

# **Final Summary of Comments and Responses**

Statewide Clean Water Act Section 303(d) List Portion  
of the 2024 California Integrated Report

Finalized date:  
March 13, 2024

**STATE WATER RESOURCES CONTROL BOARD**  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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### List of Abbreviations and Acronyms

Basin Plan:	Regional Water Quality Control Plan
CalWQA:	California Water Quality Analysis (Database)
CSCI:	California Stream Condition Index
DOC:	Dissolved Organic Carbon
DW:	Dry Weight
EC:	Electrical Conductivity
ELAP:	Environmental Laboratory Accreditation Program
ILRP:	Irrigated Lands Regulatory Program
Listing Policy:	Water Quality Control Policy for Developing California's Section 303(d) List
LOE:	Line of Evidence
MDL:	Method Detection Limit
MS4:	Municipal Separate Storm Sewer System
PEC:	Probable Effective Concentration
PHG:	Public Health Goal
POC:	Particulate Organic Carbon
QA:	Quality Assurance
QAPP:	Quality Assurance Project Plan
QC:	Quality Control
Regional Water Board:	Regional Water Quality Control Board
RL:	Reporting Limit
SHELL:	Shellfish Harvesting Beneficial Use
SSO:	Site-specific Objective
State Water Board:	State Water Resources Control Board
SWAMP:	Surface Water Ambient Monitoring Program
TMDL:	Total Maximum Daily Load
WQP:	Water Quality Portal
U.S. EPA:	United States Environmental Protection Agency

## 1. Introduction

The State Water Resources Control Board (“State Water Board”) received 45 written comments on the California’s Draft Clean Water Act Section 303(d) list (referred to as the 303(d) list) of water quality limited segments portion of the Draft 2024 California Integrated Report. The public comment period for the Draft Staff Report and Draft 303(d) list started on February 16, 2023, and closed at noon on April 3, 2023. The State Water Board received oral comments at a hearing on March 21, 2023. The State Water Board is administering the listing process for all waters assessed during the listing cycle for the 2024 California Integrated Report, in accordance with section 6.2 of the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (“Listing Policy”).

This document contains responses to the comments submitted to the State Water Board on the Draft Staff Report and 303(d) list. If appropriate, monitoring locations, waterbody segments, Waterbody Fact Sheets that include lines of evidence (“LOEs”) and decisions, listing recommendations, and the Draft Staff Report were revised based on comments received. The Staff Report is distributed to reflect the revisions made.

Comment letters are assigned an identifying number (001 through 045). Tables associated with comment letters received are available in Appendix A: Tables Associated with Public Comments. In order to respond to comments that are similar in nature or have components that span multiple Regional Water Boards, principal responses by category have been developed. Principal responses are provided for the following categories: pyrethroids, data and analysis transparency and readily available data, benthic community effects, and trihalomethane. Following the principal responses, a response to comment table provides a list of the commenter letters with the corresponding identifying numbers, and responses to each individual comment is provided thereafter. State Water Board staff did not edit any written comments for spelling, grammar, or clarity. All writings in the comment field of these tables are the true and accurate representation of the comment provided to the State Water Board.

If a principal response is referenced in the “Response” column for a given comment in the response to comment tables, the response to that comment is found within the identified principal response in sections 2 through 5 of this document. Should a discrepancy be found in unique responses to comments, readers should defer to the principal responses.

## 2. Pyrethroids Principal Response

This principal response addresses significant comments, questions, and concerns raised by commenters regarding pyrethroid pesticides evaluation guidelines, methodologies, and other programs addressing pyrethroids management.

### 2.1 Selection and Use of Pyrethroids in Water Evaluation Guidelines

Commenters asserted that the evaluation guidelines used to interpret the applicable narrative water quality objectives (described below) to evaluate pyrethroids data for the Draft California Integrated Report in the Central Valley and Los Angeles regions are numeric triggers established to inform Sacramento River and San Joaquin River basin monitoring requirements, were not intended as water quality objectives, and should not be used to assess attainment of standards in the Central Valley and Los Angeles regions. They maintain that applicable water quality objectives will be developed and informed by the Central Valley Regional Water Board's Pyrethroids Research Plan, and that it is inappropriate to list waterbodies for pyrethroids impairment until water quality objectives are developed.

Changes to listing recommendations were not made in response to these comments. The Listing Policy's objective *"is to establish a standardized approach for developing California's section 303(d) list in order to achieve the overall goal of achieving water quality standards and maintaining beneficial uses in all of California's surface waters."* (Listing Policy, section 1.) To achieve that overarching goal, the Listing Policy requires narrative water quality objectives to be evaluated using evaluation guidelines. As a result, the Listing Policy does not limit the assessment of beneficial uses to the use of water quality objectives alone.

Specifically, section 6.1.3 of the Listing Policy directs, *"Narrative water quality objectives shall be evaluated using evaluation guidelines. When evaluating narrative water quality objectives or beneficial use protection, Regional Water Boards and State Water Boards shall identify evaluation guidelines that represent standards attainment or beneficial use protection."* The evaluation guidelines to be used must represent standards attainment or beneficial use protection. (Ibid, section 6.1.3.) *"The guidelines are not water quality objectives and shall only be used for the purpose of developing the section 303(d) list."* (Ibid.)

The pertinent narrative water quality objectives for pesticides contained in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins are as follows:

*"No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses. Discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses."*

and,

*“All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.”*

The pertinent narrative water quality objective for pesticides contained in the Water Quality Control Plan for the Los Angeles Basin is as follows:

*“No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.”*

The above narrative water quality objectives for pesticides apply to pyrethroids, which are commonly used pesticides for crop protection.

For developing the 2024 California Integrated Report, pyrethroids water column data from waterbodies in the Central Valley Region, the Los Angeles Region, the San Francisco Region, and the Santa Ana Region were evaluated by interpreting the applicable narrative water quality objective(s) using numeric pyrethroid chronic concentration goals, (referred to here as pyrethroid thresholds), taken from the Central Valley Water Quality Control Plan, as amended by Resolution R5-2017-0057. That is, those pyrethroid thresholds were selected as appropriate evaluation guidelines to interpret the applicable narrative water quality objectives.

The pyrethroid thresholds were originally presented in a series of six updated water quality criteria reports released in 2015 that used the University of California Davis Methodology for Derivation of Pesticide Water Quality Criteria for the Protection of Aquatic Life (Tenbrook et al., 2010) to develop freshwater chronic criteria for the protection of aquatic life for each pyrethroid pesticide (bifenthrin, cyfluthrin, cypermethrin, esfenvalerate, lambda-cyhalothrin, and permethrin). The University of Davis Methodology (“UCDM”) is used to develop freshwater aquatic life criteria based on smaller datasets than what is allowed by the U.S. EPA criteria methodology (USEPA 1985). In the Sacramento River Basin and the San Joaquin River Basin Water Quality Control Plans the six pyrethroids 4-day average 5<sup>th</sup> percentile chronic criteria are used for aquatic life chronic concentration goal for each pyrethroid pesticide (bifenthrin, cyfluthrin, cypermethrin, esfenvalerate, lambda-cyhalothrin, and permethrin) and a calculation to assess the additive effects of the pyrethroid pesticides. (Sacramento River Basin and San Joaquin River Basin Water Quality Control Plan, Chapter 4, pg. 4-54)

Commenters correctly point out that the pyrethroid thresholds established by the Central Valley Regional Board are not water quality objectives. The Central Valley Regional Board established the pyrethroid thresholds as a conditional prohibition of pyrethroids discharges at concentrations above specified aquatic life protection-based concentration triggers unless the discharger is implementing a management plan to reduce pyrethroid levels in their discharges. (Resolution, R5-2017-0057, recital 12.) In the Central Valley region, exceedances of these pyrethroid thresholds, which are applicable to waterbodies with known pyrethroid impairments, prompt the development of a management plan to address pyrethroid pesticides concentrations in the Sacramento and San Joaquin River basins.



Use of these pyrethroid thresholds as evaluation guidelines to evaluate pyrethroid pesticides is also reasonable for use in the Integrated Report because they meet the criteria for an acceptable evaluation guideline of applicable narrative water quality objectives per section 6.1.3 of the Listing Policy. To use a water matrix evaluation guideline, Regional Water Boards or State Water Boards must demonstrate that the guideline is:

- *“Applicable to the beneficial use*
- *Protective of the beneficial use*
- *Linked to the pollutant under consideration*
- *Scientifically-based and peer reviewed*
- *Well described*
- *Identifies a range above which impact occur and below which no or few impacts are predicted.”*

Selection of the pyrethroid thresholds as evaluation guidelines satisfies each of the above-noted factors. The pyrethroid thresholds are applicable to the WARM and COLD beneficial uses as the thresholds are relevant to freshwater aquatic life. They were developed to be protective of both cold and warm freshwater habitat and are relevant and linked to the pyrethroid pesticides as they apply to the six pyrethroid pesticides individually (bifenthrin, cyfluthrin, cypermethrin, esfenvalerate, lambda-cyhalothrin, and permethrin) and collectively (pyrethroids). (Final Staff Report for Proposed Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control for Pyrethroid Pesticides Discharges, Section 5.6.1.1). The evaluation guidelines are derived using the University of California Davis Methodology for Derivation of Pesticide Water Quality Criteria for the Protection of Aquatic Life (Tenbrook et al., 2010). Based on the UC Davis methodology, Central Valley Regional Water Board staff in conjunction with UC Davis researchers developed six Water Quality Criteria Reports for the individual pyrethroid pesticides mentioned above. These Water Quality Criteria Reports are scientifically-based and were peer reviewed by external, independent reviewers, to be applicable to the beneficial uses and protective of the beneficial uses. The reports and the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, as amended by Resolution R5-2017-0057, present well described thresholds for the six pyrethroid pesticides. These pyrethroid thresholds represent the 5<sup>th</sup> percentile estimated no effect concentrations (maximum acceptable threshold concentration [“MATC”]) below which minimal effect to sensitive species, threatened or endangered species, and other species in the ecosystem is predicted and above which these species are predicted to experience adverse effects. Additionally, the criteria reports note that the pyrethroids chronic criteria, while prepared for the Central Valley Regional Water Quality Control Board, “would be appropriate for any freshwater ecosystem in North America, unless species more sensitive than are represented by the species examined in the development of these criteria are likely to occur in those ecosystems.” (Palumbo et al, 2015).

The use of the pyrethroids thresholds as evaluation guidelines, to assess water quality standards attainment for the California Integrated Report does not evaluate or

determine compliance with any permit or waste discharge requirement provision; establish, revise, or refine any water quality objective or beneficial use; or translate narrative water quality objectives for the purposes of regulating point sources.

## 2.2 Total and Dissolved Pyrethroids Data and Evaluation Guidelines

Commenters object to the use of total pyrethroids water fraction data in the Central Valley and Los Angeles Regions. These commenters noted that the methodologies cited are expressed in terms of the freely dissolved pyrethroid water fraction and that it is inappropriate to compare data expressed as whole water or total fraction concentrations to the pyrethroid thresholds (described above) expressed as dissolved fraction concentrations.

Changes to listing recommendations were not made in response to these comments.

For California 2024 Integrated Report pyrethroid assessment purposes, if the freely dissolved fraction for one of the six pyrethroids is available, that fraction was preferentially used to assess COLD and WARM beneficial use attainment in the Central Valley and Los Angeles regions. The UC Davis Water Quality Criteria Reports for the six pyrethroids, which inform pyrethroid thresholds outlined in the Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin (see principal response 2.1), indicate that freely dissolved fraction is the best indicator of toxicity and is recommended for criteria compliance assessment. However, the Water Quality Reports also state that whole water fraction, or total fraction, samples may also be used. For example, Fojut et al (2015) states that studies indicate the *“freely dissolved fraction of bifenthrin is the primary bioavailable portion, and that this concentration is the best indicator of toxicity, thus, it is recommended that the freely dissolved fraction of bifenthrin be directly measured or calculated based on site-specific information for compliance assessment. Whole water concentrations are also valid for criteria compliance assessment, and may be used at the discretion of environmental managers, although the bioavailable fraction may be overestimated with this method.”* Additionally, Fojut et al (2012) recommended using dissolved concentrations for pyrethroid pesticides; however, the use of the total fraction is valid, and the report stated that *“bound pyrethroids can continue to desorb into the water column for long periods of time because pyrethroids have long equilibration times.”*

Further supporting the consideration of using whole fraction pyrethroids data for criteria comparison, the Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin provides equations to calculate freely dissolved fraction pyrethroids and additive concentration goal units of pyrethroid pesticides. In the introduction of these equations, the Water Quality Control Plan states, *“Freely dissolved pyrethroid concentrations may be used in the below formulas to determine the sum of acute and chronic additive concentration goal units (CGUs).”* (Sacramento River Basin and San Joaquin River Basin Water Quality Control Plan, Chapter 4, pg. 4-54 (emphasis added).)

Therefore, use of the freely dissolved fraction is not a requirement of environmental managers and other water fractions, such as the total fraction, may be used to determine the sum of the chronic additive concentration goal unit. Comparing whole water or total fraction concentrations to the evaluation guidelines is a conservative approach to estimate the potential risk to aquatic life of exposure to pyrethroids. In the absence of freely dissolved concentrations, total concentrations were used.

It is further stated in the Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin that freely dissolved data are required for compliance monitoring for dischargers to the waterbodies identified in the Pyrethroid Control Plan. This requirement to use the freely dissolved fraction is specific to discharge compliance monitoring in specific permits and does not apply to the assessment of waterbodies for 303(d) listing purposes. For 303(d) listing purposes, California is required to assemble and evaluate all existing and readily available water quality-related data and information, which includes whole water or total fraction pyrethroids data for the 2024 California Integrated Report.

### **2.3 Statewide Urban Pesticides Provisions Project**

Many commenters requested the 2024 California Integrated Report Staff Report discuss the Statewide Urban Pesticides Provisions Project with a component of this project being the development of the Urban Pesticides Amendments to amend statewide Water Quality Control Plans. Additionally, commenters requested that no new pyrethroids total maximum daily loads (“TMDLs”) be developed until the Urban Pesticides Amendments are effective, at which time pyrethroids listings should be reevaluated to determine if any listings should be categorized as 4b or 5r (see Staff Report section 2.5: Integrated Report Condition Categories).

The Statewide Urban Pesticides Provision Project is a developing State Water Board statewide project and currently on hold due to other program priorities (SWRCB 2023). The current objective for this project is to establish statewide source control efforts for pesticides in urban storm water. The current plan to address this objective is to amend the statewide water quality control plans to account for urban pesticide discharges through a program of implementation that recognizes integrated pest management and use management under the authority of agencies that regulate pesticide use as primary mechanisms for urban pesticide pollution prevention. Currently, the scope is limited to urban stormwater permittees and would not extend to other permits or programs (e.g., Stormwater Industrial General Permit, Construction General Permit, Caltrans permits, Irrigated Lands Programs, etc.).

Future categorization of pyrethroids-impaired waterbodies into Category 4b or 5r may be considered in future California Integrated Report cycles as additional information is provided which can document how the urban pesticide amendment, once enacted, meets the requirements of Category 4b or 5r. Categorizing a waterbody as 4b or 5r requires evidence of reasonable assurance that water quality standards will be attained in a reasonable period of time or a plan to address the impairment. U.S. EPA instructs, “In order to meet the requirements to place these waters into Category 4B, the State

must demonstrate that ‘other pollution control requirements (e.g., best management practices) required by local, State or Federal authority’ (see 40 C.F.R. § 130.7(b)(1)(iii)) are expected to address all water-pollutant combinations and attain all WQSs in a reasonable period of time. EPA expects that States will provide adequate documentation that the required control mechanisms will address all major pollutant sources and establish a clear link between the control mechanisms and WQSs.” (U.S. EPA, Office of Water, *Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act* (July 21, 2003) (footnote omitted).)

Depending on the sources contributing to the pyrethroids impairment of a waterbody and if the waterbody is part of a program or has an established plan that accounts for the management of all these sources, an approved pyrethroids management plan may be adequate to categorize a waterbody in 4b or 5r.

Due to the “on hold” status of this of the Urban Pesticides Provisions Project and thus the Urban Pesticides Amendments, it is premature to discuss the Urban Pesticides Provisions Project or the Urban Pesticides Amendments in the Staff Report. Additionally, it is premature to speculate that the measures established by the future Urban Pesticides Amendments may meet the requirements of Category 4b or 5r designation in the near future. Finally, it is premature to commit to deferring all pyrethroids TMDL development efforts until the Urban Pesticides Amendments are enacted. Please note though that the Regional Water Boards have the ability to prioritize listings for TMDL development based on a multitude of factors (see Staff Report section 2.6: Prioritization of TMDLs and Other Efforts to Address Impaired Waters) and the Water Board recognizes the value of non-TMDL programs to address impaired waterbodies.

### **3. Data and Analysis Transparency and Readily Available Data and Information Principal Response**

This principal response addresses comments regarding data and analysis transparency, including readily available data, data not used for assessments, quantitative analyses and methodologies, the inclusion of older data, and data submission timelines.

#### **3.1 Readily Available Data Requirements**

Commenters raised concerns of the omission of data from the California Integrated Report. Specifically, while acknowledging that the data submission process understandably has formatting and quality assurance requirements to ensure that all data submitted is reliable and trustworthy, commenters asserted that omitting data that fails to comport to data submission requirements from consideration violates the Water Boards’ responsibility to consider all readily available data and information.

Section 6.1.1 of the Listing Policy requires the Regional Water Boards and State Water Board (collectively, “Water Boards”) to solicit all readily available data and information.

