

State of California
Regional Water Quality Control Board
San Diego Region

REPLACEMENT EXECUTIVE OFFICER SUMMARY REPORT
November 18, 2009

- ITEM: 10
- SUBJECT: Clean Water Act Section 305(b)/303(d) Integrated Report - 2008 Update. (Alan Monji)
- PURPOSE: To collect public comments on the Draft Clean Water Act Section 305(b)/303(d) 2008 Integrated Report for the San Diego Region.
- PUBLIC NOTICE: Public Notice of the release of the Clean Water Act (CWA) Section 305(b)/303(d) draft Integrated Report -2008 (Integrated Report) was provided in the Orange County Register, Riverside Press-Enterprise, and San Diego Union-Tribune (September 1, 2009), and North County Times (September 3, 2009). The Integrated Report and supporting appendices were posted on the Regional Board web site on August 31, 2009 (Supporting Documents 1 through 12).
- A notice extending the public comment period to October 26, 2009, and postponing the public hearing was sent out on September 22, 2009. Announcement of a public workshop, scheduled for October 12, 2009 (Supporting Document 12), was provided to interested parties via the LYRIS email list on September 22, 2009, published in the local newspapers (San Diego Union Tribune, and Riverside Press-Enterprise on September 26, 2009, the Orange County Register on September 25, 2009, and North County Times on September 30, 2009), and posted on the San Diego Regional Board website at http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml.
- DISCUSSION: CWA Section 305(b) requires states to report biennially to USEPA on the water quality conditions of its waters. The states are also required to list/report impaired water body segments to United States Environmental Protection Agency (USEPA) under CWA section 303(d). For California, the State will comply with these Federal requirements by integrating the relevant information into one comprehensive report is called the 305(b)/303(d) Integrated Report – 2008 Update (2008 Integrated Report) to satisfy both the CWA section 303(d) and 305(b) requirements. The Integrated Report update process is being coordinated by the State Water Resources Control Board

(State Board) as a single, statewide list update for submittal to the USEPA.

The draft 2008 Integrated Report (Supporting Documents 1 through 11) update will be presented to Board Members and the public at the Regional Board meeting. The draft Integrated Report was made available to the public via the Regional Board web page on August 31, 2009 (see http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml).

Background

CWA Section 305(b) requires states to submit, for USEPA approval, a report assessing statewide surface water quality. This is the first step toward identifying impaired water bodies in California.

To meet CWA Section 305(b) requirements of reporting on water quality conditions, the Integrated Report places each assessed water segment into one of five non-overlapping categories of water bodies based on the overall beneficial use support of the water segment. These Integrated Report categories are based on the US EPA guidance for states Integrated Reports, but contain some modifications based on California's 303(d) Listing Policy.

The State Water Board has historically prepared a statewide Section 305(b) Report with information on surface water bodies that support or do not support beneficial uses. For the 2008 cycle, the State Water Board will prepare an Integrated Report addressing both sections of the CWA once all Regional Board Integrated Reports are submitted to the State Board. The State Board will then submit the Integrated Report as a single, statewide list to the USEPA.

A summary of San Diego Region water bodies on the 305(b) list is provided below and with water bodies placed in one of the following categories based upon its ability to support designated beneficial uses (BU):

BU Support Category	Description	Number of San Diego Region Waterbody Segments
1	All core uses supported	0
2	No documented impairment and at least one core beneficial use is attained	83
3	Waterbody impaired, but lacked adequate data to determine full attainment of one or more beneficial uses	26
4A	Waterbody listed as impaired, but already have TMDLs	1
4B	Existing regulatory program reasonably expected to result in attainment of water quality standard	1
4C	Impairment caused by non-pollutant sources.	0
5	At least one BU not supported and requires TMDL (303d List)	157

Categories 1 through 4C (Supporting Documents 4, 5, 6, and 7) are a type of watch list of waterbodies for the 2008 Integrated Report cycle. Category 5 (Supporting Document 8) on the above list contains all the water body segments identified as being impaired for at least one beneficial use and requiring development of Total Maximum Daily Load (TMDL) for that impairment. Categories 4 and 5 waterbody segments (Supporting Documents 6, 7, and 8) make up the San Diego CWA 303(d) List of Impaired Water Bodies for 2008.

Section 303(d) of the federal CWA (33 USC 1250, *et seq.*, at 1313(d)), requires states to identify waters that do not meet water quality standards after applying certain required technology-based limits (i.e. "impaired" water bodies). Every two years, the states are required to compile this information and submit it to USEPA for review and approval. This list is commonly known as the "Section 303(d) list of impaired

waters.” Once listed, the Regional Board is mandated to prioritize each waterbody / watershed for subsequent development of TMDLs. The purpose of a TMDL is to ensure that beneficial uses are restored and water quality standards are achieved for the impaired waterbody. The State Board and Regional Boards have ongoing efforts to monitor and assess water quality, to assess the quality of surface waters pursuant to CWA Section 305(b) and prepare the Section 303(d) list and to develop the required TMDLs.

