



City of
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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Fax Transmittal

TO: Mr. Man Voong
California Regional Water Quality Control Board
Los Angeles Region
(213) 576-6600

DATE: June 17, 2009

FAX NUMBER: (213) 576-6640

FROM: Travis Lange – City of Santa Clarita

NUMBER OF PAGES: 4 (including cover sheet)

REMARKS

Hello Mr. Voong, Please accept these written comments on the Proposed Revision to the 2008 Section 303(d) List concerning the Santa Clara River. A hard copy of this letter will arrive shortly. Thank you.

TRANSMITTED BY: TRAVIS LANGE
PHONE NUMBER: (661) 255-4337

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June 17, 2009

Mr. Man Voong
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Voong:

Subject: Revision to the 2008 Section 303(d) List, Santa Clara River

Thank you for the opportunity to submit comments on the revisions to the Federal Clean Water Act Section 303(d) List. The City of Santa Clarita (City) is fortunate to have the Santa Clara River running through its boundaries. This watershed is home to one of the last natural rivers in Southern California.

The City takes the protection of the Santa Clara River very seriously and has an active stormwater program. Considering the cost and time it takes to create and implement a Total Maximum Daily Load (TMDL) and the large effort to address multiple stormwater requirements, the City has concerns about several listings on the proposed 2008 Section 303(d) List.

Listings Based on the P*MUN Beneficial Use Should be Removed

Newly proposed listings for the Santa Clara River are erroneously based on application of the conditional Municipal and Domestic Supply (MUN) Beneficial Use. A Federal Court, the State Water Resources Control Board (State Board), and the Federal Environmental Protection Agency (EPA) have all determined that the P*MUN use is not a properly designated use available for any regulatory purpose, such as the proposed 2008 Section 303(d) List. The application of the conditional P*MUN Beneficial Use resulted in the incorrect application of maximum contaminant levels (MCL) and California Toxics Rule (CTR) human health criteria using "water plus organisms" standards.

In 1994, the California Regional Water Quality Control Board, Los Angeles (Regional Board) sought to designate a Municipal and Domestic Supply (P*MUN) Beneficial Use to all water bodies identified in the Basin Plan. This was a response to the State Board's issuance of Resolution No. 88-63 (the "Sources of Drinking Water Policy") and the Regional Board's companion resolution, Resolution No. 89-03. However, the Regional Board only conditionally designated the Beneficial Use by forming the P*MUN and cannot establish effluent limitations based on conditional designations.



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In addition, during the previous Section 303(d) List update in 2006, the Regional Board included water body segments based on the P*MUN Beneficial Use. After receiving comments objecting to this action, the State Board removed all of the proposed 303(d) listings based on this beneficial use. The State Board indicated the P*MUN Beneficial Use should not be used for listing purposes, and is not a designated beneficial use for the identified water bodies. No change to the status of the P*MUN Beneficial Use has occurred since. Therefore, the City of Santa Clarita requests that the Regional Board act in accordance with the State Board's previous determination on this issue and asks for the following waterbody/pollutant listings to be removed from the Regional Board's proposed 2008 Section 303(d) List:

- **Santa Clara River, Reach 5 - Iron, Specific Conductivity** (based on secondary MCLs); **Chlorodibromomethane, and Dichlorobromomethane** (based on application of CTR human health criteria using water plus organisms)
- **Santa Clara River, Reach 6 - Iron, Specific Conductivity** (based on secondary MCLs); **Chlorodibromomethane, Dichlorobromomethane, Bis (2-ethylhexyl) phthalate** (based on application of CTR human health criteria using water plus organisms)

Diazinon, Santa Clara River, Reach 6

The Regional Board included Diazinon for Reach 6 of the Santa Clara River during the 2008 listing cycle. This was based on the evaluation of available data indicating that the California Department of Fish and Game (CDFG) four-day Criterion Continuous Concentration (CCC) threshold of 0.10 µg/L Diazinon was exceeded in samples collected from Bouquet Canyon Creek. All of the utilized monitoring data was collected as part of the Surface Water Ambient Monitoring Program (SWAMP).

On December 31, 2004, the EPA banned sales of all nonagricultural products containing Diazinon. The EPA's action should be considered implementation of a significant management practice in Reach 6 of the Santa Clara River. Therefore, the City believes only data collected since January 1, 2005, should be used for listing reevaluation.

As stated in previous comments submitted by the City regarding this listing, upon receipt of notification of a 13267 letter from the Regional Water Quality Control Board in September 2002, the City and County of Los Angeles embarked on a very aggressive Public Outreach and Abatement program. Inspections, enforcement, and cooperation from local retailers and the public led to a drastic reduction of Diazinon levels recorded in the original samples. Though this information was provided to the Regional Board, no response to the final report has been given to date.

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It is the City's understanding that data taken by the Los Angeles County Sanitation Districts shows no exceedances were found in nine samples collected between April 2007 and July 2008. This listing should be moved to the "Water Quality Limited Segments Being Addressed by Actions Other Than a TMDL" category since the EPA Residential Use phaseout of Diazinon is a regulatory action other than a TMDL. Therefore, Diazinon in Reach 6 of the Santa Clara River should be removed from the 303(d) list.

Chlorpyrifos, Santa Clara River, Reach 6

The Regional Board included Chlorpyrifos for Reach 6 of the Santa Clara River during the 2008 Section 303(d) listing cycle. Similar to Diazinon, the EPA has been phasing out all nonagricultural uses of Chlorpyrifos with the cessation of sales of all residential use products by December 31, 2004.

It is the City's opinion that data collected from January 1, 2005, forward should only be considered for the 2008 Section 303(d) listing. The City understands that monitoring by the Los Angeles County Sanitation Districts resulted in 18 four-day average Chlorpyrifos monitoring results with no exceedances of the 0.05 µg/L threshold. Therefore, this listing should be moved to the "Water Quality Limited Segments Being Addressed by Actions Other Than a TMDL" category since the Residential Use phaseout of Chlorpyrifos is a regulatory action other than a TMDL and appears to be resulting in attainment of standards.

The City of Santa Clarita strives to protect the water quality in the Santa Clara River watershed. Thank you for your time and consideration of our comments and requests. If you have any questions or need any additional information, please contact Oliver Cramer, Environmental Analyst, at (661) 255-4904 or ocramer@santa-clarita.com.

Sincerely,



Travis Lange
Environmental Services Manager

TL:OC:kms

SA:ENVSRVCS\NPDES\TMDL\303(d) listing\Revision to 303(d), June 2009.doc

cc: Robert G. Newman, Director of Public Works