Section 6.1.1 of the Listing Policy also defines “all readily available data and information” as data and information that can be submitted to the California Environmental Data Exchange Network (“CEDEN”), unless CEDEN cannot accept the data type. Data types incompatible with CEDEN submission can be submitted directly via the [Integrated Report Upload Portal](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/ir_upload_portal.html), ([https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/ir\\_upload\\_portal.html](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/ir_upload_portal.html)). Instructions on data and submittal requirements for CEDEN and non-CEDEN compatible data and information as well as quality assurance documentation submittal requirements are provided for data submitters on the [State Water Board Data Requirements webpage](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_requirements.html), ([https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/data\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_requirements.html)) and are also provided in the “Notice of Public Solicitation of Water Quality Data and Information for the 2024 Integrated Report Cycle for the clean Water Act Section 305(b) Surface Water Quality Assessment and the 303(d) List of Impaired Waters” (June 29, 2020) (see link below)

In developing the Draft 2024 California Integrated Report, all readily available data submitted per the requirements of the [June 29, 2020 Data Solicitation Notice](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/docs/2024\\_solicitation\\_notice\\_final.pdf](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf)) were assembled and evaluated to ascertain adequacy for water quality assessments per the Listing Policy. Data and information were not considered for the 2024 listing cycle if they were not submitted in accordance with the requirements for submission.

Additionally, as detailed in the below discussion, data were deemed inadequate for assessment if they were not in an acceptable format per the Listing Policy or did not meet quality assurance requirements. Regional Water Board staff reviewed data sets that were deemed inadequate for assessment, and in some instances, worked with data providers to remedy errors or provide missing information so data could be assessed.

Additionally, some commenters disagree with not using data submitted in portable document format (“PDF”) via the Integrated Report Upload Portal. Enclosure 3 of the June 29, 2020 Data Solicitation Notice notes that numeric data must be in electronic format that can be manipulated for assessment (e.g., spreadsheet, comma separated text file). Numeric data will not be assessed if submitted as a PDF or as a web link reference as it would take significant time and resources to organize the data into an assessable format. Qualitative information (such as a photograph) can be submitted in a PDF.

### **3.2 Data Not Used for Assessments**

Commenters raised concerns about the lack of data transparency associated with the California Integrated Report process. Specifically, commenters raised concerns about data not being used for assessments in the Draft 2024 California Integrated Report. Further, commenters asserted that data providers should be notified if data are evaluated and deemed inadequate for assessment before the draft California Integrated

Report is released to the public. Finally, commenters suggested consulting with data providers to rectify data concerns before the release of the California Integrated Report.

Under Clean Water Act section 303(d), states are required to review, revise as necessary, and submit to U.S. EPA a list of water quality-limited segments that are not meeting or are not expected to meet water quality standards. For data to be used in an assessment to determine whether a waterbody is meeting a standard, there must be an appropriate water quality standard or evaluation guideline for that data type that meets the requirements of the Listing Policy.

For data or information to be used as a primary Line of Evidence (“LOE”) to support a 303(d) listing or delisting recommendation, data and information must meet the minimum quality assurance requirements, as outlined in section 6.1.2 (Administration of the Listing Process) and section 6.1.4 (Data Quality Assessment Process) of the Listing Policy. Data and information that do not meet Listing Policy data quality requirements may be used for ancillary LOEs to make a situation-specific weight of evidence listing recommendation per sections 3.11 or 4.11 of the Listing Policy.

The Water Boards apply an automated data quality estimator tool to screen out data that do not meet data quality requirements. Data may be screened out if they are missing or have inaccurate location information (latitude, longitude, and datum); data results that are less than the quantitation limit when the quantitation limit is greater than the water quality standard, objective, criterion or threshold; data flagged by a laboratory as rejected during quality control (“QC”) review; data from a quality control sample (laboratory duplicate, blank); and sample types that were not water quality-related data. The quantitation limit includes the minimum level, practical quantitation level, or reporting limit as noted in section 6.1.5.5. of the Listing policy.

In accordance with section 6.1.4 of the Listing Policy, data and information supported by a QAPP, QAPP-equivalent documentation, or from major monitoring programs in California are considered of adequate quality and acceptable for use in developing the 303(d) list. Regarding data from major monitoring programs, section 6.1.4 states:

The data from major monitoring programs in California and published U.S. Geological Survey (“USGS”) reports are considered of adequate quality. The major programs include [Surface Water Ambient Monitoring Program], the Southern California Bight Projects of the Southern California Coastal Water Research Project, U.S. EPA’s Environmental Monitoring and Assessment Program, the Regional Monitoring Program of the San Francisco Estuary Institute, and the [Bay Protection and Toxic Cleanup Program].

This text has historically been construed as not setting forth an exclusive list of the major monitoring programs from which data would be considered of adequate quality. Therefore, data from any major monitoring program, in addition to those identified under section 6.1.4, have been considered of adequate quality.



Additionally, the 2024 303(d) List contains listing recommendations that rely on data submitted by approximately seven data providers for which staff has been unable to verify whether the data is supported by a QAPP. Water Board staff is committed to verifying the existence of QAPPs acceptable for use (i.e., satisfy the minimum elements set forth in section 6.1.4) to support new 2024 303(d) List listing recommendations for data submitted by monitoring programs not explicitly identified in section 6.1.4 by September 2024, and update Waterbody Fact Sheets with the documentation during the 2026 or 2028 listing cycle. If any such data set is not verified as being supported by a QAPP, the listing recommendation will be revised as needed no later than the 2028 listing cycle to ensure that such data set is not used by itself to support a listing recommendation for a water segment.

Commencing with the 2026 303(d) List, all data submitted by a monitoring program that is not explicitly listed in Listing Policy section 6.1.4 must be supported by a QAPP for that data by itself to support a listing recommendation for a water segment. Moreover, beginning with the 2026 303(d) List, even though data used from the listed major monitoring programs are considered adequate, the goal is to obtain QAPPs for such data. This shift in interpretation and implementation furthers ongoing efforts to continuously improve the data quality of the integrated report program.

~~Only data supported by an approved QAPP, QAPP-equivalent document, or exempt, were used as primary LOEs to support a 303(d) listing or delisting recommendation. Other data may be considered an ancillary LOE at the discretion of the Regional Water Board. As described in the notice of solicitation, data providers should submit QAPPs or QAPP-equivalent documents using the Integrated Report Document Upload Portal for data that are intended to be considered in one or more primary LOEs in the California Integrated Report. In some instances, Water Board staff independently sought out a QAPP or QAPP-equivalent document when one was not submitted by the data provider. This effort by Water Board staff is above and beyond the Listing Policy requirements. However, despite this effort, Water Board staff were not able to obtain QAPP or QAPP-equivalent documents for every dataset lacking the required QA documentation.~~

~~Section 6.1.4 of the Listing Policy tasks Regional Water Board staff with ensuring the adequacy of QAPP documentation. During the QAPP review process, Regional Water Board staff verify the following information:-~~

- ~~● Objectives of the study, project, or monitoring program~~
- ~~● Descriptions of monitoring locations~~
- ~~● Monitoring schedule and frequency~~
- ~~● Methods used for sample collection and handling~~
- ~~● Field and laboratory measurement and analysis~~
- ~~● Data management, review and validation, and recordkeeping (including proper chain of custody) procedures~~
- ~~● Quality assurance and quality control requirements~~
- ~~● Sample collection dates for which the QAPP equivalent documentation is applicable~~

- ~~• Description of final data storage location (i.e., CEDEN, non-CEDEN)~~
- ~~• A statement certifying the adequacy of the QAPP (plus name of person certifying the document)~~
- ~~• The QAPP covers the date range of submitted data~~
- ~~• Analytes in data are referred to in the QAPP~~

~~In many instances, the commenters' data and information submitted or referenced did not meet the requirements of sections 6.1.2 or 6.1.4 of the Listing Policy. Data which did not meet the requirements of section 6.1.2 or was not supported by a QAPP, QAPP-equivalent documentation, or from major monitoring programs in California were not used. Therefore, the data could not be used as a primary line of evidence to support a 303(d) impairment recommendation for the 2024 California Integrated Report.~~

Data providers have the opportunity to see how their data are used or if data were not used when the draft California Integrated Report is released for public review and comment. However, data providers are encouraged to contact staff at the State or Regional Water Boards during or after the assessment process to inquire about their data and request consultation on how to rectify data quality issues. Staff is working to better communicate data submission requirements. For example, State Water Board staff updated the [CEDEN webpage \(http://ceden.org/ceden\\_submitdata.shtml\)](http://ceden.org/ceden_submitdata.shtml) section on data submission for the California Integrated Report. These updates will help to articulate to data providers the data requirements for QAPPs pursuant to section 6.1.4 of the Listing Policy, longitude and latitude reporting requirements, and specifications for formatting. In addition, the State Water Board continues to modernize the California Integrated Report data systems and analysis tools and will continue to improve transparency with each California Integrated Report. Stakeholders may contact State Water Board staff to suggest improvements to improve transparency or request detailed information about data used in specific Decision IDs by sending an email to: [wqassessment@waterboards.ca.gov](mailto:wqassessment@waterboards.ca.gov).

### **3.3 Quantitative Analyses and Methodologies**

Commenters communicated that quantitative analyses and methodologies reported in Waterbody Fact Sheets and raw excel spreadsheets were difficult to replicate and navigate. Commenters request the Water Boards identify the underlying quantitative analyses associated with the California Integrated Report to enhance informational transparency, coherence, and comprehension. Additionally, commenters noted the California Integrated Report should provide detail on all quantitative assessment methodologies used during the assessment process.

Commenters can review data submitted, the number of exceedances for each waterbody-pollutant combination, water quality objectives or criteria used, and the thresholds applied in LOEs and listing recommendations for each Waterbody, which are included in Waterbody Fact Sheets (Appendix B of the Draft 2024 California Integrated Report). LOEs include data and information that are compared to applicable thresholds to determine the beneficial use support rating for each unique combination of a



waterbody, pollutant, matrix, fraction, beneficial use, and threshold. LOEs also include details on data spatial representation, data temporal representation, environmental conditions, and quality assurance information. All individual LOEs for a waterbody are then aggregated into waterbody-pollutant combinations and a listing recommendation is developed that describes the overall beneficial support rating and recommendation to list, not list, delist, or not delist for that waterbody-pollutant combination. Each listing recommendation is an evaluation, as required by the Listing Policy, to determine whether a waterbody-pollutant combination is impaired and suitable for placement on the 303(d) list. Section 3 of the Listing Policy describes the factors used to add waters to the 303(d) list (“listing factors”). Section 4 of the Listing Policy describes the factors used to remove waters from the 303(d) list (“delisting factors”) (see Draft Staff Report section 2.3: Data Analysis to Determine Water Quality Standards Attainment & Make Listing Recommendations). All objectives, criteria and thresholds used for 2024 assessments are listed in the Waterbody Fact Sheets. Waterbody Fact Sheets are prepared in accordance with section 6.1.2.2 of the Listing Policy which states that “when data and information are available, the Regional Water Board shall prepare a standardized fact sheet for each water and pollutant combination proposed for inclusion in or deletion from the section 303(d) list.”

While data and data analysis components are available in Waterbody Fact Sheets, the State Water Board recognizes the importance of improving clarity when presenting the California Integrated Report for public review. Therefore, tools and processes are being refined to improve transparency, data accessibility, and communicate details related to our assessment procedures in current and future California Integrated Reports.

For example, following U.S. EPA approval of the 2018 California Integrated Report, an Excel version of the Waterbody Fact Sheets was posted on the website to allow viewers another way to view, navigate, and summarize California Integrated Report assessment information. For the Draft 2024 California Integrated Report, the Excel version of Waterbody Fact Sheets with the Draft Staff Report (Appendix B1: Statewide Waterbody Fact Sheets – Excel Version) was provided. During the distribution of the Draft 2024 California Integrated Report, several commenters noted that Appendix B1 was missing a column for ‘Regional Board Conclusions’, which provides specific language on decision relationships. However, despite the missing column, Appendix B1 did contain the final listing recommendations and the Regional Water Board and State Water Board decision language. The ‘Regional Board Conclusions’ for each decision were available for public review in the Waterbody Fact Sheets and will be provided in Appendix B1 as well with the Proposed Final 2024 California Integrated Report. During the distribution of the Draft 2024 California Integrated Report, a mapping visualization tool was also provided to display the contents of the Draft 2024 California Integrated Report in a user-friendly way. The mapping visualization tool can be found on the webpage for the 2024 California Integrated Report (<https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=c18a353e031b42a7a352f262d927b893>) as well as in Staff Report Appendix D: Map and Visualization Tool for the 2024 California Integrated Report.

Additionally, several commenters noted that they were unable to access reference documents used to support the use of evaluation guidelines due to broken links in Waterbody Fact Sheets. Reference links in Waterbody Fact Sheets are not broken. Rather, if the reference document does not meet the Americans with Disabilities Act Standards for Accessible Design (“ADA compliance”), the reference documents cannot be added to the State Water Board website at this time. For links that do not have documents attached, a 404 error will appear which directs interested parties to submit a request via email ([wqassessment@waterboards.ca.gov](mailto:wqassessment@waterboards.ca.gov)) to receive the documentation. Staff will provide a copy upon request. Any additional California Integrated Report documents unable to be accessed on the State Water Board website due to accessibility concerns can be requested via the [wqassessment@waterboards.ca.gov](mailto:wqassessment@waterboards.ca.gov) email. The [404 error message](#) that appears when reviewers click on a link to reference documents cannot be added to the State Water Board website due to ADA compliance has been updated to more clearly communicate how to request documentation ([Programs | TMDL 404 Page \(ca.gov\)](#)).

The State Water Board also recognizes the value of providing detailed information when communicating quantitative analyses and assessment methodologies used during the compilation of the California Integrated Report to ensure replicable data analysis. Section 3 of the Staff Report, Pollutant Assessment Methods, provides narrative descriptions for assessment methodologies for pollutant types that are particularly complex, have new or changed methodologies, or are particularly significant (e.g., many listing or delisting recommendations are associated with the pollutant). Region-specific assessment methodologies or assessments using site-specific objectives are described in sections 5-10 of the Draft Staff Report. Some additional assessment methodologies are described in these responses to comments.

A more detailed description of quantitative analysis and methodologies for all pollutants could be beneficial and work to improve communication and transparency will continue to be conducted.

### **3.4 Inclusion of Older Data**

Several commenters expressed concern about including older data viewed as non-representative in listing recommendations when newer data are available.

The Listing Policy does not limit the use of older data for assessment purposes, except in section 6.1.5.3, which states that, if the implementation of a management practice(s) has resulted in a change in a water body segment, then only data collected since the change should be considered.

The Functional Equivalent Document for the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (Sept. 2004) (“Listing Policy FED”) provides the rationale for including older data in water quality assessments (pp. 240-241). The FED states that the indiscriminate application of data and information, regardless of age, gives the Water Boards the discretion to identify which data should

be used in the section 303(d) list. Additionally, removing the temporal aspect of data inclusion ensures all readily available data are used for the California Integrated Report. The Water Boards are aware that the inclusion of all data and information, regardless of age, may misrepresent water quality standards attainment, reflect the result of less precise laboratory analytical procedures, or over-represent older data in the decision-making process. However, there are several advantages to using older data in the California Integrated Report, including:

- Older data may provide context for newer data, such as characterizing trends or checking for compliance with antidegradation provisions.
- Older data can be used to represent current waterbody conditions if conditions remain unchanged.
- Older data may be useful in reevaluating previous listing recommendations if guidelines or numeric objectives are revised.
- Provides Regional Water Board discretion for the inclusion of older data on a case-by-case basis.

There are some instances where older data were not used to determine impairment. For example, data and information used prior to 2010 to inform bacteria impairment for waterbodies with the REC-1 beneficial use were retired and not used if newer data were available for assessment. Historical levels of indicator bacteria in the waterbody may be a poor indicator of current risks to human health, particularly when more recent data are available to sufficiently assess the water quality standard. See Staff Report section 3.5: Bacteria and REC-1 Beneficial Use, for more information.

### **3.5 Data Submission Timeline and the Public Process**

Commenters have also expressed concerns regarding the data submission timelines and the length of the public process, which include encountering barriers to the submission of public data, potential data lags, the length of the public comment period, and the number of workshops and public hearings held by the Water Boards.

The June 29, 2020 Data Solicitation Notice for the Draft 2024 California Integrated Report identified the data solicitation period from June 29, 2020, to a cut-off date of October 16, 2020. For each California Integrated Report listing cycle, millions of water quality data records are submitted for assessment. Data submitted outside the data cut-off period will be considered in a subsequent California Integrated Report cycle.

The data solicitation cut-off date is consistent with U.S. EPA Memorandum: Information Concerning 2022 Clean Water Act Section 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions (March 31, 2021). The memorandum states that to ensure timely completion of the Integrated Report a data solicitation cut-off date helps determine which data and information will be used in preparation of the 2024 Integrated Report and which data and information would be considered in preparing subsequent Integrated Reports (p.1). As a practical matter, a data cut-off date is a necessary step that provides time to assemble, evaluate, and assess all readily available data and

provide the public time to consider and comment on proposed recommendations, in conformance with Listing Policy requirements.

From the data solicitation period to the submission of the State Water Board adopted 303(d) portion of the California Integrated Report to the U.S. EPA, each California Integrated Report listing cycle takes approximately four years, with two years for data evaluation and assessment and two years to conduct the public process. After the public review and comment period, the State Water Board must formally adopt the 303(d) portion of the California Integrated Report prior to submitting it to the U.S. EPA. For a projected timeline for the 2024 California Integrated Report public process, please refer to the [2024 California Integrated Report webpage \(https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/2024-integrated-report.html\)](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html).

