



Public Works Department • Wastewater Division  
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August 10, 2004

Debbie Irvin, Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



Subject: **COMMENTS ON THE DRAFT FINAL FUNCTIONAL EQUIVALENT DOCUMENT FOR DEVELOPING CALIFORNIA'S 303(d) LIST**

Dear Ms. Irvin:

We have received the Notice of Public Workshop for the *Draft Final Water Quality Control Policy for Developing California Clean Water Act Section 303(d) List and Draft Final Functional Equivalent Document*. While the City of Oxnard submitted comments on the draft document in our letter of February 10, 2004, we would like to take this opportunity to comment on the changes made in the draft final document:

- ❖ Page A-2 of the document describes the weight-of-evidence approach to waterbody listing, including Data and Information Preprocessing, Data and Information Processing, and Data Assessment. In the final step, fact sheets will be presented describing the action taken. We recommend that the data in support of the decision as well as the fact sheets be made easily accessible to the public.
- ❖ Section 3.1.5 of the document, *Bioaccumulation of Pollutants in Aquatic Life Tissue*, addresses the listing of a water segment for exceeding a pollutant-specific guideline using the binomial distribution. It is unclear whether the State intends to de-list segments that did not have adequate data for the original listing. For instance, Toxic Substances Monitoring Program data may have four sets of analyses that caused the listing of a segment. The segment would not be listed under this section of the policy, nor could it be de-listed under the policy due to the need for a much larger data set. We strongly recommend a review of the existing 303(d) list using the guidelines of the policy. Many of the water bodies remain incorrectly listed when evaluated using the policy.
- ❖ Section 6.1 describes the *Process for Evaluation of Readily Available Data and Information*. The draft final document has added Municipal Separate Storm Sewer System (MS4) reports under **Definition of Readily Available Data and Information**. We strongly recommend additional clarifying language regarding types of MS4 data that are acceptable in the 305(b) and 303(d) processes. Currently, municipal stormwater programs are required to compare their monitoring data to water quality objectives. These data include land use, mass emission, wet and dry weather receiving water, and BMP effectiveness monitoring. As a relative comparison exercise, this is not too

objectionable; however, as a potential basis for future TMDLs, the use of these data is inappropriate and unacceptable.

Thank you for the opportunity to review the draft final policy and functional equivalent document. Please feel free to call me at (805) 271 – 2205 if any clarification is required.

Sincerely,



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Mark S. Norris  
Wastewater Superintendent