



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JWW.ls/0283
October 26, 2009

Mr. John Robertus
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Dear Mr. Robertus:

SUBJECT: NAVY COMMENTS ON PROPOSED TMDL CLEAN WATER ACT SECTION
305(b)/303(d) INTEGRATED REPORT 2008 PCB LISTING FOR SAN
DIEGO BAY NEAR SUBASE

This letter presents a justification for removing Polychlorinated biphenyls (PCBs) from the new proposed 2008 303(d) Toxic Maximum Daily Load (TMDL) list for San Diego Bay near Naval Submarine Base (SUBASE), San Diego. The listing should be removed from the list because:

- 1) The 2008 PCB TMDL proposed for San Diego Bay near SUBASE is redundant with a previous PCB listing for the San Diego Bay proposed in 2006 and adopted in 2008. The additional listing for a site specific SUBASE PCB TMDL derives no additional regulatory benefit or drivers for handling the PCB impairment in San Diego Bay. The current PCB TMDL for San Diego Bay (2006) has the same regulatory drivers as the SUBASE site specific listing.
- 2) The redundant listing will cause confusion on which TMDL deadline is applicable to the site, the bay-wide TMDL (Deadline of 2019) or the SUBASE TMDL (Deadline of 2021).
- 3) Redundant listings may cause duplicate studies and double the number reports for the same PCB condition.
- 4) In the quoted lines of evidence, it was stated that the PCB concentration was over the OEHHA screening level of 20 nanograms per gram at the site. The average concentrations of PCBs found at the site were below that found in reference station samples collected throughout San Diego Bay. This indicates a San Diego Bay-wide issue and not a site specific issue.

Also, it should be noted that the new listings of Copper and Chromium for Paleta Creek were based upon a Southern California Coastal Water Research Project (SCCWRP) sampling point that is upstream from Naval Base San Diego (NBSD). NBSD should not be listed as a stakeholder in this new TMDL since NBSD is

downgradient of the sample point used to establish the line of evidence.

If you need further information regarding this submittal, please contact Mr. Len Sinfield, telephone (619)532-2280.

Sincerely,

Brian S. Gordon
Director, Compliance and
Technical Division
By direction



Test

October 26, 2009

San Diego Regional Water Quality Control Board
9174 Sky Park Court Ste 100
San Diego, CA 92123

Subject: TMDL 656901 – Draft CWA Section 305(b), 303(d) 2008 Integrated Report

To Whom It May Concern,

Upon review of the proposed 303(d) listings which have the potential to impact the City of La Mesa, the following inconsistencies were found.

Decision ID 17605 Alvarado Creek Selenium:

- The latitude/longitude coordinates of 32.7831, -117.0748 which are recorded for all the water chemistry samples taken in Alvarado Creek regarding Decision ID 17605/Selenium are not located within, or adjacent to, the Alvarado Creek Channel. This location is consistent with both the SWAMP January 2008 Report, as well as the SWAMP data results available from the <http://www.bdat.ca.gov>.
- The water quality sample which was taken on 5/18/2004 at 18:50 is non-compliant with the associated Quality Assurance Project Plan (QAPP), according to the SWAMP data results available from the <http://www.bdat.ca.gov>. This comprises 1 of 4 samples, which were sampled/recorded in an incorrect location, as mentioned above.

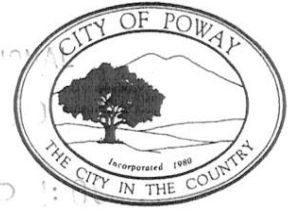
Due to the fact that the sole sampling location for all Selenium samples on Alvarado Creek shows an incorrect location which is not within proximity to the waterbody, and has QA/QC issues which invalidates some results; there is serious question as to the validity of the proposed listing. The City of La Mesa recommends not listing Alvarado Creek as beneficial use impaired for Selenium at this time.