U.S. EPA's regulations implementing the Clean Water Act require states to submit their section 303(d) List biennially to U.S. EPA. (40 C.F.R. § 130.7(d).) To achieve timely biennial submittals to the U.S. EPA, the State Water Board develops the California Integrated Report each listing cycle primarily consisting of assessments of waterbodies within the regions of three Regional Water Boards. The three Regional Water Boards identified for conducting assessments for the listing cycle are characterized as being "on-cycle" by a notice of public solicitation of water quality data. The other six Regional Water Boards that are "off-cycle" may also assess high priority data, make listing or delisting recommendations, or propose changes to the 305(b) report. (Listing Policy, section 6.1.2.1.) Listing Policy section 6.1.2.1. instructs,

In its notice of solicitation, the State Water Board shall identify the database in which data and information shall be submitted and which Regional Water Boards shall administer the listing process for that listing cycle and whether the State Water Board will administer a particular Regional Water Board's listing process, pursuant to section 6.2, for that region. If a Regional Water Board is "off cycle" pursuant to the State Water Board's notice of solicitation, that Regional Water Board or State Water Board may administer the process for one or more water segments that would result in a direct listing change from the previous listing cycle pursuant to section 6.2.

In section 6.1.5 of the Listing Policy, it acknowledges that "the Regional Water Boards have wide discretion establishing how data and information are to be evaluated, including the flexibility to establish water segmentation, as well as the scale of spatial and temporal data and information that are to be reviewed," which includes determining what would be considered high priority data for a listing cycle. Every two years, Regional Water Boards are rotated, and every region is fully assessed once every six years. Each cycle builds from the assessments from the previous cycle. The 303(d) listing decisions and 305(b) waterbody category assignments from the prior cycle are first carried over into the new cycle. All readily available data received during the data solicitation period for the new cycle are then assessed and the listings and categories are updated, as appropriate. These updates are incorporated into the new cycle. Thus

the 2024 Integrated Report is an updated version of the 2020-2022 Integrated Report and contains all prior assessments as well as any new or updated assessments based on the data received prior to the end of the data solicitation period for the 2018 listing cycle. This assessment approach has commonly been referred to as a rotating basin strategy. For more information on the 2024 listing cycle and the concurrent listing cycles, please refer to the [Surface Water Quality Assessment webpage](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/), ([https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/)). The State Water Board's biennial submissions comply with the Clean Water Act and its implementing regulations. The State Water Board established the rotating basin approach to adopting the 303(d) lists by amending the Listing Policy in 2015 (SWRCB Resolution 2015-0005). The adopting resolution explains,

On November 12, 2013, the State Water Board provided electronic notice to persons interested in the California Integrated Report that the State Water Board and U.S. EPA were discussing strategies to make the process for developing the Integrated Report more efficient and submissions to U.S. EPA more timely. That notice included a link to a letter to U.S. EPA from the State Water Board, Division of Water Quality (dated July 15, 2013), which detailed proposed procedural changes to the Listing Policy. The notice also described the strategy of having the 303(d) List be comprised of a portion of the nine Regional Water Board listing recommendations each listing cycle.

(SWRCB Resolution No. 2015-0005, recital, 14.) Since establishing the rotating region strategy in 2015, U.S. EPA has approved three California Integrated Report 303(d) lists.

Some commenters expressed concerns with the rotating basin strategy, noting that it may lead to potential lags in data assessment. The U.S. EPA affords states' discretion in implementing a rotating basin strategy if states solicit all readily available data and information for all waters within their jurisdiction. In this approach, states assemble and assess data for water quality standards attainment for a subset of the state's jurisdictional waters. The rotating basin strategy retains the manageability and feasibility of region-wide water quality assessments and timely submissions of the Integrated Report. Conducting water quality assessments on a region-specific level allows time to conduct a thorough assessment of the data ensuring high-quality, transparent assessments are used to inform the Integrated Report. Due to the factors mentioned above, California has opted to use the rotating basin strategy to administer the listing process. This strategy is consistent with U.S. EPA Memorandum: Guidance for 2004 Assessment, listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act; TMDL-01-03.

Code of Federal Regulations, Title 40, part 25 contains public participation requirements for programs under the Clean Water Act (and other laws not relevant here). It provides, "Reports, documents and data relevant to the discussion at the public hearing shall be available to the public at least 30 days before the hearing. Earlier availability of materials relevant to the hearing will further assist public participation and is encouraged where possible." (40 C.F.R. § 25.5(b).)



The Draft 2024 California Integrated Report was published on February 16, 2023, and the public comment period remained open for a 45-day period, closing on April 3, 2023. The State Water Board recognizes the large volume of data received for the 2024 California Integrated Report and will consider a longer public comment period in future listing cycles.

Although the State Water Board will not be releasing the 2024 California Integrated Report for an additional round of public comment, the Proposed Final 2024 California Integrated Report was made available at least 30-days before the State Water Board meeting to consider adoption to provide time for the public to see changes made in response to comments received. The hearing for the State Water Board to consider adopting the proposed final 303(d) list for the 2024 cycle will be scheduled on or around February 2024. That means that the public was provided with the Draft 2024 California Integrated Report approximately one year prior to the hearing to consider the adoption of the proposed final report. The earlier distribution of the draft report will assist the public with its meaningful participation in the hearing.

Upon release of the Draft 2024 California Integrated Report, a Notice of Opportunity for Public Comment and Public Hearing for the Draft 2024 California Clean Water Act Section 303(d) List was distributed to the public. Notices are posted on the State Water Board website as well as distributed via the Integrated Report 303(d)/305(b) Email List. As the State Water Board is administering the listing process for all waters assessed during the 2024 California Integrated Report listing cycle, in accordance with section 6.2 of the Listing Policy, Regional Water Boards are not required to hold workshops, Board hearings, or distribute notices as it will be done on their behalf by the State Water Board; however, Regional Water Boards do have the option to do so. For the 2024 listing cycle, all Regional Water Boards conducting on and off-cycle assessments distributed the notices through their region-specific email lists and held region-specific workshops at their discretion.

Stakeholders interested in subscribing to the Integrated Report 303(d)/305(b) Email List may do so here:

[https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/).

The State Water Board recognizes that producing timely and complete California Integrated Reports is important. The State Water Board is currently working on several fronts to improve the process to administer the requirements of the Listing Policy. This includes upgrading existing data assessment tools, conducting multiple California Integrated Report cycles concurrently, working with the Regional Water Boards to improve their websites, and streamlining the public process.

#### **4. Benthic Community Effects Principal Response**

This principal response addresses comments, questions, concerns, and objections asserted by commenters regarding the use of the California Stream Condition Index (“CSCI”) for assessing benthic community effects data or bioassessment data, the use

of a CSCI threshold of 0.79, and the decision to place waterbodies in Category 3 on an interim basis solely for the 2024 California Integrated Report.

#### 4.1 Use of CSCI Evaluation Guideline

Several commenters were concerned that the use of the CSCI threshold of 0.79 for California Integrated Report assessments was premature to the State Water Board's adoption of water quality objectives, criteria, process, or policy to assess benthic community effects data. Some commenters also assert use of the 0.79 threshold to represent an expected reference site is inappropriate for certain engineered channels which, is asserted, could never obtain that threshold.

Changes to listing recommendations were not made in response to these comments.

The State Water Board is considering including the CSCI as a scoring tool in the statewide Biostimulation, Cyanotoxins, and Biological Condition Provisions project. The State Water Board is also considering approving the San Diego Regional Water Board's Basin Plan Amendment to add a biological water quality objective for perennial and seasonal streams that is set at a CSCI score of 0.79 (Resolution No. R9-2020-0234). Commenters were concerned use of the CSCI threshold of 0.79 in the 2024 California Integrated Report is untimely due to the development and adoption of these items, and its use would result in statewide inconsistency and inappropriate listings.

Changes to listing recommendations were not made in response to these comments. Listing Policy section 2.1 does not limit the assessment of data to only numeric water quality objectives. Instead, section 6.1.3 of the Listing Policy states that narrative water quality objectives shall be evaluated using evaluation guidelines. The CSCI score of 0.79 is the numeric evaluation guideline used to assess bioassessment data to determine attainment of narrative water quality objectives, typically the toxicity water quality objective, in accordance with sections 3.9, 6.1.3, and 6.1.5.8 of the Listing Policy.

Listing Policy section 3.9 allows the use of reference site or sites to compare degradation in biological populations and/or communities. Section 6.1.5.8 requires a method of selecting reference sites and applying them to develop an Index of Biological Integrity, which has been done and validated by the CSCI threshold study authored by Mazor et al. (2016). See the [2020-2022 Integrated Report Final Summary of Comments and Responses](https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2020\\_2022state\\_ir\\_reports\\_revised\\_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf](https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf)) section 3: Benthic Community Effects Principal Response and Staff Report for the 2024 California Integrated Report sections 3.4.1 and 3.4.2: Use of CSCI Scores and Selection of the 0.79 Threshold for additional discussion on the appropriateness of the CSCI threshold. Furthermore, the latest conceptual approach for the statewide

standards project includes the same CSCI score of 0.79 that was used to assess benthic community effects for the 2024 California Integrated Report. Additionally, the San Diego Biological Objectives Basin Plan Amendment considers the same CSCI score of 0.79 for perennial and seasonal streams. When developing assessment guidance in the 2026 California Integrated Report, as described in section 4.2: Category 3 Interim Approach, the State Water Board will consider the appropriateness of the 0.79 threshold for non-perennial streams, streams with no natural bottoms, and possibly other altered streams.

As explained at section 3.4.2 in the Staff Report section 3.4.2: Selection of the 0.79 Threshold, “Expected values for a set of ecological measures are predicted using statistical models developed from reference sites, which are healthy stream reaches that set a benchmark of ecological conditions when human disturbance in the upstream watershed is absent or minimal. Predictions are based on natural environmental variables (i.e., site elevation, catchment or watershed size, climate and geology) resulting in a site-specific prediction for each site; greater deviations from this expectation indicate a greater likelihood of degradation relative to reference conditions.”

Additionally, the recommended approach in Issue 5G Degradation of Biological Populations or Communities, Bioassessment Guidelines of the Functional Equivalent Document defines a “reference condition” as “an empirical model of expectations that may include knowledge of historical conditions, or a model extrapolated from ecological principles can be derived from reference sites. A reference site may be natural, minimally impaired (somewhat natural), or best available (altered system). Actual sites that represent best attainable conditions of a water body should be used. (SWRCB 2004.)”

While the CSCI score scale was developed using healthy streams with low human impact, site-specific scores can be appropriately applied to manmade channels. Moreover, engineered channels can sustain a healthy or unhealthy benthic macroinvertebrate community. Therefore, if an engineered channel is designated beneficial use(s) applicable to aquatic life, current procedures prescribe that CSCI score be considered to determine attainment of water quality objectives.

Should a water quality control plan be amended to include a numeric water quality objective, process, or policy for the CSCI or benthic community parameters, the adopted metric will be used to assess data in subsequent California Integrated Reports. This will ensure consistent and appropriate assessments.

#### **4.2 Category 3 Interim Approach**

In previous integrated report cycles, a new waterbody-pollutant combination was placed on the 303(d) list when the waterbody exhibited significant degraded biology and there was at least one pollutant impairment of an aquatic life beneficial use. For the 2024 California Integrated Report, there are 44 waterbodies where new data and information



indicate degraded benthic macroinvertebrate communities and the waterbody has at least one pollutant impairment (not involving sedimentation).

Section 3.9 of the Listing Policy provides that a waterbody-pollutant combination must be placed on the 303(d) list “if the water segment exhibits significant degradation in biological populations and/or communities as compared to reference site(s) and is associated with water or sediment concentrations of pollutants [...]” (Emphasis added.) Section 3.9 states that the “[a]ssociation of chemical concentrations, temperature, dissolved oxygen, trash, and other pollutants shall be determined using sections 3.1, 3.2, 3.6, 3.7, 6.1.5.9, or other applicable sections of the Listing Policy.” In previous listing cycles, that directive was construed as meaning that a pollutant impairment affecting aquatic life was itself the requisite “association.” In recognizing that at least some judgement is involved in construing the requirement of an associated pollutant and that section 3.9 does not elaborate on how to determine if the degraded biology is “associated” with water or sediment pollutant concentrations, it has been determined that greater clarity needs to be provided in how to make decisions under section 3.9 for purposes of transparency and greater confidence in listing decisions. For more general information on the Listing Policy for the Water Boards requirements for complying with the 303(d) list, see the Staff Report section 1.3: The Listing Policy.

Several commenters were in support of placement of the 44 waterbody-pollutant combinations in Category 3 until a methodology is developed to explain how to determine that degraded biological populations are “associated” with pollutant concentrations. In addition, commenters requested that the 303(d) listings for benthic community effects in previous California Integrated Reports also be placed in Category 3 until the methodology is developed.

Conversely, some commenters were in opposition of placement of benthic community effects waterbody-pollutant combinations in Category 3 stating that the strategy is inconsistent with U.S. EPA guidance and the San Diego Biological Objectives Basin Plan Amendment. They assert that the 44 waterbody-pollutant combinations should be placed in Category 5 because the data directly shows that the waterbodies are impaired for benthic community effects. The commenters pointed to U.S. EPA guidance that specifies that there does not need to be an association between degraded biological communities and pollutant(s) for a waterbody-pollutant combination to be considered impaired and placed in Category 5. The process for associating degraded biology with pollutants or pollution can happen after the waterbody-pollutant combination is listed as impaired (U.S. EPA 2006). Additionally, the commenters stated that the waterbody-pollutant combination must remain on the 303(d) list until a TMDL is developed or the state can demonstrate that there is no pollutant associated with the biological impairment, or if new data and information demonstrates that the biological degradation is a result of pollution.

Changes to listing recommendations were not made in response to these comments. The 44 waterbody-pollutant combinations for benthic community effects remain in Category 3 for the 2024 California Integrated Report. There is a need to clarify and develop a methodology for associating degraded biological populations with pollutant concentrations under Listing Policy section 3.9, including the consideration of site-specific data and information, when determining biological community effects impairments. Time to develop the methodology will help ensure Listing Policy section 3.9 is applied in an appropriately consistent manner.

Assessment guidance will be developed to document the methodology to associate degraded biological populations with pollutant concentrations under Listing Policy section 3.9 to determine biological community effects impairments. The assessment guidance may also include guidance to inform spatial and temporal considerations of pollutant data and information and application of physical habitat related stressors to provide additional context for the CSCI scores.

The expectation is that the methodology will be developed and used to make listing recommendations in the 2026 California Integrated Report. Following the development of the methodology, data from the 44 waterbody-pollutant combinations previously placed in Category 3 will be reevaluated, along with any new data and information from waterbodies subject to Listing Policy section 3.9, consistent with the methodology that is developed. Any revisions will be available for public review and comment.

## **5. Central Valley Regional Water Board Trihalomethane Principal Response**

This principal response addresses comments, questions, and concerns raised by commenters regarding the assessment of trihalomethane data. Specifically, comments surrounded the following five analytes: bromoform, chloroform, chlorodibromomethane, dichlorobromomethane, and total trihalomethanes. Commenters asserted that data for trihalomethane formation potential were incorrectly included in trihalomethane Waterbody Fact Sheets because such data are not direct measurements of trihalomethane constituent concentrations. Commenters further asserted that data collected by the Department of Water Resources Municipal Water Quality Investigations (“MWQI”) incorporated into the integrated report through U.S. EPA’s Water Quality Exchange (“WQX”) database did not meet the data quality requirements outlined in section 6.1.4 and section 6.1.5.5 of the Listing Policy and thus should be removed from assessments.

The commenters are correct that results from trihalomethane formation potential tests should not be considered as part of the assessment of disinfection byproducts using primary maximum contaminant levels. The MWQI data were evaluated and assessed in the 2020-2022 California Integrated Report when commenters first raised that trihalomethane formation potential results, along with direct measurements of trihalomethane constituent concentrations, were incorrectly included in water quality

assessments. In response to the comments received on the 2020-2022 California Integrated Report, 84 decisions were revised after data collected under analytical method 5710b (Formation of Trihalomethanes and Other Disinfection Byproducts) were removed.

However, during the review of the Draft 2024 California Integrated Report, commenters outlined that some data collected under analytical method 5710b were not removed from the MWQI data set and that data were inappropriately assessed in the 2024 California Integrated Report. The data collected under analytical method 5710b were overlooked in assessments for the 2024 California Integrated Report because the analytical method was not appropriately reported for some of the data. Finally, many of the data under this project were submitted without associated quantitation limits or detection limits and were not accompanied by a QAPP.

Data that were incorrectly included in assessments for trihalomethane constituents have been removed. Decisions that included LOEs with trihalomethane constituents were revised and listing recommendations have been revised to “Do not list” or have been removed entirely for lack of applicable data to assess. A full list of affected trihalomethane decisions is included in Appendix T: List of Central Valley Regional Water Board Decisions to Removal of Data Previously Associated with Decisions for Trihalomethanes.

## 6. Principal Response References

**Note:** For a full list of References, please refer to the Staff Report.

Fojut, TL, Palumbo AJ, and Tjeerdema RS. 2012. Aquatic life water quality criteria derived via the UC Davis method: II. Pyrethroid insecticides. *Reviews of Environmental Contamination and Toxicology* 216:51-103.

Palumbo AJ, Fojut TL, Brander SM, and Tjeerdema RS. 2010. Water quality criteria report for Bifenthrin. Phase III: application of the pesticide water quality criteria methodology.

U.S. EPA. 2006. Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Section 303(d), 305(b), and 314 of the Clean Water Act. Available at: [epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf](https://epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf).

State Water Resources Control Board (SWRCB). 2004. Final Functional Equivalent Document for the Water Quality Control Policy Developing California's Clean Water Act Section 303(d) List. SWRCB. Sacramento, CA.