The State’s most recent Section 303(d) list was approved in 2006. For the 2006 update, the San Diego Regional Board placed 101 water bodies, with a total of 233 water body / pollutant combinations. The 2006 list is currently available on-line at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml

2006 Update of the 303d List of Impaired Waterbodies.

On behalf of the State Board, the Regional Board solicited data and information regarding water quality conditions of surface waters. Solicitation letters were sent out to the Regional Board Agenda mailing list on December 4, 2006 with a follow-up clarification letter on January 30, 2007. At the same time, a Section 303(d) List of Impaired Waterbodies 2008 Update information page was added to the Regional Board’s website. The solicitation period closed on February 28, 2007 and resulted in data and information submitted to the Regional Board for review and analysis.

2008 Update of the 303d List of Impaired Waterbodies.

The Regional Board has finished analysis and critical review of all submitted data and information and created an initial draft list of additions and modifications to the existing Section 303(d) list of impaired waterbodies.

The San Diego Region’s draft 2008 Integrated Report reviewed a total of 271 waterbodies and made recommendations for the following actions:

Actions	Number of Affected Waterbody/ Pollutant Combinations
Remove/Delist	122
List	360
Do Not Delist	97
Do Not List	991
Total Recommendations	1,570

The draft 2008 Integrated Report is presented to update the Regional Board about the 2008 Integrated Report process, and so that the Board members may hear public testimony on this topic.

The 2008 Integrated Report and draft staff report is posted on the Regional Board's website. Due to the large volume of paper involved with publishing all relevant tables, fact sheets and references, Appendix H, and J are not included in the agenda package as hard copies. A complete copy of the 2008 Integrated Report is available from the Regional Board's website at:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml.

A notice of the list's availability on the web was sent through the internet via State Board LYRIS list-server to an interested parties list. The notice included information regarding a public hearing that was initially scheduled for the October 14th Regional Board meeting. The purpose of that public hearing was to provide an opportunity for the Regional Board to consider public testimony, discuss public comments, and deliberate on the adoption of the draft 2008 Integrated Report, including the newly listed waterbodies and pollutant combinations included on the draft 303(d) list.

Since the publication of that initial public notice, the public comment period was extended to October 26, 2009 and public hearing was postponed until the November 18th Regional Board meeting. This extension provided 78 days for public review since the draft Integrated Report was initially released to the public.

Public Participation and Comment

A public workshop was held on October 12, 2009. The workshop gave the public an opportunity to comment on the proposed 2008 Integrated Report, and discuss issues regarding the data analyses or policy with the Regional Board staff.

Thirty-three comment letters were submitted by the stakeholders. These letters resulted in over 500 individual comments being provided to the Regional Board.

Regional Board staff are reviewing and responding to public comments received during the public comment period, and the public workshop, which may lead to a modification of the proposed draft Integrated Report recommendations as appropriate. If significant changes are made, the draft Integrated Report will be revised and the changes highlighted during a future Regional Board agenda item.

A timeline of opportunities for public participation and comment on the 2008 update of the 305(b)/303(d) Integrated Report is given in Supporting Document 14.

Role of State Board in Public Process

The State Board will formulate a single, statewide draft CWA Sections 305(b)/303(d) Integrated Report based on the recommended Integrated Reports received from each Regional Board. The State Board will conduct a full formal public review and comment period, develop written responses to comments, conduct public workshop(s) and conduct a public hearing(s) at which the State Board will consider adoption of the draft statewide 2008 Integrated Report. The statewide Integrated Report will then be submitted to the USEPA in the form of the State's biennial report on water quality. This information will in turn be submitted by USEPA to Congress pursuant to Section 305 of the Clean Water Act (33 USC 1315).

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Draft Staff Report: 305b/303d Integrated Report.
2. Appendix A: Proposed and Revised Section 303d Listings.
3. Appendix B: Summary of Assessed Water Bodies.
4. Appendix C: Category 2 Water Body Segments.
5. Appendix D: Category 3 Water Body Segments.
6. Appendix E: Category 4A Water Body Segments.
7. Appendix F: Category 4B Water Body Segments.
8. Appendix G: Category 5 Water Body Segments.
9. Appendix H: Fact Sheets (Instruction Sheet only).
10. Appendix. I: Miscellaneous Changes.
11. Appendix: J: References (Instruction Sheet only).
12. Publication Notices.

13. Comment Letters (Provided on compact disk- CD).
14. Public Participation and Comment Timeline.
15. Additional Comment Letters.

RECOMMENDATIONS: Take public testimony on the draft 2008 Integrated Report, close the public hearing, and carry item over for consideration and adoption at Regional Board meeting in December 2009.