Thank you,

Joe Kuhn
Storm Water Program Manager
City of La Mesa

2009 OCT 26 A 10:03
Selenium
LA MESA

CITY OF POWAY



DON HIGGINSON, Mayor
CARL KRUSE, Deputy Mayor
MERRILEE BOYACK, Councilmember
JIM CUNNINGHAM, Councilmember
BETTY REXFORD, Councilmember

October 26, 2009

Ms. Cynthia Gorham-Test
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Recommendations for Changes to the Clean Water Act Sections 305(b) and 303(d) Integrated Report for the San Diego Region, City of Poway Comments

Dear Ms. Gorham-Test:

The City appreciates the opportunity to provide comments on the 305(b) and 303(d) Integrated Report in support of the 2008 updates. The City submits the following comments for your consideration. These comments are presented in tabular format in the enclosure and are organized by water body and pollutant in the order they appear in the Proposed Changes to 2006 303(d) listing table.

The City did not provide any information for the proposed listings or delistings where the City does not have any comments.

If you have any questions regarding these comments please contact Malik Tamimi, Storm Water Program Administrator, at (858) 668-4653.

Sincerely,

Frank Casteleneto, P.E.
City Engineer

Enclosure: Table 1 – City of Poway Comments on Draft 2008 California 305(b)/303(d) Integrated Report, Regional Board 9-San Diego Region

c: Bob Manis, Director of Development Services
Malik Tamimi, Storm Water Program Administrator

References:

- Regional Water Quality Control Board 1994, with amendments effective prior to April 25, 2007, Water Quality Control Plan for the San Diego Basin.
- Weston Solutions. 2009. San Diego County Municipal Copermittees 2007-2008 Urban Runoff Monitoring Report. January 2009.

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Comment #	Water Body Name (Calwater Number)	Pollutant (Decision ID)	LOE ID	Reason for Proposed Changes/Comments	Comments/Proposed Changes
1	Los Peñasquitos (90610000)	Selenium (16570)	7050	<p>Los Peñasquitos Selenium Decision Recommendation: This water body should be listed as Category 3, current ambient monitoring data from the Copermittee Regional Monitoring program are not included in the assessment, and these data show no exceedances of chronic total selenium criteria. Additionally, wet weather data collected between November 2001 to February 2006 do not show any exceedances of chronic total selenium criteria. Finally, Selenium should be compared to the correct criteria; the criterion is for chronic total selenium</p> <ul style="list-style-type: none"> This LOE lists four samples, of which three exceeded CTR freshwater chronic total selenium criteria (5ug/L). These data were collected in 2002 under the SWAMP program and were analyzed for dissolved selenium. One of these samples (9/18/02) was noted 'Estimated; non-compliant with associated QAPP' and therefore should not be included in the data assessment. Therefore only two samples out of three exceeded the WQO. Although only one line of evidence is required to list a constituent under section 3.6 of the Listing Policy, selenium samples collected in the intervening seven years have not been assessed. The Copermittees Regional Monitoring Program (2007-2008) should be considered for inclusion, as a more robust and recent data set. During ambient monitoring in the fall of 2007 and the spring of 2008, there were no exceedances of the CTR total selenium criteria at three stations and two events (six samples in total). 	<ul style="list-style-type: none"> It is recommended that the dataset be updated to exclude the sample noted as out of compliance with the QAPP. In addition, it is recommended that recent ambient data collected through the Copermittee Regional Monitoring Program be incorporated into the listing assessment. Selenium should be compared to the correct criteria; the criterion is for chronic total selenium. The data used in the assessment were acute dissolved selenium. Recent ambient data and wet weather data show that there is no problem with selenium. It is recommended it be categorized as a Category 3 waterbody at this time.
2	Los Peñasquitos (90610000)	Selenium (16570)	26869	<ul style="list-style-type: none"> None of the fifteen dissolved selenium samples collected exceed the water quality objective according to results in the San Diego County Municipal Copermittees Urban Runoff Monitoring Report, January 2007. Samples were collected in November 2001 to February 2006. 	<ul style="list-style-type: none"> The CTR states that the selenium criteria apply to total selenium, and dissolved selenium should not be assessed using standard benchmarks due to the bioaccumulative nature of the substance. Selenium should be compared to the correct criteria; the criterion is for chronic total selenium. The data used in the assessment were acute dissolved selenium
Los Peñasquitos Total Nitrogen Decision Recommendation: The methodology used to calculate total nitrogen should be articulated in the Fact Sheet.					
3	Los Peñasquitos (90610000)	Total Nitrogen (16696)	7336	<ul style="list-style-type: none"> The fact sheet states that 15 of 15 samples exceeded the total nitrogen criteria of 1 mg/L. However, total nitrogen was not measured in this monitoring program and the exceedances are assumed to be based on the sum of nitrate, nitrite and TKN. If the monitoring results from November 2001 through February 2008 are assessed, meaning that nitrate, nitrite, and total kjeldahl nitrogen are summed, then 18 of 20 samples exceed the Basin Plan criteria of 1 mg/L. 	<ul style="list-style-type: none"> The methodology used to calculate total nitrogen should be stated.
Los Peñasquitos Toxicity Decision Recommendation: No comment					
4	Los Peñasquitos (90610000)	Toxicity (16567)	26872	<ul style="list-style-type: none"> Fifteen storm water samples were collected and used to test for toxicity to Selenastrum, Ceriodaphnia dubia, and Hyalella azteca. None of the samples for any species or test were found to be toxic. 	<ul style="list-style-type: none"> This LOE does not support listing