SWRCB. 2023. Statewide & Regional Policies/Significant General Permits. Accessed on August 31, 2023. Available at: [https://www.waterboards.ca.gov/board\\_info/exec\\_dir\\_rpts/pol\\_per\\_view.html](https://www.waterboards.ca.gov/board_info/exec_dir_rpts/pol_per_view.html).

# Index of Commenters

## Letter 1: John Norman, American Chemistry Council

No.	Comment	Response
001.01	We offer comments on the following elements of the report: (1) framework; (2) threshold for effect; (3) assessing exposure; and (4) manta trawl fiber adjustment. We note several general comments on the report, followed by specific comments.	Comment noted. See responses to comments 001.02 through 001.11.
001.02	As a general matter, ACC agrees that additional research and collection of environmental samples is needed to improve our understanding of microplastic fate, pathways, and impacts.	Comment noted.
001.03	<p>ACC commends the work of the State Water Board to develop validated methods to detect microplastics in drinking water.<sup>7, 8</sup></p> <p>Footnote 7: Southern California Coastal Water Research Project Authority. (2021). Standard Operating Procedures for Extraction and Measurement by Raman Spectroscopy of Microplastic Particles in Drinking Water.  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkin_gwater/documents/microplastics/mcrlplstcs_raman.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkin_gwater/documents/microplastics/mcrlplstcs_raman.pdf</a></p> <p>Footnote 8: Southern California Coastal Water Research Project Authority. (2021). Standard Operating Procedures for Extraction and Measurement by Infrared Spectroscopy of Microplastic Particles in Drinking Water.</p>	Comment noted.

	<a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkin_gwater/documents/microplastics/mcrplstcs_ir.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkin_gwater/documents/microplastics/mcrplstcs_ir.pdf</a>	
001.04	<p>The framework developed as part of the Southern California Coastal Water Research Project (SCCWRP) workshop and presented in Mehinto et al. (2022) is to be commended.<sup>9</sup> The process follows the principles of systematic review, clearly explains the process, and transparency explains the rationale for decisions made during the process. As illustrated by the expert panel, there is still uncertainty around the data used to derive the underlying values. This is not surprising given the current state of the science on microplastics. However, the framework allows for an iterative process to refine the conclusions of the experts.</p> <p>We encourage the State Water Board to continue to use this framework to evaluate microplastic data.</p> <p>Footnote 9: Mehinto et al. (2022) Risk-Based Management Framework for Microplastics in Aquatic Ecosystems. <i>Microplastics and Nanoplastics</i>. 2:17. <a href="https://doi.org/10.1186/s43591-022-00033-3">https://doi.org/10.1186/s43591-022-00033-3</a>.</p>	<p>Comment noted. Additionally, the Water Boards appreciate the support of the framework used to assess microplastics data outlined in Mehinto et al. (2022) (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3">Risk-based management framework for microplastics in aquatic ecosystems   Microplastics and Nanoplastics   Full Text (springeropen.com)</a>) (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3">https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3</a>).</p>
001.05	<p>To establish a threshold for effect that microplastic exposure information can be compared to, a species sensitivity distribution (SSD) was developed. An SSD is a probabilistic model that captures the variation of species sensitivities to a stressor adverse effect. SSD models have been used since the 1980s to mostly assess chemical exposure and risk. As with any discipline, the SSD model is continually being refined and updated. The use of an SSD model, as is the case with any probabilistic model, is reliant on having sufficient data available to predict outcomes.<sup>10</sup></p>	<p>Comment noted.</p>

	<p>We agree with the State Water Board’s decision to update the prediction as more high-quality data is developed and published.</p> <p>Footnote 10: Belanger 2017 Integr Environ Assess Manag. Author manuscript; available in PMC 2018 Aug 30. Published in final edited form as: Integr Environ Assess Manag. 2017 Jul; 13(4): 664–674. Published online 2016 Sep 29. doi: 10.1002/ieam.1841</p>	
001.06	<p>In using the SSD model, there are a number of factors that should be considered before its next revision. For example, Figure 2 in Mehinto et al. (2022) shows that while there is agreement between the experts regarding the process and framework developed, there was not agreement regarding the relevance of the effect threshold endpoints reported that underpin the threshold tiers used as part of the management framework. Specifically, it is important to acknowledge that the toxicity studies used to derive point estimations were dominated by studies using a single microplastic type, usually polystyrene beads, in a well-mixed and uniform system, and are not necessarily representative of environmentally relevant exposures (See also de Ruitjer et al. (2020)).<sup>11</sup> Researchers are still determining how, or whether, these studies can be extrapolated to real-world conditions and to other microplastic types (e.g., polymer type, shape, etc.). The uncertainty is reflected in the large confidence intervals reported between experts. We support research to improve our understanding of exposure and then perform effects tests on environmentally relevant particles at environmentally relevant exposures. As more realistic data is developed, the use of more reliable and relevant data is perceived as strengthening the application of the SSD approach in future assessments.</p>	<p>Comment noted. The commenter is correct that additional research and toxicological data are necessary to increase confidence and environmental relevance of a threshold value and are supportive of efforts to increase robustness of contributing data.</p>

	<p>Footnote 11: de Ruijter VN, Redondo-Hasselerharm PE, Gouin T, Koelmans AA. Quality Criteria for Microplastic Effect Studies in the Context of Risk Assessment: A Critical Review. Environ Sci Technol. 2020;54(19):11692-705</p>	
<p>001.07</p>	<p>Sampling microplastic particles and fibers in the environment represents an important and challenging area requiring development and application of standard methods for microplastic researchers. Certain collection methods are only able to collect microplastics of a certain size range and not others, and other methods report wide variations, even between duplicate samples (Hung et al. (2020)).<sup>12</sup> Contamination from the research vessel is also a potential source of microplastics. One study reported up to 70% of the microplastics collected were from procedural contamination and could only be reduced to ~36% with a strict protocol in place.<sup>13</sup> Given these challenges, the careful consideration of how samples are collected is warranted and further methods should be developed and validated.</p> <p>Footnote 12: Hung et al. (2020). Methods Matter: Methods for Sampling Microplastic and Other Anthropogenic Particles and Their Implications for Monitoring and Ecological Risk Assessment. Integrated Environmental Assessment and Management. DOI: 10.1002/ieam.4325.</p> <p>Footnote 13: Gwinnett and Miller, R. et al. (2021). Are we contaminating our samples? A preliminary study to investigate procedural contamination during field sampling and processing for microplastic and anthropogenic microparticles. <a href="https://doi.org/10.1016/j.marpolbul.2021.113095">https://doi.org/10.1016/j.marpolbul.2021.113095</a>. Marine Pollution Bulletin. Volume 173, Part B,</p>	<p>Comment noted. The Water Boards appreciate ACC's interest in Integrated Report microplastic assessments, and the additional information provided regarding microplastic collection methods.</p>



<p>001.08</p>	<p>Concentrations of microplastics are known to be highly heterogeneous in aquatic environments, with both horizontal and vertical gradients in the water column occurring. Consequently, obtaining accurate measurements through the entire water column represents a large technical challenge. While it is easier to collect water samples near the surface of the environment, it is more challenging to collect samples at various depths. It is because of this challenge that researchers use the available methods to estimate microplastic concentrations in the environment. The variable concentration of microplastics in the water column means that surface water samples could either overestimate or underestimate actual exposures. Improving the characterization and quantification of concentrations in the water column, along with an indication of the variability in space and time, represents a critical question to address in order to refine the exposure assessment. Recent activities aimed at using a probabilistic approach, for instance, may represent constructive approaches that might be considered (see for instance Koelmans et al. (2023)).<sup>14</sup></p> <p>In the context of measurements for San Francisco and San Leandro Bay, two methods were used to sample at different depths, manta trawl and grab samples (Hung et al. (2020)). The manta trawl samples were collected by towing a net behind a boat at a constant speed for 30 min. The grab samples were collected by submerging a sample container using a 2-meter (~6ft) pole. Because the species used to derive the SSD may not spend significant time near the water's surface, these sampling techniques may or may not reflect the actual exposure concentrations by the various species. Refinement to the different species' exposure could be one area to focus research on (Koelmans et al., 2023).</p>	<p>Comment noted. Collecting microplastics samples representative of a waterbody is a recognized challenge. Continued research is necessary to improve understanding of microplastic characterization and quantification in waterbodies and the influence of water column depth on aquatic life effects. Currently, regarding habitat depth, a recent study of fish species indicated that habitat depth in the water column did not contribute to microplastic particle count differences in examined fish species digestive systems (Covernton et al. 2021 [<a href="https://www.sciencedirect.com/science/article/abs/pii/S030438942100368X?via%3Dihub">A Bayesian analysis of the factors determining microplastics ingestion in fishes - ScienceDirect</a>] (<a href="https://www.sciencedirect.com/science/article/abs/pii/S030438942100368X?via%3Dihub">https://www.sciencedirect.com/science/article/abs/pii/S030438942100368X?via%3Dihub</a>)). However, more research is needed on this topic to determine the importance of both depth-integrated sampling and exposure assessments.</p>
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	<p>Footnote 14: Koelmans AA, Redondo-Hasselerharm PE, Mohamed Nor NH, Gouin T. (2023). On the probability of ecological risks from microplastics in the Laurentian Great lakes. <i>Environmental Pollution</i>. 325. <a href="https://doi.org/10.1016/j.envpol.2023.121445">https://doi.org/10.1016/j.envpol.2023.121445</a>.</p>	
001.09	<p>The high degree of uncertainty in the microplastic concentration should be reduced as much as possible to give a clearer picture of the state of California’s waterways. To encourage the development of more accurate information, we suggest a series of validation studies be conducted to establish the strengths and limitations of the available collection method(s) to reduce the uncertainty in the estimations.</p>	<p>Comment noted. Additionally, within the Water Boards, the Division of Drinking Water and the Office of Information Management and Analysis are currently working in collaboration with the Southern California Coastal Water Research Project (“SCCWRP”) and other agencies to design and conduct various collection method validation and comparison studies to reduce the uncertainty of estimations. In particular, high-volume pump sampling techniques to reduce uncertainties with respect to small particle abundances in the environment are being explored.</p>
001.10	<p>An adjustment factor was included in Coffin et al. (2022) to account for the decreased ability of the manta trawl to collect microplastic fibers. While the use of adjustment factors is a common and accepted method to account for uncertainty, additional experimental data should be developed to demonstrate this adjustment factor is warranted.</p> <p>The adjustment factor was applied because the manta trawl method was hypothesized as not as efficient at collecting fibers as the grab samples, as reported in Hung et al. (2020). Hung et al. theorize that fibers can pass through the manta mesh unimpeded, and that loss needs to be accounted for. This hypothesis appears to originate from Barrows et al.</p>	<p>Comment noted. In addition, the microplastic fiber adjustment factor in Coffin et al. (2022) (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00037-z">Risk characterization of microplastics in San Francisco Bay, California   Microplastics and Nanoplastics   Full Text (springeropen.com)</a> (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00037-z">https://microplastics.springeropen.com/articles/10.1186/s43591-022-00037-z</a>)) was applied in part to account for fibers that pass through manta trawl sampling. For nine of the manta trawl passes used in Coffin et al. (2022) fibers were manually counted in all samples and reported in Hung et al. (2021) (<a href="#">Methods Matter: Methods for Sampling Microplastic and Other Anthropogenic Particles and Their Implications for Monitoring and Ecological Risk</a></p>

(2017), who also suggest that, due to the diameter of fibers being significantly less than the mesh size, they preferentially pass through the mesh. However, it is notable that the actual data presented in Barrows et al. (2017) is inconsistent with this hypothesis.<sup>15</sup>

Specifically, Barrows et al. (2017) compared grab samples to net data, observing that the manta net was more efficient at sampling microfibers than the grab samples (98% of 1128 particles were fibers in the net compared to 91% of 117 particles in the grab sample). Given this data, there are potential concerns about using an adjustment factor, such as used by Coffin et al. (2022), without further information. An alternative hypothesis could be tested to determine whether the length of the fiber and its interactions with other particles it may encounter as it comes into proximity of the net determines the capture efficiency rather than its diameter.

The samples from Hung et al. (2020) (71% of particles were fibers in the manta trawl and 90% in the grab samples) may appear to support the original hypothesis. But if you consider that the duplicate grab samples have a high degree of variability (relative standard deviation is ~47%), there are concerns regarding the reliability. Additional data is necessary to conclude that the net is less efficient than grab samples at sampling fibers as the reported difference may not necessarily be as 'significant' as postulated. Nonetheless, we acknowledge that the dataset presented in Hung et al. is a critical step in assessing potential exposures and more work is needed to improve our sampling methods.

Footnote 15: Barrows et al. (2017). Grab vs. neuston tow net: a microplastic sampling performance comparison and possible advances in the field. *Analytical Methods*. 9:1446-1453. <https://doi.org/10.1039/C6AY02387H>.

[Assessment - Hung - 2021 - Integrated Environmental Assessment and Management - Wiley Online Library](https://setac.onlinelibrary.wiley.com/doi/abs/10.1002/ieam.4325)(<https://setac.onlinelibrary.wiley.com/doi/abs/10.1002/ieam.4325>); however, because the fiber counts were extremely high, they ceased counting for additional samples to save resources. The ratios of fiber particles to other particle types from these nine manta trawl samples were used to correct for fiber bias in the other remaining manta trawl passes using probability density functions. As noted in Coffin et al. (2022), the fiber adjustment factor represented the largest point of uncertainty in the risk characterization. Reduction of this uncertainty is anticipated in the future by using and promoting the use of faster/automated analytical methods in combination with pump filtration.

001.11	ACC supports the call for additional research and method development and validation to help elucidate the concentration of microplastics in the environment.	Comment noted.
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**Letter 2: Ann Dorsey**

No.	Comment	Response
002.01	I support the addition of the proposed 832 new listings to the 2024 303(d) list and encourage you to vote to include them.	Comment noted.

**Letter 3: Anthony Intravia**

No.	Comment	Response
003.01	It is essential for the State Water Board to timely take action on the 303(d) lists and timely submit the California Integrated Reports to meet its responsibilities under the Clean Water Act. Such timely submissions of the California Integrated Report are critical in achieving the State Water Board’s and U.S. EPA’s important goals for restoring and maintaining the quality of the nation’s waters within California. Timely submittals also provide the public and other stakeholders with the most up to date information on the condition of the water quality of the waters within the state.	Comment noted. See principal response 3.5 for Data Submission Timeline and the Public Process.
003.02	<b>Functional</b> The goal of the Clean Water Act (“CWA”) is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” (33 U.S.C § 1251(a).) Pursuant to Clean Water Act sections 303(d) and 305(b) (33	Comment noted. Clean Water Act (“CWA”) section 303(d) requires states to review, revise as necessary, and submit to U.S. EPA a list of waters not meeting water quality standards or not expected to meet water quality

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	<p>U.S.C. §§ 1313(d), 1315(b)), each state is required to report to the U.S. Environmental Protection Agency (“U.S. EPA”) on the overall quality of the waters within its boundaries. The U.S. EPA then compiles these reports into their “National Water Quality Inventory Report” to Congress.</p> <p><b>Sectional</b> The Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (the “Listing Policy”) describes the methods and the process the State Water Board uses to develop and adopt the 303(d) list, (<a href="https://www.waterboards.ca.gov/board/decisions/adopted-orders/resolutions/2015/0203158amendmentcleanversion.pdf">https://www.waterboards.ca.gov/board/decisions/adopted-orders/resolutions/2015/0203158amendmentcleanversion.pdf</a>.)</p> <p><b>Combine function and section</b> As a result, for the 2024 California Integrated Report, assessments are being considered for waters within the San Francisco Bay, Los Angeles, Santa Ana, Central Valley, Central Coast, and San Diego regions, for waterbodies in a total of six regions. <b>Has N(unknown) major functions ADD section that have function</b></p> <p><b>function to sections</b> Federal regulation defines a “water quality-limited segment” as “any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after application of technology-based effluent limitations required by CWA sections 301(b) or 306.” (40 C.F.R. § 130.2(j).) Water segments are also known as waterbodies or waters, and water quality-limited segments are also known as “impaired waterbodies” or “impaired waters” or “303(d) listings.” Water quality standards consist of beneficial uses of water, water quality criteria or objectives set at levels</p>	<p>standards (i.e., impaired or threatened waters) and to identify the water quality parameter(s) (i.e., pollutant(s)) causing or suspected to be causing the violation of the water quality standard. (40 C.F.R. §§ 130.2(j), 130.7(b)(4).) This list of impaired or threatened waters is referred to as the “303(d) list.” States are required to include a priority ranking of such waters for the development of total maximum daily loads (“TMDLs”), accounting for the severity of the pollution and the uses to be made of such waters. (40 C.F.R. § 130.7(b)(4).) However, alternative pollution control requirements implemented by another regulatory program may obviate the need for a TMDL.</p> <p>Under CWA section 305(b), each state is required to submit an informational report to the U.S. EPA on the water quality conditions of its surface waters, which is referred to as the “305(b) report.” States are required to submit their 303(d) lists and 305(b) reports every two years (commonly referred to as the “listing cycle”). (40 C.F.R. § 130.7(d).) In California, the State Water Board satisfies its 303(d) listing and 305(b) reporting obligations by compiling both in a single document called the “California Integrated Report.”</p> <p>The State Water Board administers the development of the California Integrated Report so that each integrated report consists primarily of assessments from three Regional Water Quality Control Boards (“Regional Water Boards”) that are characterized as being “on-cycle” by a Notice of Public Solicitation of Water Quality Data. The other six Regional Water Boards are “off-cycle”; however, they may assess high-priority data, make listing or</p>

