v. Browner* consent decree and none of those waterbody pollutant combinations should be identified as requiring TMDLs on the State's 303(d) list.

Waterbody pollutant combinations on the 303(d) list that are not impaired

Several waterbody pollutant combinations remain on the draft 303(d) list even though existing TMDL documents contain information supporting findings of non-impairment for these contaminants. For example, during the development of the Marina del Rey Harbor Toxics TMDLs (EPA approval on 3/16/06), Regional Board staff concluded non-impairment due to DDT and dieldrin in these waters. Similarly Ballona Creek was found to be non-impaired due to cadmium as part of the Ballona Creek Metals TMDLs (EPA approval on 12/22/05). Apparently, Regional Board staff have not elected to remove these waterbody pollutant combinations from the 303(d) list because, although the data available show a lack of impairment, sufficient data do not exist to meet the State's binomial statistical methodology requirements for delisting. EPA considers these contaminants appropriate for delisting since federal guidelines do not contain minimum sample size requirements for making assessment decisions (EPA 2006 Integrated Reporting Guidance, pp.36-37)

In conclusion, Regional Board staff have produced a sound framework for assessing the condition of its waters. We urge the Regional Board to adopt staff recommendations at the July 2009 board meeting and submit the 303(d) list to State Board shortly thereafter. If you have any questions concerning our comments, please call me at (415) 972-3448.

Sincerely yours,



Peter Kozelka, Ph.D.
303(d)/TMDL Coordinator
Water Division

CC: LB Nye; Deborah Smith

References:

Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act, Diane Regas, EPA Office of Wetlands, Oceans and Watersheds, July 29, 2005

Heal the Bay V. Browner, C. 98-48 25 SBA, March 22, 1999

Moffatt & Nichol. 2005. Malibu Lagoon Restoration Feasibility Study, Final Alternatives Analysis



June 17, 2009

Man Voogn
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Subject: Comments on Draft 303(d) List; Additional Trash Additions

Dear Ms. Egoscue, Mr. Voogn, and Members of the Board:

Thank you for the opportunity to comment on the proposed 303(d) list. The Ventura Coastkeeper (VCK) is a program of the Wishtoyo Foundation, a community based 501(c)(3) non profit with over 700 members consisting of Ventura County residents, Chumash Native Americans, and the general public that enjoys, depends on, and visits Ventura County's inland and coastal waterbodies. Wishtoyo uses traditional Native American Chumash beliefs, practices, songs, stories and dances to increase awareness of our connection with the environment and to preserve the maritime culture and resources of coastal communities. Core values of the Chumash include sustainable living and respect for the environment. In 2000, the Wishtoyo Foundation launched VCK to protect, preserve, and restore the ecological integrity and water quality of Ventura County's inland waterbodies, coastal waters, and watersheds. In pursuit of its mission, VCK investigates polluters and, when necessary, takes legal action to stop them. In commenting on the proposed basin planning projects, VCK draws upon the Wishtoyo Foundation's unique perspective, our involvement with the local community, and our experience protecting, preserving, monitoring, sampling, and restoring Ventura County's waterways and waterbodies.

Of particular importance to VCK is that waterbody segments whose water quality, aquatic life, aesthetic conditions, recreational opportunities, and ecological integrity are impaired by trash, are listed on the 303(d) list as impaired by trash. As Stated in the Revised Draft: July 27, 2007 16 Los Angeles River Watershed Trash TMDL:

“Trash in waterways causes significant water quality problems. Small and large floatables can inhibit the growth of aquatic vegetation, decreasing spawning areas and habitats for fish and other living organisms. Wildlife living in rivers and in riparian areas can be harmed by ingesting or becoming entangled in floating trash.

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Except for large items such as shopping carts, settleables are not always obvious to the eye. They include glass, cigarette butts, rubber, construction debris and more. Settleables can be a problem for bottom feeders and can contribute to sediment contamination. Some debris (e.g. diapers, medical and household waste, and chemicals) are a source of bacteria and toxic substances. Floating debris that is not trapped and removed will eventually end up on the beaches or in the open ocean, repelling visitors away from our beaches and degrading coastal waters.”