5	Miramar Reservoir (9061 0000)	Ammonia as N (16694)	6161	<ul style="list-style-type: none"> A total of 23 samples were analyzed between January 2005 and December 2006. Of these samples, 13 were below detection limit of 0.031 mg/L and were not included in the LOE. While the remaining ten samples exceeded the WQO of 0.025mg/L, this WQO is based on the Basin Plan level for un-ionized ammonia. The samples were analyzed for ammonia as nitrogen. The U.S EPA WQO for ammonia is based on a combined assessment of temperature, pH and conductivity and provides a better assessment of chronic and acute toxicity for ammonia. 	<ul style="list-style-type: none"> Samples should not be removed from analysis because they are non- detects. Ammonia as nitrogen should be compared to acute criteria using the EPA method* that incorporates temperature, pH, and conductivity and not compared to the standard for un-ionized ammonia. This listing assessment should be re-evaluated using the correct criteria. This LOE ID (6161) is repeated, the same LOE ID is used in conjunction with decision number 116712. (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA-822-R-99-01 4, December 1999)
6	Lake Hodges (90521000)	Ammonia as N (16474)	6159	<ul style="list-style-type: none"> LOE is based on drinking water quality monitoring samples for Ammonia as N collected by the Water Department between 2005 and 2006. Exceedances were based on the Basin Plan un-ionized ammonia criteria of 0.025mg/L. Thirteen of the 18 samples exceeded this WQO. The EPA criteria for ammonia should be used for assessing the potential impairment of beneficial uses. This criterion is based on assessment of pH, temperature and conductivity in conjunction with un-ionized ammonia concentrations. 	<ul style="list-style-type: none"> It is recommended that ammonia as nitrogen be compared to acute criteria using the EPA method* that incorporates temperature, pH, and conductivity and not compared to the standard for un-ionized ammonia. (U.S. EPA, 1999 Update of Ambient Water Quality Criteria for Ammonia, EPA -822-R-99-014, December 1999)
<p>San Diego River Toxicity Decision Recommendation: It is recommended that data noted as "Estimated; non-compliant with associated QAPP" not be included in any analysis because they do not meet quality standards. LOE 24991 should be updated to correctly reflect the number of samples and exceedances for each species</p>					