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	<p>to ensure the reasonable protection of beneficial uses, and antidegradation policies.</p> <ul style="list-style-type: none"> <li>• Growth and population projections for the affected area;</li> <li>• Infrastructure needs or deficiencies;</li> <li>• Financing constraints and opportunities;</li> <li>• Cost avoidance opportunities;</li> <li>• Opportunities for rate restructuring;</li> <li>• Opportunities for shared facilities;</li> <li>• Government structure options, including advantages and disadvantages of the consolidation or reorganization of service providers;</li> <li>• Evaluation of management efficiencies; and</li> <li>• Local accountability and governance.</li> </ul> <p>Based on the foregoing, the fact of a listing alone does not require the establishment of an effluent limitation. The regional water board is required to evaluate all relevant, available, and valid information to assess whether water quality based effluent limits are required in a permit or order. Provide for a Functional review across sections in 2024</p>	<p>delisting recommendations or propose changes to the 305(b) report. Every two years, waterbodies within the boundaries of the Regional Water Boards characterized as “on-cycle” are rotated, and every region is fully assessed once every six years.</p> <p>For the 2024 California Integrated Report, the San Francisco Bay, Los Angeles, and Santa Ana Regional Water Boards are conducting assessments for waters within those regions and are “on-cycle.” In addition, readily available data and information from several waterbodies within the Central Coast and San Diego Regional Water Boards were considered as “off-cycle” assessments. All readily available data and information from waterbodies within the Sacramento River sub-area of the Central Valley Regional Water Board were considered for “off-cycle” assessments. Finally, the 2024 California Integrated Report builds upon the 2020-2022 California Integrated Report and contains all prior assessments from the rest of California.</p> <p>The 303(d) list (as well as the California Integrated Report) is an informational document and does not by itself directly establish new regulatory requirements. By adopting the 303(d) list, the State Water Board provides recommendations to the U.S. EPA to list or delist waterbodies.</p> <p>For additional information on the assessment and review process, please see principal response 3 for Data and Analysis Transparency, and Readily Available Data.</p>



Letter 4: Bart Deamer

No.	Comment	Response
004.01	<p>The staff report just circulated for the 2024 cycle still says,</p> <p>“For waterbodies covered under the ISWEBE Plan’s bacteria water quality objectives, the 2020-2022 California Integrated Report was the first listing cycle for which fecal coliform was no longer considered a valid indicator for assessing support of the REC-1 beneficial use, and fecal coliform LOEs from prior listing cycles were not used to make listing recommendations.”</p> <p>But quoting from the fact sheet for Decision 79794 in the 2020-2022 cycle (emphasis added):</p> <p>“Based on the readily available data and information, the weight of evidence indicates that there is sufficient justification against removing the mainstem Russian River at Healdsburg Memorial Beach from the railroad bridge to the Hwy. 101 bridge and the mainstem Russian River from Fife Ck. to Dutch Bill Ck. from the Section 303(d) List in the Water Quality Limited Segments category for fecal Indicator Bacteria (i.e., sufficient justification to not delist). This <b>conclusion is based on the staff findings</b> that: (1) The data used satisfies the data quality requirements of Section 6.1.4. (2) The data used satisfies the data quantity requirements of <b>fecal coliform</b> Section 6.1.5. (3) 56 of 116 samples from the mainstem Russian River at Healdsburg Mem. Beach from the railroad bridge to the Hwy. 101 bridge exceed the objective and this exceeds the allowable frequency from Table 4.2 of the Listing Policy. (4) 29 fecal coliform of 103 samples from the mainstem Russian R. from Fife Ck. to Dutch Bill Ck.</p>	<p>Comment noted. Additional language was added to Staff Report section 3.5: Bacteria and REC-1 Beneficial Use, noting that fecal coliform data may be used when a site-specific water quality objective for fecal coliform applies to a waterbody or when older fecal coliform data were used for a listing decision prior to the 2020-2022 listing cycle and the waterbody decision has not been reassessed.</p> <p>The Russian River is located within the region of the North Coast Regional Water Board. Changes to the 303(d) list for the North Coast Region were last made in the 2018 California Integrated Report. Additional changes for the North Coast Region will be considered for the 2026 California Integrated Report when the region is on-cycle. Additionally, under <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/rs2020-0039.pdf">Resolution No. 2020-0039</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/rs2020-0039.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/rs2020-0039.pdf</a>), the adopting resolution for the 303(d) portion of the 2018 California Integrated Report, the State Water Board provided in Finding 10b:</p> <p>“After reviewing public comments on the proposed draft 303(d) list for the North Coast Region and distributing written responses and the proposed final staff report, staff identified numerous concerns with the listing decisions pertaining to bacteria in waterbodies in the Russian River watershed. Therefore, the bacteria listing decisions for all of the Russian River waterbodies will remain as identified in the 2014-2016 California Integrated Report to afford adequate time for staff and stakeholders to review any proposed changes in a future listing cycle. The State</p>

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	<p>exceed the objective and this exceeds the allowable frequency from Table 4.2 of the Listing Policy.”</p> <p>Any guidance you can give on this discrepancy would be appreciated.</p>	<p>Water Board or the Regional Water Board will reassess the waterbodies in the Russian River watershed for bacteria in a future listing cycle.”</p> <p>The Water Boards intend to reassess fecal coliform data during the listing cycle for the 2026 California Integrated Report.</p> <p>For further information on listing cycles, please see principal response 3.5 for Data Submission Timeline and the Public Process.</p>

**Letter 5: Andrew S. Winje, Beach Cities Watershed Management Group**

No.	Comment	Response
005.01	<p>Comment #1: All recent MS4 Permit monitoring data submitted through the October 16, 2020 cutoff point for the California 2024 Integrated Report data solicitation should be considered in the listing decision for aluminum impairment in the lined portion of Dominguez Channel above Vermont Avenue (Decision ID 153898).</p> <p>Per the Fact Sheet for this listing decision, 4 lines of evidence are available to assess aluminum in the Dominguez Channel and are either based on samples collected at the Dominguez Channel Monitoring Station S28 between October 2002 and April 2010 or samples collected at the Dominguez Channel Monitoring Station S23 between 2000-2001. More recent water quality and toxicity data collected under the 4th Term 2012 LA MS4 Permit at Monitoring Station S28 (also called station DOM-RW-DC01 under the Dominguez Channel and</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Thank you for submitting monitoring data. The 2024 Integrated Report represents the first cycle in which MS4 permit monitoring data were evaluated. The raw data submitted by permittees includes records for Dominguez Channel (lined portion above Vermont Ave) from 2015 to 2019. There are three records provided for aluminum for station DOM-RW-DCO1 in this dataset. These records could not be used for assessment because the geographic datum information was not provided.</p> <p>According to section 6.1.2.1 of the Listing Policy, a datum must be included with Geographical Information System data, such as station locations. Submitted data may be</p>



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	<p>Beach Cities Coordinated Integrated Monitoring Programs) was submitted directly to the LA Water Board covering up to and including the samples collected through December 31 , 2019. This data was submitted prior to the October 16, 2020 deadline in the State Water Board's June 29, 2020 Notice of Public Solicitation of Water Quality Data and Information for the 2024 Integrated Report Cycle for the Clean Water Act Section 305(b) Surface Water Quality Assessment and the 303(d) List of Impaired Waters, and does not appear to have been considered for this listing decision. Notably, the Beach Cities WMG is not aware of any toxicity requiring an upstream Toxicity Identification Evaluation from water samples collected at S28 in the Dominguez Channel between 2016 and 2020. The decision to list this water-body pollutant combination on the 303(d) list (TMDL required list) should be deferred to the next listing cycle so that the complete data set for this water body can be considered.</p>	<p>screened out if it is missing or has inaccurate location information. If datum information is provided, data associated with station DOM-RW-DCO1 will be assessed in a future cycle.</p> <p>There were no new data available to assess toxicity in Dominguez Channel (lined portion above Vermont Ave) and no listing recommendation was made for the 2024 California Integrated Report. A Toxicity Identification Evaluation (“TIE”) is often an evaluation of effluent and is most commonly a requirement of a National Pollutant Discharge Elimination System Program permit. A TIE is not required to assess receiving water and is outside the scope of the California Integrated Report.</p>
005.02	<p>Comment #2: Site specific hardness should be factored into the analysis of aluminum exceedances when evaluating the listing decision for aluminum impairment in the lined portion of Dominguez Channel above Vermont Avenue (Decision ID 153898). The Fact Sheet for Decision ID 153898 states that "During the 2024 cycle, the 1988 National Recommended Water Quality Criteria used to assess aluminum data was replaced with U.S. EPA's 2018 Final Recommended Aquatic Life Criteria for Aluminum in Freshwater". The EPA aquatic life criteria for aluminum<sup>2</sup> on printed page 65664, states that "The numeric outputs of the 2018 recommended National Aluminum Criteria Calculator will depend on the specific pH, DOC, and total hardness concentrations entered into the</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Site-specific values for pH and Total Hardness (reported as CaCO<sub>3</sub>) were available in the data reference file for Decision ID 153898 from station "S28" and the site-specific data were used to calculate the aluminum numeric threshold by inputting them into the Aluminum Criteria Calculator V.2.0 created by U.S. EPA. Data for dissolved organic carbon (“DOC”) were not available. Therefore, the default value for DOC of 0.8 mg/L was used to calculate the criteria. For the specific criteria that were calculated for Decision ID 153898, see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments.</p>

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	<p>models.” Further, the Fact Sheet's Line of Evidence #315102 states that:</p> <p>“The aluminum criterion for the protection of aquatic life, is pH, total hardness, and dissolved organic carbon (DOC) dependent. When total hardness or DOC data were not available, default values based on the level III ecoregions developed by U.S EPA were substituted (EPA, 2018). When pH data were not available, the median pH value for the ecoregion, a pH value from a comparable waterbody, or a pH value from a local study in the same waterbody was used as a comparable surrogate.”</p> <p>Per the data used to assess water quality for the lines of evidence supporting this decision, the data collected at Dominguez Channel Monitoring Station S28 includes hardness data expressed as CaCo3 as well as pH data, however this information does not appear to have been factored into the total aluminum calculations presented in the metals assessment spreadsheet. This data should be re-evaluated using site specific hardness and pH values before a listing decision is made.</p> <p>Footnote 2:  <a href="https://www.federalregister.gov/documents/2018/12/21/2018-27745/aquatic-life-ambient-water-qualitycriteria-for-aluminum-in-freshwater">https://www.federalregister.gov/documents/2018/12/21/2018-27745/aquatic-life-ambient-water-qualitycriteria-for-aluminum-in-freshwater</a>, accessed March 20, 2023.</p>	<p>Additionally, please see response to comment 008.05 for more information on site-specific parameters and the default values used to calculate U.S. EPA's 2018 Final Aquatic Life Criteria for Aluminum in Freshwater (“U.S. EPA's 2018 Aluminum Criteria”).</p> <p>These default values are also provided in the Draft Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion. Additionally, please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments.</p>
005.03	<p>Comment #3: The data used for the listing decision for copper impairment in King Harbor (Decision ID 140773) was based on a data set that does not meet Listing Policy requirements.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The data used in the LOEs for copper in water in King Harbor were collected at five stations on May 23, 2017.</p>

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	<p>This listing should be deferred to the next listing cycle so that additional data can be considered.</p> <p>All the data presented in the lines of evidence for this listing were collected on a single day, May 23, 2017, and therefore are insufficient as the primary data to support listing. In addition, the water quality criteria used to determine copper exceedances in King Harbor appears to have been improperly applied. Per the lines of evidence for this decision, the water quality objective used was the dissolved copper criterion continuous concentration established in the EPA's Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California (CTR)<sup>3</sup>.</p> <p>The CCC promulgated in the CTR utilizes an averaging period of 4-days, which means that pollutant concentrations should be averaged over a 4-day period to determine attainment of chronic criteria. As the data analyzed for this line of evidence was all collected on a single day, an averaging period was not conducted and the water quality criteria was improperly applied to determine "exceedances".</p> <p>This listing should be deferred until additional data can be collected and analyzed.</p> <p>Footnote 3: Water Quality Standards 2000. Establishment of numeric criteria for priority toxic pollutants for the State of California: Rules and regulations. Federal Register Vol. 65, No. 97. Washington, D.C.: Environmental Protection Agency, accessed March 20, 2023.</p>	<p>Section 6.1.5.3 of the Listing Policy states, "If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision." Accordingly, these LOEs will not be used to make a listing decision.</p> <p>The LOEs associated with copper in sediment were also collected on a single day, but there were not a sufficient number of samples to show that the Marine Habitat beneficial use was fully supported. The decision was reevaluated and the copper decision for King Harbor (Los Angeles County) (Decision ID 140773) was revised from "List" to "Do Not List."</p> <p>In response to the appropriate application of an averaging period, section 6.1.5.6 of the Listing Policy states, "If the water quality objectives, criteria, or guidelines state a specific averaging period and/or mathematical transformation, the data should be evaluated in a consistent manner prior to conducting any statistical analysis for placement of the water on the section 303(d) list. If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period." The criterion continuous concentration was properly and appropriately applied.</p>
005.04	<p>Comment #5: The proposed delisting for PAHs impairment in the Dominguez Channel Estuary (Decision ID 149526) is</p>	<p>The recommendation to delist was carried over from the 2018 cycle. This waterbody was removed from the 303(d)</p>

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	appropriate due to flaws in the original listing and should be approved.	list during the 2006 California Integrated Report due to flaws in the original listing. Waterbodies that were previously impaired for a pollutant and were delisted continue to have a listing recommendation or decision of “Delist.” Twelve new LOEs were assessed in the 2024 California Integrated Report for PAHs in Dominguez Channel Estuary, but the number of samples was insufficient to determine beneficial use support with the statistical power and confidence required by the Listing Policy.

**Letter 6: Karen Cowan, California Stormwater Quality Association**

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006.01	<p>CASQA’s primary intent and goal is to provide comments that will assist in improving the state’s listing process, particularly for issues that are applicable at the statewide scale. In this particular listing cycle, our comments include issues that have been raised as concerns in prior comment letters<sup>1</sup>. Therefore, prior to adoption of the final 2024 Integrated Report, CASQA would like to meet with Water Board staff to discuss the issues that have been raised over several listing cycles.</p> <p>Footnote 1: CASQA Comment Letter – 2020-2022 California Integrated Report to State Water Resources Control Board, July 16, 2021. CASQA Comment Letter - 2014-2016 303(d) List of Impaired Waters, April 26, 2017</p>	<p>Comment noted. State Water Board staff in the Division of Water Quality met with the California Stormwater Quality Association (“CASQA”) on July 31, 2023, to discuss the concerns raised in the comment letter. For further inquiries, commenters are encouraged to contact staff at the State or Regional Water Boards. Additionally, for responses to comments submitted by CASQA during the 2020-2022 California Integrated Report process, please refer to Letter 6 in the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html">Final Summary of Comments and Responses for the 2020-2022 Integrated Report for Clean Water Act 303(d) List and 305(b) Report</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html</a>).</p>

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006.02	<p>COMMENT #1: ENSURE THAT ALL WATERBODIES INCLUDED IN THE INTEGRATED REPORT ARE WATERS OF THE UNITED STATES (WOTUS) SUBJECT TO THE CLEAN WATER ACT.</p> <p>The Clean Water Act (CWA) requires each state to identify waters within its boundaries that are considered impaired for applicable water quality standards. (CWA, § 303(d)(1)(A).) The term “waters” under the CWA means “waters of the United States” or “WOTUS.” Accordingly, waterbody-pollutant listings for purposes of the CWA 303(d) list, and the 2024 Integrated Report, must necessarily be limited to a finding of impairment for a WOTUS. However, the 303(d) list inappropriately includes discharge locations or drains that are not WOTUS. Any such waterbody must be excluded and deleted from the Integrated Report as they are not subject to the CWA.</p>	<p>There is no general list available that identifies whether waterbodies are waters of the United States and the State Water Board is not empowered to make jurisdictional determinations as part of satisfying its 303(d) reporting requirements to U.S. EPA.</p> <p>U.S. EPA and the Corps published its revised rule on the waters of the United States in the Federal Register on September 8, 2023, which is effective 30 days after publication. (88 FR 61964.) The rule was revised to conform to the Supreme Court decision in <i>Sackett v. EPA</i>, 598 U.S. ___, 143 S. Ct. 1322 (2023) (“<i>Sackett</i>”).</p> <p>See the final revised rule published in the Federal Register for a discussion on the specific revisions to the rule concerning the waters of the United States. As explained there, under the decision in <i>Sackett</i>, waters are not jurisdictional under the Clean Water Act based on the significant nexus standard. <i>Sackett</i> held that the Clean Water Act only protects wetlands adjacent to a water of the United States, and took a very narrow view of adjacency, such that the wetland “must be indistinguishably part of a body of water that itself constitutes “waters” under the CWA.” And that wetlands must “have “a continuous surface connection to bodies that are ‘waters of the United States’ in their own right, so that there is no clear demarcation between ‘waters’ and wetlands.”</p> <p>The revised rule makes conforming changes. As a result, the regulations describe “waters of the United States” as</p>

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		<p>including only tributaries of traditionally navigable waters “that are relatively permanent, standing or continuously flowing bodies of waters” and other waters (e.g., wetland) that are “adjacent” to traditionally navigable waters.</p> <p>Unless a jurisdictional determination has been made by the U.S. Army Corps of Engineers (“Corps”), channelized surface waters are presumed to be waters of the United States, regardless of their characterization as being constructed as part of an MS4 or constructed to transport storm water. Many channelized waters are modified natural drainages or are tributary to waters of the United States and subject to multiple regulatory requirements under the CWA. As a result, identifying such waters on the 303(d) list is appropriate.</p> <p>An MS4 is defined in the federal regulations as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a permittee, and designed or used for collecting or conveying runoff. Natural drainages and urban streams are frequently modified and used by municipalities to collect and convey runoff away from development within their jurisdiction. The Water Boards consider many altered natural drainages that are used to convey runoff to be both part of the MS4 and as receiving waters. (<i>See, e.g., Natural Resources Defense Council, Inc. v. County of Los Angeles</i> (9th Cir. 2013) 725 F.3d 1194, 1200, fn. 12.)</p>