VCK supports in full Decision ID 10423 listing Calleguas Creek Reach 7, Water Body ID CAR4036200020000228103510, on the 303(d) list for trash as a pollutant and nuisance.

However, based on VCK’s Stream Team’s 2006 and 2007 Monitoring Data (see attached), gathered pursuant to VCK’s QAPP that is certified and approved by the Regional Board, the weight of evidence indicates that additional water segment-pollutant combinations in the Calleguas Creek Watershed should be placed on the section 303(d) list for trash as a pollutant and nuisance in the Water Quality Limited Segments category because applicable water quality standards¹ are exceeded in these additional waterbody segments impairing their beneficial uses, and the trash in these waterbody segments contributes to or causes the exceedences.

The additional waterbody segments that should be listed on the 303(d) list for trash as a pollutant and nuisance include the water body segments that include these VCK monitoring stations in Table 1 below (see attached “VCK 2006-2007 Calleguas Creek Watershed Monitoring Stations”) where the following trash data was observed and counted as part of the sampling efforts of Ventura Coastkeeper’s Stream Team from February 2006 through June 2007:

¹ The Los Angeles Basin Plan states that "waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." (Water Quality Control Plan (“Basin Plan”), p. 3-9), and that for solid, suspended, or settleable materials: “Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses”(Ibid., pp. 3-16).

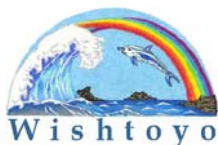
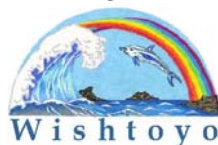


Table 1:

VCK Monitoring Stations (note: see attached VCK 2006-2007 Calleguas Creek Monitoring Locations)	Site #	Trash Data Used to Assess Water Quality and to Justify the 303(d) Listing for Trash of the Waterbody Segment Containing the VCK Monitoring Station:
Arroyo Simi	AS1	From February - December 2006, 10 of 11 samples exceeded the numeric target for trash at AS1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 5 of 6 samples exceeded the numeric target for trash at AS1, as derived in the Los Angeles River Trash TMDL
Conejo Creek Lower	CJ1	From February - December 2006, 7 of 11 samples exceeded the numeric target for trash at CJ1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 6 of 6 samples exceeded the numeric target for trash at CJ1, as derived in the Los Angeles River Trash TMDL
Conejo Creek Mid	CJ2	From February - December 2006, 7 of 11 samples exceeded the numeric target for trash at CJ2, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CJ2, as derived in the Los Angeles River Trash TMDL
Conejo Creek Upper	CJ3	From February - December 2006, 7 of 11 samples exceeded the numeric target for trash at CJ3, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CJ3, as derived in the Los Angeles River Trash TMDL
Calleguas Creek Lower	CL1	From February - December 2006, 3 of 11 samples exceeded the numeric target for trash at CL1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CL1, as derived in the Los Angeles River Trash TMDL
Calleguas Creek Upper	CL2	From February - December 2006, 5 of 11 samples exceeded the numeric target for trash at CL2, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CL2, as derived in the Los Angeles River Trash TMDL
Revolon Slough	RS1	From February - December 2006, 5 of 11 samples exceeded the numeric target for trash at RS1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 5 of 6 samples exceeded the numeric target for trash at RS1, as derived in the Los Angeles River Trash TMDL

Even if the evaluation guidelines use a numeric target of 0 trash in the waterbody to fully support beneficial uses and to provide for an adequate margin of safety, as used by the Los Angeles River



Trash TMDL, is not strictly adhered to, the presence of trash at all of these monitoring stations is of the frequency, consistency, and magnitude to warrant that the waterbody segments that contain each of these monitoring stations (AS1, CJ1, CJ2, CJ3, CL1, CL2, and RS1) are listed on the 303(d) list as impaired for trash.