7	San Dieguito River (90511000)	Toxicity (17058)	24991	<ul style="list-style-type: none"> This LOE states that it is based on the Urban Runoff Monitoring data collected in 2003. The LOE states: "Selenastrum capricornutum- Four samples were collected and four samples show significant toxicity levels (SL) as determined by the <i>Selenastrum capricornutum</i> growth test. <i>Ceriodaphnia dubia</i>- Four samples were collected and two samples show significant toxicity levels (SL) as determined by the <i>Ceriodaphnia dubia</i> survival/reproductive test. <i>Hyalella azteca</i>- Two samples were collected and neither show significant toxicity levels (SL) as determined by the <i>Hyalella azteca</i> growth and survival test according to results in the Surface Water Ambient Monitoring Program Annual Progress Report, 2007. Samples were collected in January, April, May and September 2003 and we have the following concerns: <ul style="list-style-type: none"> This reference is cited incorrectly and refers to the SWAMP toxicity data of 2003. Review of these SWAMP data indicates that four of four <i>Selenastrum</i> total cell count tests were toxic. However, one of the samples was noted to be "Estimated"; non-compliant with associated QAPP". <i>Hyalella</i> survival tests found that neither of the two samples was toxic. <i>Hyalella</i> growth tests showed two of the two samples were not toxic. Toxicity was only recorded in the <i>Ceriodaphnia</i> test where one of three samples was toxic to young/female and two of three samples were toxic to <i>Ceriodaphnia</i> survival. 	<ul style="list-style-type: none"> Please update the LOE to correctly reflect the number of exceedances and the number of samples. Data noted as "Estimated"; non-compliant with associated QAPP" should not be included in the assessment and therefore the total number of samples for <i>Selenastrum</i> should be three.
Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth Total Coliform Decision Recommendation: No comment					
8	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000))	Total Coliform (16336)	3631	<ul style="list-style-type: none"> Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. Only addresses one <i>Enterococcus</i> exceedance which is not the pollutant of concern.. 	<ul style="list-style-type: none"> Not clear that this LOE supports listing

9	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26417	<ul style="list-style-type: none"> Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. States that there were no exceedances of water quality objectives. 	<ul style="list-style-type: none"> This LOE does not support listing
10	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (9061 0000)	Total Coliform (16336)	26418	<ul style="list-style-type: none"> Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. States that there were no exceedances of water quality objectives for the calculated monthly geometric means for Anderson Canyon. 	<ul style="list-style-type: none"> This LOE does not support listing
11	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26428	<ul style="list-style-type: none"> Discusses the Beneficial Use of Water Contact Recreation, not Shellfish Harvesting. States that of 93 calculated geometric means for Los Peñasquitos, 2 exceeded. This gives a percentage of 2.15%. 	<ul style="list-style-type: none"> This LOE does not support listing
12	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26416	<ul style="list-style-type: none"> States that no samples from Anderson Canyon exceeded the water quality objectives for Shellfish Harvesting. 	<ul style="list-style-type: none"> This LOE does not support listing

13	Pacific Ocean Shoreline, Miramar Reservoir HA, at Los Peñasquitos mouth (90610000)	Total Coliform (16336)	26427	<ul style="list-style-type: none"> • Discusses the Beneficial Use of Water Contact Recreation. • States 11 out of 497 samples from Los Peñasquitos exceeded. This is 2.21% which is below the 4% exceedance percentage for listing coastal beaches from Section 3.3 of the Policy. 	<ul style="list-style-type: none"> • This LOE does not support listing
14	Poway Creek (90620000)	Selenium (16971)	7577	<ul style="list-style-type: none"> • This LOE lists four samples, of which four exceeded CTR freshwater chronic total selenium criteria (5ug/L). These data were collected in 2002 under the SWAMP program and were analyzed for dissolved selenium. One of these samples (9/18/02) was noted 'Estimated; non-compliant with associated QAPP' and therefore should not be included in the data assessment. Therefore only three samples out of three exceeded the WQO. Although only one line of evidence is required to list a constituent under section 3.6 of the Listing Policy, selenium samples collected in the intervening seven years have not been assessed. • The Copermittees Regional Monitoring Program (2007-2008) should be considered for inclusion, as a more robust and recent data set. During ambient monitoring in the fall of 2007 and the spring of 2008, there were no exceedances of the CTR total selenium criteria at the TWAS to which Poway Creek is tributary. 	<ul style="list-style-type: none"> • It is recommended that the dataset be updated to exclude the sample noted as out of compliance with the QAPP. • In addition, it is recommended that recent ambient data collected through the Copermittee Regional Monitoring Program be incorporated into the listing assessment. • Selenium should be compared to the correct criteria; the criterion is for chronic total selenium. The data used in the assessment were acute dissolved selenium • Recent ambient data and wet weather data show that there is no problem with selenium. It is recommended it be categorized as a Category 3 waterbody at this time