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		<p>The State Water Board defers to the federal agencies to determine whether a waterbody is a federal jurisdictional water. If a commenter disputes the proposed inclusion of a waterbody on the 303(d) list and relevant information makes it absolutely clear the waterbody is not a water of the United States, the waterbody will not be included on the proposed final 303(d) list. However, if the information is unclear or ambiguous, the waterbody will remain on the proposed final 303(d) list.</p> <p>As described in responses to comments below, Water Board staff did review the waters identified by commenter to determine whether it was appropriate to conclude that the waterbody was clearly not a receiving water, such that it also could not be a water of the United States.</p> <p>If, subsequent to being placed on the 303(d) list, a determination is made by the Corps that a 303(d)-listed waterbody is not a jurisdictional water, the waterbody would be removed from the 303(d) list in subsequent reporting cycles.</p> <p>Alternatively, because U.S. EPA may change the State Water Board's recommended section 303(d) list, U.S. EPA may change a listing recommendation before it is effective on U.S. EPA's final approval of California's 303(d) list.</p> <p>Water Board staff are continually working to improve data transparency and the data screening and assessment process in each subsequent California Integrated Report. Though not currently conducted in CEDEN, staff are</p>



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		<p>considering how to improve data organization to screen waters determined by U.S. EPA or the U.S. Army Corps as being non-WOTUS waters. Please see principal response 3.2 for Data Not Used for Assessments and principal response 3.3 for Quantitative Analyses and Methodologies regarding the current data quality and assessment processes.</p>
006.03	<p>CASQA has made similar comments on past Integrated Reports. (See, e.g., CASQA Comments on the 2020-2022 California Integrated Report, July 16, 2021.) In response, the Water Boards stated that they do not make jurisdictional determinations as part of the 303(d) process and that, if a determination is made by the US Army Corps of Engineers (Corps) that a 303(d) listed waterbody is not jurisdictional, then the waterbody will be removed in a future listing cycle. CASQA disagrees with the Water Boards' response for several reasons.</p>	<p>In the Final Summary of Comments for the 2020-2022 California Integrated Report, the State Water Board asserted that if it is determined that a waterbody is not classified as a water of the United States ("WOTUS"), the data from that waterbody will not be used to make listing recommendations in subsequent Integrated Report cycles. Contrary to the comment, the responses to comments to the 2020-2022 did not also explain that determinations made by the U.S. Army Corps of Engineers would result in a subsequent removal of that waterbody from the list in a subsequent cycle. But please see response to comment 6.02 for a complete response regarding the State Water Board's listing recommendations related to this topic.</p> <p>Rather, in the Comment Summary and Responses document for the 2014-2016 California Integrated Report (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016/response_to_comments_report.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016/response_to_comments_report.pdf</a>), the State Water Board indicated that the Water Boards are neither required nor empowered to make final WOTUS jurisdictional determinations as part of satisfying their 303(d) list reporting requirements to the U.S. EPA.</p>



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006.04	<p>First, the statement is not accurate. By virtue of the Water Boards' actions to include a waterbody as being impaired on the 303(d) list, they are making an affirmative finding that the waterbody is (at least presumptively) a WOTUS.</p> <p>Second, the Army Corps of Engineers makes jurisdictional determinations regarding administration of the CWA's 404 program. (33 U.S.C., § 1344(d); 33 CFR Part 328.) Water quality standards and national pollutant discharge elimination system (NPDES) provisions of the CWA are administered by U.S. EPA and can be delegated to the States. (33 U.S.C., § 1251(d).) Accordingly, the Water Boards should not defer WOTUS determinations for 303(d) listing purposes to the Corps but rather determine on their own accord what waterbodies should be considered WOTUS. This is important for 303(d) purposes as well as for determining the application of NPDES permit requirements.</p>	<p>The State Water Board stands by its prior statement. The commenter cites to no authority for the stated proposition that the State Water Board may render jurisdictional determinations. While it is true that including a waterbody on the 303(d) list may amount to an initial presumption by the State Water Board that the waterbody is a water of the United States, the inclusion on the 303(d) list is not binding or precedential. The State Water Board is required to report on the water quality conditions of navigable waters, pursuant to Clean Water Act section 303(d). In so doing, the State Water Board is not rendering findings of facts on jurisdictional determinations. The State Water Board does not have authority to make jurisdictional determinations regarding waters of the United States. Inclusion on the 303(d) list isn't binding for any purpose as the list is an informational document and any presumption may be readily rebutted with more information in future reporting cycles, or may be changed by U.S. EPA in its approval of California's 303(d) list.</p> <p>Please see response to comments 006.02, 006.03 and 006.06 for further information regarding waters of the U.S. ("WOTUS") and data assessment in the 2024 California Integrated Report.</p>
006.05	<p>Further, CASQA is concerned that the Water Boards may be assuming that the existence of data in CEDEN for a specified location or a drain means that the location is a WOTUS. Data is reported into CEDEN by many entities for various purposes and not all data is associated with a WOTUS. Thus, an essential preliminary step in developing the 303(d) list and the</p>	<p>Comment noted. Please see response to comments 006.02, 006.03 and 006.06 for further information regarding waters of the U.S. ("WOTUS") and data assessment in the 2024 California Integrated Report.</p>

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	<p>Integrated Report is to first determine if the waterbodies for which data exists in CEDEN are in fact WOTUS. It is improper to assume that just because data is in CEDEN that the waterbody identified is a WOTUS.</p> <p>While we recognize that the definition of what constitutes a WOTUS is often a moving legal target, that does not remove Water Boards responsibility for making a good faith effort to include only waterbodies that are considered to be a WOTUS on the 303(d) list.</p>	
006.06	<p>Examples of problematic listings include the following:</p> <ul style="list-style-type: none"> <li>• Camarillo Hills Drain (Ventura County) – Toxicity (Decision ID 139091). This drain is not identified as a waterbody in the Los Angeles Basin Plan and the data used as the basis for the listing is an outfall discharging to the drain. As such, these sampling locations are part of the MS4 – this listing should be removed.</li> <li>• La Vista Drain (Ventura County) – Aluminum (Decision ID 153930) and Fenpropathrin (Decision ID 152765). The La Vista Drain is an agricultural drain designed to convey excess irrigation water from agricultural lands, and as such, it is predominantly an open ditch that flows alongside W. Los Angeles Avenue and then along Santa Clara Avenue where it becomes the Santa Clara Drain. Neither La Vista Drain or Santa Clara Drain are waterbodies designated with beneficial uses in the Basin Plan or shown in the map of tributaries to Revolon Slough in the Basin Plan. This listing should be removed.</li> </ul>	<p>Changes were made to the listing recommendations in response to this comment.</p> <p>The only listing recommendation made for Camarillo Hills Drain (Ventura County) for the 2024 California Integrated Report was Decision ID 139091 for Toxicity. The commenter is correct that monitoring station MO-CAM is a storm water major outfall and does not represent ambient surface water in Camarillo Hills Drain. LOEs evidence associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing was also removed. Please see response to comment 007.20 for additional information regarding Decision ID 139091.</p> <p>Regarding La Vista Drain (Ventura County), the LOEs using data from Santa Clara Watershed Unknown River Random Site 580 (“408BA0580”) are associated with data file ref3800. This data file lists the geographic coordinates of Site 408BA0580 as 34.26651312, -119.092952, placing the station on La Vista Drain (Ventura County). It is located on the correct waterbody. While the waterbody</p>

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		<p>has been modified to convey runoff, it is a receiving waterbody and is appropriately assessed for the Integrated Report. Please see response to comment 007.21 for further information regarding Decision ID 153930 and 152765 for Aluminum and Fenpropathrin in La Vista Drain (Ventura County). See response to comment 007.74 for a discussion on the hydrology of La Vista Drain (Ventura County).</p>
006.07	<p>At a minimum, we are requesting that the State Water Board proactively confirm the jurisdiction of waterbodies that are identified through the public comment process as part of the storm drain system or agricultural drains prior to finalizing the list to ensure that the list is as accurate as possible.</p> <p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>• Ensure that proposed new waterbodies in the 303(d) List are subject to the CWA and are not portions of the MS4 or agricultural drains/channels.</li> <li>• Confirm the jurisdiction of the waterbodies/locations specifically listed within this comment and modify the draft 303(d) List and Integrated Report as needed.</li> </ul>	<p>Comment noted. Please see response to comments 006.02 regarding information on WOTUS.</p> <p>An MS4 is defined in the federal regulations as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a permittee, and designed or used for collecting or conveying runoff. Natural drainages and urban streams are frequently modified and used by municipalities to collect and convey runoff away from development within their jurisdiction. The Water Boards consider many altered natural drainages that are used to convey runoff to be both part of the MS4 and as receiving waters. (See, e.g., Natural Resources Defense Council, Inc. v. County of Los Angeles (9th Cir. 2013) 725 F.3d 1194, 1200, fn. 12.)</p> <p>Additionally, as described in response to comment 006.06 further information on the Camarillo Hills Drain (Ventura County) and La Vista Drain (Ventura County), the identified waterbodies were reviewed to determine</p>

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		whether it was appropriate to conclude that the waterbody was clearly not a receiving water.
006.08	COMMENT #2: ENSURE THAT (A) ADOPTED STANDARDS ARE USED IN THE ASSESSMENT OF NUMERIC WATER QUALITY OBJECTIVES AND (B) THE EVALUATION GUIDELINES APPLIED TO INTERPRET NARRATIVE WATER QUALITY OBJECTIVES ARE APPROPRIATE WITHIN A GIVEN REGION.	<p>Comment noted. Adopted water quality standards are used, when available. Evaluation guidelines do not need to be formally adopted. To be considered an evaluation guideline, which is used to assess 303(d) listing placement, the evaluation guideline must meet the requirements outlined in section 6.1.3 of the Listing Policy.</p> <p>Section 6.1.3 of the Listing Policy states that “narrative water quality objectives shall be evaluated using evaluation guidelines” and provides guidance for selection of numeric evaluation guidelines. The requirements specify that the evaluation guidelines must be applicable and protective of the beneficial use, linked to the pollutant under consideration, scientifically-based and peer reviewed, well described, and identify a range above which impacts occur and below which no or few impacts are predicted.</p>
006.09	<p>MICROPLASTICS</p> <p>These proposed decisions are based on guidelines that are not scientifically robust enough to make a determination of potential impairment or potentially threatened, and thus do not meet Listing Policy criteria as set forth in Section 6.1.3. These waterbody placements into Category 3 and Category 2 are therefore premature. Further, their use may also imply that</p>	<p>The commenter is correct that the hazard concentration 5 (“HC5”) threshold (5 microplastic particles per liter) presented in Mehinto et al. (2022) (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3">Risk-based management framework for microplastics in aquatic ecosystems   Microplastics and Nanoplastics   Full Text (springeropen.com)</a>) does not meet the evaluation guideline requirements set forth in section 6.1.3 of the</p>

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	<p>these microplastic evaluation guidelines are appropriate for use throughout California.</p> <p>The Draft Staff Report appropriately underscores the importance of acknowledging the level of uncertainty regarding the data quality of studies used to establish a risk-based screening level for microplastics as well as the limited quality and quantity of data for the waterbodies under evaluation. Because of these challenges, it is premature to include these waterbodies within the Integrated Report, even under Category 2 or 3. Particularly concerning is the decision process for classifying a waterbody as Category 3 when the basis for the criteria itself is highly uncertain. The toxicity study protocols for evaluating microplastics are in the early stages of development and the body of curated study data are not amenable to determining the existence of beneficial use impairment (even potential impairment).</p>	<p>Listing Policy. As such, the HC5 in Mehinto et al. (2022) is not used to determine if waterbodies should be placed on the federal Clean Water Act (“CWA”) section 303(d) list. The Listing Policy is intended to outline the process by which the State Water Board and Regional Water Boards will comply with the listing requirements of section 303(d) of the federal CWA. The 303(d) list identifies the pollutants causing lack of attainment of water quality standards and identifies water quality-limited segments also known as “impaired waterbodies.” No waterbodies are being considered for 303(d) list placement for microplastics. Instead, microplastics data were assessed to consider placement in Category 2 or 3 of the CWA section 305(b) portion of the Integrated Report. Use of a microplastics threshold meeting Listing Policy evaluation guideline requirements is not necessary for placement in Category 2 or 3.</p> <p>Categories 2 and 3 are limited to the California 305(b) water quality condition report and are not included on California’s 303(d) list. Category 2 is reserved for pollutants in waterbodies where there is [emphasis added] “<i>insufficient data and/or information</i> to determine core beneficial use support”, while Category 3 is reserved for pollutants in waterbodies where there is [emphasis added] “<i>insufficient data and/or information</i> to make a beneficial use determination but data and/or information indicates beneficial uses may be potentially threatened” (Staff Report section 2.5: Integrated Report Condition Categories).</p>

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		<p>The insufficiency requirement of Categories 2 and 3 are not limited to submitted data. In the 2024 California Integrated Report microplastic assessments, there are insufficiencies in both data (submitted microplastic data in the San Francisco Bay Region) and information. The HC5 threshold presented in Mehinto et al. (2022) represents an insufficiency of information available to make a beneficial use determination.</p> <p>Finally, placing these waterbodies in Categories 2 and 3 for microplastics helps to indicate the need for more thorough microplastic assessments in these waterbodies and will inform future monitoring programs, evaluation guideline development, and listing recommendations.</p>
006.10	<p>Most importantly, the presence of microplastics is not, in and of itself, an indication that microplastics are causing an impairment to aquatic organisms.</p> <p>As stated, a Category 3 listing is defined as having insufficient data to support comparison to standards. However, in the case of microplastics, there is both insufficient environmental data and insufficient dose-response information for any single toxicological endpoint to propose an evaluation guideline. Thus, not only is there insufficient data, but there is no formally adopted, peer-reviewed, robust scientific literature that can currently be used as an evaluation guideline. The points below highlight the reasons that the proposed evaluation guideline is premature.</p>	<p>The commenter is correct that just the presence of microplastics is likely not an indication that there is an impairment to aquatic organisms due to microplastics. In the 2024 California Integrated Report no waterbodies are recommended for the 303(d) list or “impaired waterbodies” list based on microplastics impairment.</p> <p>The commenter is correct that the environmental data submitted for the California 2024 IR is insufficient for CWA 303(d) listing purposes. The commenter is also correct that the dose-response information used to develop the HC5 threshold (Mehinto et al. 2022) is insufficient for evaluation guideline requirements used to recommend waterbodies for the CWA 303(d) list. The HC5 threshold (Mehinto et al. 2022) is not being used as</p>

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		<p>a Listing Policy evaluation guideline for the CWA 303(d) list (section 6.1.3 of the Listing Policy), rather this threshold is being used to assist in determining CWA 305(b) water quality condition reporting for the 2024 California Integrated Report. See response to comment 006.09 for discussion on the justification for waterbody placement in Category 3 for microplastics.</p> <p>Additionally, a threshold does not need to be formally adopted to be used as an evaluation guideline in the Integrated Report. To be considered an evaluation guideline, which is used to assess 303(d) listing placement, a threshold must meet the requirements outlined in section 6.1.3 of the Listing Policy.</p> <p>Within the Water Boards, the Division of Drinking Water and the Office of Information Management and Analysis are collaborating with the Southern California Coastal Water Research Project (“SCCWRP”) and other agencies to develop sampling method validation studies for environmental data collection and are participating in ongoing efforts to develop more robust and environmentally relevant microplastic thresholds.</p>
006.11	<p>The hazard concentration (HC5) value of 5 particles/L derived in the Mehinto et al. (2022) study<sup>2</sup> should not be used as an evaluation guideline. The uncertainties in the results from the Mehinto et al. (2022) analysis are not adequately described and the values themselves are premature for usage in any determination of impairment or potential impairment. To obtain a larger sample size, the species sensitivity distribution (SSD) from which the HC5 was derived combines taxonomic</p>	<p>The commenter correctly identifies wide uncertainty ranges present in the HC5 threshold derived in Mehinto et al. (2022). These wide uncertainty ranges along with other threshold concerns prevent this threshold from meeting the evaluation guideline requirements outlined in section 6.1.3 of the Listing Policy. Additionally, see response to comments 006.09 and 006.10 for justification</p>



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	<p>groups, salinity gradients, study designs, and effect endpoints. Mehinto et al. (2022) pointed out key shortcomings in their approach were that key quality criteria were not applied, such as standard verification of MP exposure concentrations or chemical compositions of tested microplastics. The 95% confidence interval reported for the HC5 for food dilution is very wide (i.e., 0.4 to 219 particles per liter), yet is missing from the draft Staff Report. The threshold below the HC5 was established at 3 particles/L with a 95% confidence interval of 0.4 – 66 particles/L for food dilution which overlaps with the confidence interval for the HC5. The draft Staff Report does not provide guidance on how to delineate between the two thresholds if a field value fell within both ranges. This wide range and the lack of delineation between the proposed monitoring thresholds is a direct consequence of the limited data of sufficient quality for proper parameterization of the species sensitivity distributions that these values are based on.</p> <p>Footnote 2: Mehinto, A.C., Coffin, S., Koelmans, A.A. et al. Risk-based management framework for microplastics in aquatic ecosystems. <i>Micropl.&amp;Nanopl.</i> 2, 17 (2022). <a href="https://doi.org/10.1186/s43591-022-00033-3">https://doi.org/10.1186/s43591-022-00033-3</a></p>	<p>to use the HC5 threshold for CWA 305(b) water quality condition reporting purposes in the 2024 California Integrated Report.</p>
006.12	<p>Non-standard methods to adjust exposure-response data were applied in the derivation of an HC5. Mehinto et al. (2022) acknowledges that regulatory frameworks favor standard “fitness endpoints”, such as growth, reproduction, and survival, although some non-standard endpoints such as changes in immune function or behavior may also be linked to fitness impairment. Mehinto et al. (2022) grouped all endpoints and examined two non-standard proxies for exposure - food dilution and tissue translocation. Specifically,</p>	<p>The CWA 305(b) water quality condition reporting requirements as well as the Listing Policy do not preclude assessment using effect mechanism-based thresholds such as food dilution or tissue translocation. Furthermore, the use of ecologically-relevant metrics (e.g., volume for food dilution, surface area for tissue translocation-mediated effects) in assessing the risks of microplastics is considered the most reliable and best available approach</p>

