

State of California  
Regional Water Quality Control Board  
San Diego Region

**REPLACEMENT: EXECUTIVE OFFICER SUMMARY REPORT**  
December 16, 2009

ITEM: 15

SUBJECT: Public Hearing: Clean Water Act Section 305(b)/303(d)  
Integrated Report - 2008. (Alan Monji)

PURPOSE: The Regional Board will conduct a public hearing with the opportunity to hear public testimony on modifications to the Draft Clean Water Act Section 305(b)/303(d) 2008 Integrated Report for the San Diego Region, and consider adoption of the tentative Resolution No. R9-2009-0163, with errata.

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.

A Public Notice of the release of the revised draft Integrated Report was sent out through LYRIS email distribution list on December 09, 2009. The revised Integrated Report and supporting documents were posted on the Regional Board web site on December 9, 2009.

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, 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](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 revised draft 2008 Integrated Report (Supporting Documents 1 through 13) is presented to Board Members and the public at the Regional Board meeting. The revised draft Integrated Report was made available to the public via the Regional Board web page on December 9, 2009 (see [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/303d\\_list/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml)). If adopted, tentative Resolution No. R9-2009-0163 (Supporting Document 16) approves the 2008 Update of the CWA 305(b)/303(d) Integrated Report for the San Diego Region.

#### Background

For the 2008 listing 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.

The revised 2008 Integrated 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, Appendices C through K and Appendix L (Response to public comment provided on a CD for this Item) 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](http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml).

#### Public Participation and Comment

Supporting document 13 (see attached CD) provides the Regional Board responses to public comments (see November 18, 2009: Agenda item 10, Supporting Documents 13 and 15 at [http://www.waterboards.ca.gov/sandiego/board\\_info/agendas/2009/nov/nov09.shtml](http://www.waterboards.ca.gov/sandiego/board_info/agendas/2009/nov/nov09.shtml)) received during the public comment period, and the October public workshop, which may lead to a modification of the proposed draft Integrated Report recommendations as appropriate.

The responses to public comments and revisions to the draft Integrated Report is ongoing. The responses to comments and updated revisions as of December 9, 2009 have been

incorporated into the Supporting Documentation for this agenda item. The changes to the draft Integrated Report since the initial release on August 31, 2009 are highlighted in Supporting Document 15.

The remaining comments to be addressed are considered mostly minor and will have little effect on the current recommendations. Once all the revisions are completed, the final draft Integrated Report will be posted on the Regional Board’s website for public review and the administrative record will be compiled and transmitted to the State Board.

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

After the Regional Boards complete their regional Integrated Reports; 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).

KEY ISSUES:

Based upon the review of the comment letters submitted on the draft Integrated Report, the following issues are of concern:

1. Used of the Surface Water Ambient Monitoring Data - The stakeholders are concerned that some of the data used is “Estimated” due to potential quality assurance issues.
2. Additional Data – The stakeholders are concerned that some data has been overlooked and/or are offering the submittal of additional data to the assessment.
3. Toxicity – The stakeholders are concerned the toxicity Decisions are not consistent with the 303(d) Listing Policy.
4. Due to limited time and available staff resources, responding to the over 400 public comments requires that many recommended changes to the 2008 Update of the Integrated Report are included as an Errata in this item.

LEGAL CONCERNS:

None

SIGNIFICANT  
CHANGES:

See Supporting Documents 15 and 17.

SUPPORTING  
DOCUMENTS:

1. Revised Draft Staff Report: 305b/303d Integrated Report.
2. Appendix A: New and Revised Decisions.
3. Appendix B: Summary of All Decisions for All Water Bodies.
4. Appendix C: Category 2 Water Body Segments (Ref Sheet).
5. Appendix D: Category 3 Water Body Segments (Ref Sheet).
6. Appendix E: Category 4A Water Body Segments (Ref Sheet).
7. Appendix F: Category 4B Water Body Segments (Ref Sheet).
8. Appendix G: Category 4C Water Body Segments (Ref Sheet).
9. Appendix H: Category 5 Water Body Segments (Ref Sheet).
10. Appendix I: Fact Sheets (Ref Sheet).
11. Appendix J: Miscellaneous Changes (Ref Sheet).
12. Appendix: K: References (Ref Sheet).
13. Appendix L: Responses to Public Comments (on CD).
14. Public Participation and Comment Timeline.
15. Table of Changes to Integrated Report since September 1, 2009.
16. Tentative Resolution R9-2009-0163.
17. Draft Integrated Report Errata.

RECOMMENDATIONS:

It is recommended that the Regional Board receive public testimony at today's hearing, close public hearing, and adopt the tentative Order with errata.