Thank you for considering our comments. Please feel free to contact us with any questions.

Sincerely,



Jason Weiner, M.E.M
Associate Director & Staff Attorney
Ventura Coastkeeper





CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

June 17, 2009

Transmitted via e-mail to mvoong@waterboards.ca.gov

Mr. Man Voong
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street
Los Angeles, CA 90013

SUBJECT: COMMENTS ON DRAFT 2008 303(d) LIST

Dear Mr. Voong:

The City of Simi Valley appreciates the opportunity to comment on the Draft 2008 303(d) List and respectfully opposes the listing of trash in the Arroyo Simi (Reach 7) on the Draft List. The City understands the fiscal challenges facing the State agencies, as the City is facing very similar fiscal challenges. The response for us must be to collectively and jointly find cost-effective, efficient solutions to issues we encounter.

First, on a technical level, there may be inadequate data to support the listing. Members of the *Parties Implementing TMDLs on the Calleguas Creek Watershed* identified a discrepancy in the data available on the fact sheet (Decision ID 10423). The Ventura Coastkeepers staff revised the data sheet to correct the inaccuracy. The State's Listing Policy indicates the need to use both numeric and non-numeric data for determining a trash listing. The City requests that the 303 (d) listing follow the policy for submittal of non-numeric data. Such data could be photographic evidence allowing locations to be determined and/or detailed data on trash, including location, to facilitate an effective TMDL development. Data used to justify listings for impairments like trash require supporting documentation to ensure that the observations are verifiable.

A 303(d) listing of trash in the Arroyo Simi is not a cost effective means to address this issue. Importantly, the Waste Discharge Requirements for Ventura County Municipal Separate Storm Sewer System includes significant new requirements to reduce trash in the storm sewer system, and should provide more tangible progress towards reducing such pollution. This is a more effective means to remove the impact than subjecting the issue to further study under a TMDL. Actions planned already by the City include:

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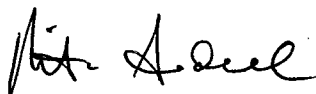
- Prioritizing, inspecting, and cleaning catch basins based trash at the location;
- Managing trash at public events;
- Installing and maintaining trash cans in high trash generation areas; and
- Installing excluders on catch basins or conducting alternative BMPs to reduce trash discharges to receiving waters in the next two years.

Should your agency decide that a 303 (d) listing meets the Listing Policy requirements, the City requests a Category C, "addressed by action(s) other than a TMDL," listing. This would follow the City's understanding of the State's Listing Policy to allow existing programs to address water-related trash. A significant effort by your agency and all of the Ventura County Cities and the County of Ventura recently resulted in the adopted Waste Discharge Requirements for Ventura County Municipal Separate Storm Sewer System. The State's Listing Policy specifically acknowledges that storm water permits and associated Storm Water Management Plans (SWMP) are existing programs that justify Category C categorization. The Waste Discharge Requirements for Ventura County Municipal Separate Storm Sewer System is an adopted regulatory program that is enforceable by the RWQCB, contains a monitoring program and reporting programs that demonstrate progress, and provisions to address discharges of trash to the Arroyo Simi within a reasonable amount of time. This meets all the State's Listing Policy for the Category C categorization.

For the reasons set forth above, the City requests your consideration on the proposed 303 (d) listing for trash in the Arroyo Simi – either defer action, or use the Category C designation. The City is strongly committed to addressing trash in the Arroyo Simi, and your agency has already acted to permit and enforce such programs to address trash. There is insufficient data to support the 303 (d) listing, and there is no regulatory need to add another plan to actions already underway.

Thank you for considering the City's offered alternatives. If you have any questions or comments, please contact Mr. Joe Deakin, Assistant Director of Public Works, at (805) 583-6401 or jdeakin@simivalley.org.

Sincerely,



Mike Sedell
City Manager

cc: Director of Public Works
Assistant Director of Public Works
Executive Officer, RWQCB