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	<p>to represent MP volumes that could contribute to food dilution, the raw data were “aligned and re-scaled” to convert particle counts to particle volumes based on Monte Carlo simulation methods presented by Koelmans et al. (2020). Mehinto et al. (2022) constrained the dataset to sizes in the range 1 to 5,000 µm, and applied an upper limit for particle size using prescribed “species-dependent ingestible size ranges based on mouth opening”. Novel efforts to improve the consistency in exposure-response relationships across studies by introducing data processing steps that are guided by biological plausibility (e.g., ingestible particle sizes) are likely to improve the confidence in microplastics screening levels in the long-term. However, there are currently insufficient data and independent assessments to demonstrate that these data processing steps yield improved exposure-response relationships that can be matched to real- world measurements of microplastics in waterbodies and associated aquatic organisms. Therefore, it is premature to adopt SSDs and corresponding HC5 values using this approach as a basis for Category 2 or 3 listings.</p>	<p>to date (Koelmans <i>et al.</i> 2022 [<a href="https://www.nature.com/articles/s41578-021-00411-y">Risk assessment of microplastic particles   Nature Reviews Materials</a>] (<a href="https://www.nature.com/articles/s41578-021-00411-y">https://www.nature.com/articles/s41578-021-00411-y</a>); Koelmans <i>et al.</i> 2023 [<a href="https://www.sciencedirect.com/science/article/pii/S0165993623002297?via%3Dihub">Towards a rational and efficient risk assessment for microplastics - ScienceDirect</a>] (<a href="https://www.sciencedirect.com/science/article/pii/S0165993623002297?via%3Dihub">https://www.sciencedirect.com/science/article/pii/S0165993623002297?via%3Dihub</a>)).</p> <p>Regardless, the commenter is correct that there is a need for additional high quality studies verifying the alignment and rescaling of microplastic data used in exposure response relationship studies to real-world measurements of microplastics in waterbodies and associated aquatic organisms. This is acknowledged in Mehinto et al. (2022). Additionally, the Water Boards in collaboration with other organizations and agencies is supporting work to verify these associations between exposure-response and environmental microplastic data.</p> <p>See response to comments 006.09 and 006.10 for justification to use the HC5 threshold for CWA 305(b) water quality condition reporting purposes.</p>
006.13	<p>There is a disconnect between the types of plastics and their morphologies found in the natural environment and reported in San Francisco Bay to those that the hazard concentrations presented in Mehinto et al. (2022) were based on. There is insufficient scientific evidence to extrapolate the hazards presented by one form of plastic particle to another (e.g., a sphere of a given size versus a fiber) for the determination of</p>	<p>The commenter is correct that the HC5 threshold presented in Mehinto et al. (2022) is primarily based on toxicological data from studies using monodisperse particles that are not directly representative of the continuous heterogeneous microplastic mixtures occurring in surface waters. Continued research and additional environmentally representative toxicological</p>

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	<p>risk at environmentally relevant concentrations. For example, fibers and fragments are the predominant microplastic types found in the San Francisco Bay (Sutton et al., 2019)<sup>3</sup>, however, the data used to develop the SSD and determine the HC5 are based primarily on fragment or sphere particles, rather than fibers (Mehinto et al. 2022; Hampton et al. 2022)<sup>4</sup>. Therefore, there is large extrapolation uncertainty associated with applying the HC5 value to waterbodies where microplastics are primarily comprised of fibers. Using the HC5 value derived from data that misrepresents environmental samples may lead to either over or under protection of the waterbody.</p> <p>Footnote 3: Sutton, R., Franz, A., Gilbreath, A., Lin, D., Miller, L., Box, C., Holleman, R., Munno, K., Zhu, X., &amp; Rochman, C. (2019). Understanding microplastic levels, pathways, and transport in the San Francisco Bay region.</p> <p>Footnote 4: Thornton Hampton, L.M., Lowman, H., Coffin, S. et al. A living tool for the continued exploration of microplastic toxicity. <i>Micropl.&amp;Nanopl.</i> 2, 13 (2022).  <a href="https://doi.org/10.1186/s43591-022-00032-4">https://doi.org/10.1186/s43591-022-00032-4</a></p>	<p>studies are necessary to reduce uncertainty of a microplastic threshold prior to considering a threshold suitable for 303(d) listing assessments; however, there is value and scientific basis to using the HC5 threshold presented in Mehinto et al. (2022) for CWA 305(b) water quality condition reporting in the 2024 California Integrated Report as detailed in section 5.1.1 of the Staff Report.</p>
006.14	<p>CASQA Recommendation:</p> <p>Remove the microplastics decision IDs from the 2024 Integrated Report until there are evaluation guidelines that are scientifically robust and have been thoroughly vetted, peer reviewed, and deemed valid for the use within the Integrated Report for microplastics as a new pollutant category.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comments 006.09 and 006.010 for discussion regarding how the HC5 threshold presented in Mehinto et al (2022) is suitable for CWA 305(b) water quality condition reporting in the 2024 California Integrated Report.</p>

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006.15	<p><b>BENTHIC COMMUNITY EFFECTS</b></p> <p>These listings were included despite the fact that there is not an established water quality criteria, process or policy to assess benthic community effects throughout the state. Further, there is no regulatory document within California that defines a CSCI score of 0.79 as the threshold of impairment.</p>	See principal response 4.1 for Use of CSCI Evaluation Guideline.
006.16	<p>Additionally, other scientific tools and studies, such as the Algae Stream Condition Index and Bio Integrity Prediction Models, are being developed and there is no direction as to how these tools should be used, if at all, for listing purposes. As a result, there is concern that the proposed listings are premature as they are in advance of policy development, scientific tools, and data interpretation. Specifically, listing water bodies based on the CSCI in the absence of statewide guidance (which is currently under development) will likely result in statewide inconsistency and inappropriate listings.</p>	See principal response 4.1 for Use of CSCI Evaluation Guideline.
006.17	<p>Similar comments regarding the additional benthic community listings were previously provided in the CASQA Comment Letter on the 2014-2016 303(d) List of Impaired Waters (letter dated April 26, 2017) and in the CASQA Comments on the 2020-2022 California Integrated Report (letter dated July 16, 2021). We understand from the Response to Comments that the Water Boards determined that the CSCI meets the Listing Policy criteria as set forth in Section 6.1.3 as an acceptable Evaluation Guideline. While it may meet the standard for an acceptable guideline, the policy decision as to what CSCI</p>	See principal response 4.1 for Use of CSCI Evaluation Guideline.

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	<p>scores are considered to have exceeded the water quality objective for the aquatic life beneficial use has NOT formally been made within the state and the Biological Objectives proposed for the San Diego Region have not yet been fully approved and are not yet in effect. In fact, this is a policy issue that the State Water Board Biological Integrity Program has been addressing over the past few years with no conclusion.</p>	
006.18	<p>Therefore, we appreciate and support the decision made for this listing cycle to place new listings for benthic community effects in Category 3 “because the methodology to associate the pollutant impairment with the degraded biology is not yet developed”<sup>5</sup>. We agree with this statement and note that the association of the pollutant impairments to the degraded biology for all of the benthic community effects listings has not yet been defined.</p> <p>Footnote 5: Draft Staff Report, page 56.</p>	Comment noted.
006.19	<p>However, in prior listing cycles, benthic community effects listings were placed in Category 5. As such, all prior benthic community effects listings should be revised and moved from Category 5 to Category 3 until the methodology is developed.</p> <p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>• Move all Benthic Community Effects listings from previous cycles from Category 5 to Category 3</li> <li>• Do not move any new benthic community effects listings from Category 3 to Category 5 until the State Water Board has adopted the Biostimulatory</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Benthic community effects listings from previous integrated reports remain in Category 5 for the 2024 California Integrated Report. Once the methodology is developed to associate degraded biological populations with pollutant concentrations under Listing Policy section 3.9, the benthic community effects listings placed in Category 5 from previous listing cycles will be reassessed and the listing recommendation revised, if appropriate.</p>

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	<p>Substances Objective and Program to Implement Biological Integrity and identified a process or policy to assess benthic community effects and a methodology to determine the associated pollutants or conditions causing the impairment.</p>	<p>Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p>
006.20	<p><b>PYRETHROIDS</b></p> <p>These trigger values were developed to consider the bioavailable fraction associated with particulate organic carbon (POC) and dissolved organic carbon (DOC). All comparisons to triggers must therefore consider the POC and DOC adjustments or otherwise use an approved method to measure filtered pyrethroid concentrations. Examples of listings where one or both of these issues occur include the following:</p> <ul style="list-style-type: none"> <li>• All new listings / Decision IDs in Ventura County used total instead of dissolved concentrations.</li> <li>• All new listings/Decision IDs in Orange County used total instead of dissolved concentrations.</li> </ul> <p>While we understand that the Listing Policy allows significant discretion in assessment, the 303(d) list is utilized in regulatory and permitting actions and therefore has more implications than potential future TMDL development. There is additional discretion in which Category the pollutant-water body combination is placed. Specifically, Category 3 is to be utilized where there is not enough information to determine beneficial use support but there is information that indicates that beneficial uses may be threatened. As the assessment for pyrethroids is based upon a value that requires additional monitoring, not as a determination of impairment, placing any</p>	<p>Changes to listing recommendations were not made in response to this comment. See principal response 2.2 for pyrethroids regarding discussion on use of total pyrethroid pesticide concentration data and thresholds for listing recommendations.</p> <p>For pyrethroid pesticide assessments in the Los Angeles Region and the Santa Ana Region, if the freely dissolved concentrations of pyrethroid pesticides were reported or could be calculated, then freely dissolved concentration values were used. In the absence of freely dissolved concentrations, total concentrations were used. The freely dissolved fraction was calculated using the following equation:</p> $C_{dissolved} = \frac{C_{total}}{1 + (K_{OC} \times [POC]) + (K_{DOC} \times [DOC])}$ <p>Where:</p> <p><math>C_{dissolved}</math> = concentration of a an individual pyrethroid pesticide that is in the freely dissolved phase (ng/L),</p> <p><math>C_{total}</math> = total concentration of an individual pyrethroid pesticide in water (ng/L),</p> <p><math>K_{OC}</math> = organic carbon-water partition coefficient for the individual pyrethroid pesticide (L/kg) (See</p>

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	<p>proposed listings in Category 3 (as opposed to Category 5) is more appropriate.</p>	<p>Table IV-Z of R5-2017-0057 for partition coefficients),  <i>[POC]</i> = concentration of particulate organic carbon in the water sample (kg/L), which can be calculated as <math>[POC]=[TOC]-[DOC]</math>. <i>[TOC]</i> represents the concentration of total organic carbon in the water sample (kg/L),  <i>K<sub>DOC</sub></i> = dissolved organic carbon-water partition coefficient (L/kg) (See Table IV-Z of R5-2017-0057 for partition coefficients),  <i>[DOC]</i> = concentration of dissolved organic carbon in the sample (kg/L).</p> <p>It is uncertain what is meant by the assertion that the Listing Policy allows significant discretion in assessment. The objective of the Listing Policy is “to establish a standardized approach for developing California’s section 303(d) list in order to achieve the overall goal of achieving water quality standards and maintaining beneficial uses in all of California’s surface waters. CWA section 303(d) requires states to identify waters that do not meet, or are not expected to meet by the next listing cycle, applicable water quality standards.” (Listing Policy, p. 1.) “Data and information from waterbodies shall be analyzed under the provisions of this Policy using a weight-of-evidence approach. The weight-of-evidence approach shall be used to evaluate whether the evidence is in favor of or against placing waters on or removing waters from the section 303(d) list.” (Ibid., p. 1.) Section 6.1.3 requires the selection of appropriate evaluation guidelines to evaluate attainment of narrative water quality objectives. (Ibid., p. 19.)</p>



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		<p>Regarding the commenter's concerns for future implications from a 303(d) listing, the 303(d) list (as well as the full California Integrated Report) is an informational document and does not by itself directly establish new regulatory requirements. By adopting the 303(d) list, the State Water Board provides recommendations to the U.S. EPA to list or delist waterbodies. See Staff Report section 1.1: The 303(d) List of Impaired Waters.</p> <p>However, the commenter correctly points out that some existing permits written by the Water Boards contain monitoring and reporting requirements that may be indirectly triggered upon a future 303(d) listing. Any such permit language results in the listing decision triggering additional informational permit requirements. The information on listing decisions, along with information separate from the 303(d) list that links the impairing pollutant to discharge, can drive source inventories, monitoring, and pollutant control efforts.</p>
006.21	<p>In addition, we request that the Draft Staff Report and adopting resolution for the 2024 Integrated Report discuss the upcoming Urban Pesticides Amendments and note that no new TMDLs to address the pyrethroid listings will be developed until the Urban Pesticides Amendments become effective. At that point, the waterbodies will be reassessed to determine if any should be categorized in Category 4b or 5-ALT as being addressed by a program other than a TMDL.</p>	<p>See principal response 2.3 for Statewide Urban Pesticides Provisions Project.</p>
006.22	<p>CASQA Recommendation:</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

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	<ul style="list-style-type: none"> <li>All proposed listings should be recalculated using the POC and DOC adjustments</li> <li>Any listings where the recalculation exceeds the trigger value should be placed on Category 3 for further assessment</li> <li>Include a recognition of the Urban Pesticides Amendment within the Integrated Report and adopting resolution, noting that no new TMDLs will be developed until the UPA becomes effective.</li> </ul>	<p>See response to comment 006.20 regarding POC and DOC adjustments.</p> <p>Additionally, see principal responses 2.2 for Total and Dissolved Pyrethroids Data and Thresholds and 2.3 for Statewide Urban Pesticides Provisions Project.</p>
006.23	<p><b>PESTICIDES</b></p> <p>The OPP benchmarks are not appropriate for use as an interpretation of a narrative water quality objective to determine impairments. Rather, they are appropriate to determine the need for further investigation. As such, and as detailed under the comment for pyrethroids, Category 3 is the more appropriate category. Examples include the following:</p> <ul style="list-style-type: none"> <li>Calleguas Creek Reach 3- Dichlorvos (Decision ID 136607), Fenthion (Decision ID 136676), Naled (Decision ID 136674) the Evaluation Guideline Reference is to the OPP Aquatic Life Benchmark. This listing is solely based on the OPP benchmark.</li> </ul> <p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>All proposed listings should be placed on Category 3 for further assessment</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment; however, changes to listing recommendations for all the decision IDs mentioned by the commenter were made in response to a separate issue where unquantified data were mistakenly identified as quantified data during assessment.</p> <p>Section 6.1.3 of the Listing Policy states that “narrative water quality objectives shall be evaluated using evaluation guidelines” and provides guidance for selection of numeric evaluation guidelines. The requirements specify that the evaluation guidelines must be applicable and protective of the beneficial use, linked to the pollutant under consideration, scientifically-based and peer reviewed, well described, and identify a range above which impacts occur and below which no or few impacts are predicted. The Office of Pesticide Program’s aquatic life benchmarks meet the Listing Policy requirements and so are appropriate to use as evaluation guidelines to interpret the narrative objective for determination of impairment.</p>

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		<p>Placement in Category 3 occurs when there is insufficient data and/or information to make a beneficial use support determination, but data and/or information indicates beneficial uses may potentially be threatened. When data from a waterbody sufficiently exceed aquatic life benchmarks, sufficient evidence exists to indicate impairment of the waterbodies.</p> <p>The listing recommendations were removed due to the lack of any other data available for assessment after the removal of LOEs with unquantified data misinterpreted as quantified data. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
006.24	<p><b>COMMENT #3: ENSURE THAT ALL READILY AVAILABLE DATA ARE ANALYZED</b></p> <p>As stated in the Listing Policy “the states are required to assemble and evaluate all existing and readily available water quality-related data and information to develop the list.” However, there are instances where datasets that were readily available within the designated timeframe for the applicable listing cycle are not assessed. Examples include the following:</p> <ul style="list-style-type: none"> <li>• Calleguas Creek Watershed – Two years of the TMDL monitoring program data and half of the monitoring sites were not included in the integrated report</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment. While all readily available data and information received during the data solicitation period were considered and evaluated, not all data were used to make listing recommendations. Data and information were not considered further in developing the California Integrated Report nor used to make listing or delisting recommendations if the data and information did not meet data quality requirements or were not spatially or temporally representative of a waterbody. (Listing Policy §§ 6.1.4, 6.1.5). For more detail, please see Staff Report section 2.2: Data Assembly and Evaluation and principal response 3.1 for Readily Available Data Requirements.</p>

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	<p>assessment. All of the data were confirmed to be in CEDEN.</p> <ul style="list-style-type: none"> <li>Multiple watersheds in Orange County – not all CEDEN-submitted data were analyzed for listing/delisting decisions.</li> </ul>	<p>Please see response to comment 007.133 for a discussion of monitoring data submitted by the Stakeholders Implementing TMDLs in the Calleguas Creek Watershed.</p> <p>Please see responses to Letter 17 submitted by, James Fortuna, County of Orange and Orange County Flood Control District for more information on data not used for assessments.</p>
006.25	<p>By not including all data that is readily available, the 303(d) list may mischaracterize water quality conditions in local receiving water bodies.</p> <p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>For the 2024 listing cycle - Ensure that all “readily available data” within the designated timeframe for the applicable listing cycle are included in analyses for the proposed listings.</li> <li>For future listing cycles - Readily available data should not only be defined as data entered into CEDEN. Broaden the definition in the Listing Policy (section 6.1.1) to include any data that has been submitted to the State or Regional Water Boards to include NPDES and TMDL monitoring data.</li> </ul>	<p>Comment noted.</p> <p>See principal response 3.1 for Readily Available Data Requirements regarding the definition of readily available data and principal response 3.2 for Data Not Used in Assessments regarding the inclusion of non-CEDEN data.</p> <p>Thank you for the suggestions for improving future listing cycles. The Water Board continues to look for ways to improve links between established data sets and CEDEN. Additionally, any changes to the definition of readily available data would require an amendment to the Listing Policy.</p>
006.26	COMMENT #4: PROVIDE DOCUMENTATION OF HOW DATA ANALYSES WERE PERFORMED IN SUPPORTING	For a discussion on methodology transparency, see principal response 3.3 for Quantitative Analyses and Methodologies. During the release of the Draft 2024 California Integrated Report, Appendix B1: Statewide

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	<p>DOCUMENTS AS OPPOSED TO PRESENTING RAW DATA SPREADSHEETS</p> <p>In order to be fully transparent and allow for an efficient public review of the new listings and delistings, all of the specific data that was used and the corresponding data analysis methodology should be fully and clearly documented within the Fact Sheets. Section 6.1.2.2 of the Listing Policy describes what must be included in the Fact Sheets, which specifically includes “Data evaluation as required by sections 3 or 4 of this Policy” (see Item M, page 19 of the Listing Policy). However, none of the Fact Sheets include the data calculations. Qualitative descriptions of the assessments do not comply with the Listing Policy requirements and quantitative calculations are needed in order to evaluate, and replicate, the proposed listings.</p>	<p>Waterbody Fact Sheets – Excel Version, was inadvertently missing a column for ‘Regional Board Conclusions’, which provides specific language on decision relationships. However, despite the missing column, Appendix B1 did contain the final listing recommendations and the Regional Water Board and State Water Board decision language. The ‘Regional Board Conclusions’ for each decision were available for public review in the Waterbody Fact Sheets.</p>
006.27	<p>In addition, there is no supplemental information or analysis provided when data was transformed by calculating a Water Effect Ratio, total to dissolved transformation, or other simple unit conversions. Thus, the reviewer is left sorting large amounts of data and spending excessive amounts of time to try to understand and replicate the analysis that was conducted by Water Board staff. Since the assessment was completed in order to determine impairment, the actual calculations need to be provided as a part of the supporting Fact Sheet.</p> <p>In order to allow for a full and consistent review of the work that was completed as a part of the listing process, the Fact Sheets need to identify (at a minimum) what analysis was conducted and how it was conducted (show the work), the specific data was used, and what assumptions or deviations</p>	<p>Comment Noted. See principal response 3.3 for Quantitative Analyses and Methodologies.</p>

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	<p>were made for the analysis (e.g., use of total data instead of dissolved).</p>	
006.28	<p>Similar comments were previously made in the CASQA comment letter on the 2014-2016 303(d) List of Impaired Waters (letter dated April 26, 2017) and the CASQA comment letter on the 2020-2022 303(d) List of Impaired Waters (letter dated July 16, 2021).</p> <p>While we appreciate the narrative descriptions and information provided within the Fact Sheets, we are requesting that the specific data used and the quantitative analyses that were conducted in order to make these determinations are provided as a part of the public review process. We request the specific quantitative analysis (including the specific data, calculation / assessment methodology, and any data translations or modifications) for all Decision IDs included within this letter. Providing the quantitative analysis is important to ensure a public review of all proposed listing decisions.</p> <p>One example of the problems associated with the reviewers not being able to assess the actual analyses that form the basis of the 303(d) list is below:</p> <ul style="list-style-type: none"> <li>The Pacific Ocean at Agate Beach in Marin County is proposed to be listed for Polycyclic Aromatic Hydrocarbons (PAHs) based on receiving water samples collected as part of the Areas of Special Biological Significance (ASBS) regional monitoring (Decision ID 149013). However, the supporting analyses used to make this decision is not provided. Thus, it is unclear how the Water Board used the</li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The listing recommendation for Decision ID 149013 has been changed from "List" to "Do not List", and the waterbody Pacific Ocean at Agate Beach (Marin County) has been moved from Category 5 to Category 3. Please see response to comments 027.03-027.06 for a full explanation of the listing recommendation change.</p> <p>Comment noted. Please see principal response 3.3 for Quantitative Analyses and Methodologies regarding the concern for data assessment and translations.</p>

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	<p>limited dataset of individual grab samples over three sampling seasons to assess compliance with a 30-day average concentration. Of the data in CEDEN, it is also unclear which samples were used.</p> <p>The following supporting information is necessary in order for the reviewer to be able to objectively assess the basis for the decision:</p> <ul style="list-style-type: none"> <li>○ The data analysis that includes summed PAHs, 30-day average values, dates of the samples used in the analysis and the specific analytes included in the sum calculations needs to be provided.</li> </ul> <p>Absent this supporting information, this pollutant-waterbody combination should be included in Category 3 instead of Category 5.</p> <p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>● Fully document and provide for review the specific data and assessment methodology and resulting calculations used to support a listing decision in the Fact Sheets (e.g., show the work to allow for public review and replication).</li> <li>● Absent the first recommendation, provide the specific quantitative analysis (including the specific data, calculation / assessment methodology, and any data translations or modifications) for all Decision ID's included within this comment letter.</li> </ul>	
006.29	COMMENT #5: CONSIDER COMPLETENESS AND QUALITY OF THE DATA SET, INCLUDING TEMPORAL AND SPATIAL COVERAGE.	Changes to listing recommendations were made in response to this comment.



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	<p>Data sets should be evaluated to ensure they are complete and provide both temporal and spatial coverage of the waterbody consistent with Section 6.1.5 of the Listing Policy.</p> <p>The State and Regional Water Boards should make every effort to avoid listing waterbodies with old data that are less likely to be representative of the waterbody. Where more recent data exists, the newer data should be given a higher weight than the older data. Consideration should also be given to whether older data are still applicable, especially where measurement techniques and detection methods may have improved (e.g., in cases where historic sediment toxicity listings are now known to be caused by a particular pesticide). Proposing new listings with data over a decade old may result in significant resources being used to address pollutants that are no longer problematic.</p> <p>There are multiple instances where new listings were proposed that lacked spatial and/or temporal justification. Examples include the following:</p> <ul style="list-style-type: none"> <li>• Lake Hemet – Microcystins (Decision ID 152870) listing – (temporal resolution). The listing is based on samples collected at multiple sites within the lake, but all samples were collected on the same day and only one day of sampling was used for the listing.</li> <li>• Irvine Lake and Veeh Reservoir (Orange County) – Mercury (Decision ID 153009 and 152863, respectively). Both proposed listings are based on a single annual average value calculated based on one sample from one single station within the entire water body.</li> </ul>	<p>Please see responses to comments 017.13 and 030.01. Additionally, see principal response 3.4 for information on the use of older data in assessment.</p>

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	<p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>• Ensure data used to support new listings is temporally and spatially representative of the waterbody segment that is listed. Modify the listings identified above, as needed.</li> <li>• Ensure that older data (especially data older than a decade) are not given the same weight as more recent data.</li> <li>• Exclude data that are no longer representative of the waterbody.</li> </ul>	
006.30	<p>COMMENT #6: CORRECT ERRORS WITHIN THE PROPOSED 303(D) LIST AND RENOTICE THE UPDATED LISTINGS</p> <p>The review of the Draft 2024 Integrated Report has resulted in the identification of several errors that need to be corrected and renoticed, as needed, based on the resolution of the error. Examples of the errors include the following (note that this list is not exhaustive):</p> <ul style="list-style-type: none"> <li>• Incorrect monitoring location and dataset used for a proposed new listing on a waterbody <ul style="list-style-type: none"> <li>○ San Joaquin River (in Delta Waterways, southern portion) – Chloroform (Decision ID 135488) and Delta Waterways (southern portion) – Chloroform (Decision ID 150362). The samples that were used for both listing decisions come from one monitoring site (CALWR_WQX-B0D74831187) and the same reference data set (ref4948). The monitoring site coordinates are not from monitoring locations for</li> </ul> </li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Regarding the listing recommendations in the San Joaquin River (in Delta Waterways, southern portion) and Delta Waterways (southern portion), upon further review, it was determined that station CALWR_WQX-B0D74831187 is a stormwater pump station adjacent to the San Joaquin River and is not representative of the ambient water quality conditions on the river, therefore, Decision IDs 135488 and 150362 were deleted.</p> <p>Refer to Appendix S: List Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions for a list of LOEs, decisions, and listing recommendations affected by this change. Also, see response to comment 014.12 for more information regarding the removal of the monitoring station data.</p>

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	<p>the Delta waterways (southern portion), which are located on the portion of the San Joaquin River that runs parallel to the area between Stockton and Lathrop – this listing should be removed.</p> <ul style="list-style-type: none"> <li>○ Coyote Creek (Orange County) – multiple listings (Decision ID 132554, 132557, 150432, 132530, 132541, 132566, and 132570). These listings were based on duplicate lines of evidence and incorrect use of these data may have resulted in erroneous listing decisions.</li> </ul> <p>CASQA Recommendation:</p> <ul style="list-style-type: none"> <li>• Remove the listings for the Decision IDs and LOEs referenced within the comment.</li> <li>• Conduct a full review of the monitoring locations used for the listing decisions to ensure that they are located on the designated waterbody. If a new monitoring location and corresponding dataset is identified – the proposed listing should be renoticed for a 30-day public review of the dataset and analysis prior to adoption of the 2020-2022 Integrated Report.</li> </ul>	<p>Duplicative LOEs for Coyote Creek were removed and data were reassessed. For a full discussion of duplicate LOEs in Coyote Creek, please see response to comment 025.10 and also Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p> <p>Coyote Creek</p> <ul style="list-style-type: none"> <li>• <u>Iron (Decision ID 132554)</u> - The listing recommendation was not revised due to deletion of duplicate LOEs. It is “Do Not Delist from 303(d) list (TMDL required list).”</li> <li>• <u>Malathion (Decision ID 132557)</u> - The listing recommendation was not revised due to deletion of duplicate LOEs. It is “Do Not Delist from 303(d) list (TMDL required list).”</li> <li>• <u>Ammonia (Decision ID 150432)</u> - The listing recommendation has been revised from “List” to “Delist.”</li> <li>• <u>Profenofos (Decision ID 132530)</u> - The listing recommendation has been revised from “List” to “Do Not List.”</li> <li>• <u>Chlorine (Decision ID 132541)</u> - The listing recommendation was not revised due to deletion of duplicate LOEs. It is “List on 303(d) list (TMDL required list).”</li> <li>• <u>pH (Decision ID 132566)</u> - The listing recommendation was not revised due to deletion of duplicate LOEs. It is “Do Not Delist from 303(d) list (TMDL required list).”</li> </ul>

No.	Comment	Response
		<ul style="list-style-type: none"> <li>• <u>Temperature (Decision ID 132570)</u> - The listing recommendation was revised; however, not due to deletion of duplicate LOEs. The listing recommendation was revised from “List on 303(d) list (TMDL required list)” to “Do not list on 303(d) list (TMDL required list)” because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by the narrative water quality objective for WARM. Please see response to comment 026.10 for more information.</li> </ul> <p>Additionally, the State Water Board will not be re-releasing the 2024 California Integrated Report out for an additional public comment period. Please see Principal Response 3.5 for Data Submission Timeline and the Public Process.</p>

**Letter 7: Albert Sexton, Stakeholders Implementing TMDLs in the Calleguas Creek Watershed**

No.	Comment	Response
007.01	<p>The Stakeholders have serious concerns with the proposed 2024 303(d) List and feel that it requires significant review and modification before adoption. The Stakeholders request that the issues identified in this letter be addressed and the proposed 303(d) List be released for another 60-day comment period prior to adoption.</p>	<p>Comment noted.</p> <p>Thank you for your concern regarding the California Integrated Report process and the helpful suggestions on how to better identify errors and improve the accuracy of the report.</p> <p>However, the State Water Board will not be re-releasing the 2024 California Integrated Report out for an additional</p>

No.	Comment	Response
		public comment period. Please see Principal Response 3.5 for Data Submission Timeline and the Public Process regarding the length of the comment period.
007.02	<p>Many of the comments included in this letter were submitted during the last listing cycle for the region in 2017, were addressed prior to the adoption of the previous list, and have reoccurred again during this listing cycle. While we understand that this is a significant and challenging undertaking, we request that the Water Board evaluate the listing process to address the systematic issues that consistently cause errors in the proposed 303(d) list. Significant resources are expended to repeatedly review and comment on these issues in every listing cycle. Additionally, some of the issues consistently result in the inability of the proposed 303(d) List to be fully vetted and reviewed by the Stakeholders.</p>	<p>Comment noted. Please see principal response 3.3 for Quantitative Analyses and Methodologies regarding assessment processes and principal response 3.5 for Data Submission Timeline and the Public Process.</p> <p>Additionally, for responses to comments submitted during the 2020-2022 California Integrated Report listing cycle, please see the <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf</a></p>
007.03	<p>New Category 5 listings that should be removed due to incorrect interpretation of the data (e.g., use of data that is not in a receiving water, incorrectly assigned sample locations, comparison of total data to dissolved evaluation thresholds)</p>	<p>Please see response to comments 007.08 through 007.97.</p>
007.04	<p>Requests for reassessment due to missing data and incorrect application of evaluation thresholds.</p>	<p>Please see response to comments 007.98 through 007.141.</p>
007.05	<p>New Category 5A listings that should be categorized as Category 5B because TMDLs already exist to address the pollutants.</p>	<p>Please see response to comments 007.142 and 007.143.</p>

No.	Comment	Response
007.06	Errors in the listing information that make it difficult to fully evaluate the listings. Examples include inconsistencies between the Staff Report and the Proposed updates to the 303(d) List (Appendix A), broken links to references.	Please see response to comments 007.144 through 007.149. Also see Principal Response 3.3 Quantitative Analyses and Methodologies in regard to obtaining references.
007.07	The remaining sections of this letter provide the detailed list of requested changes to the 303(d) List and the rationale for the requests. In summary, the Stakeholders request that all waterbody-pollutant combinations in Table 1 not be listed on the 303(d) List, the waterbody-pollutant combinations in Table 2 be reassessed, the waterbody-pollutant combinations in Table 3 and Table 4 be designated as being addressed by a TMDL if they remain on the 303(d) List after the reassessment, and the errors and inconsistencies identified in Request IV be addressed for all waterbodies.	<p>The listing recommendations referenced in Table 1 provided by the commenter are addressed in responses to comments 007.009 through 007.069.</p> <p>The decisions referenced in Table 2 are addressed in responses to comments 007.99 through 007.132.</p> <p>The decisions referenced in Table 3 are addressed in responses to comments 007.142.</p> <p>The decisions referenced in Table 4 are addressed in responses to comments 007.143.</p> <p>For responses to comments identified in Request IV please see response to comments 007.144 through 007.149.</p>
007.08	Based on a review of the proposed Category 5 waterbody-pollutant combinations, the Stakeholders have identified a number of waterbodies that we feel should either be delisted based on available data or proposed listings that should not be listed based on errors in the evaluation. The requested modifications are shown in Table 1, below, with a summary of the justifications for the requested change. A detailed discussion of each of the justifications follows the table.	The decisions referenced in commentor's Table 1 are addressed in responses to comments 007.09 through 007.69.

No.	Comment	Response
007.09	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</li> <li>• Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</li> </ul> <p>Comment #: 1, 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Upon re-evaluation, it was confirmed that monitoring station 02D_BROOM is located in a waterbody that discharges into Calleguas Creek Reach 2. The station does not represent ambient surface water in Calleguas Creek Reach 2. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing recommendation has also been removed. Site 02D_BROOM has been flagged so any data associated with this station will be automatically removed in future listing cycles.</p> <p>In addition, for discussion on use of total and dissolved fractions in pyrethroid assessment, please see principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.10	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</li> <li>• Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 007.09. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>



No.	Comment	Response
	Comment #: 1,7	
007.11	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Dimethoate</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</li> <li>• Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</li> </ul> <p>Comment #: 1, 7</p>	Please see response to comment 007.09
007.12	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>For a discussion of station 02D_BROOM, please see response to comment 007.09. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
007.13	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Permethrin</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>For a discussion of station 02D_BROOM, please see response to comment 007.09. As there are no data from</p>

No.	Comment	Response
	<p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</li> <li>• Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</li> </ul> <p>Comment #: 1, 7</p>	<p>other stations associated with this listing, the listing recommendation has been removed.</p>
007.14	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</li> <li>• Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</li> </ul> <p>Comment #: 1, 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>For a discussion of station 02D_BROOM, please see response to comment 007.09. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
007.15	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Nitrogen, Nitrate</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>For a discussion of station 02D_BROOM, please see response to comment 007.09. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>

No.	Comment	Response
	Comment #: 1	
007.16	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Selenium</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>For a discussion of station 02D_BROOM, please see response to comment 007.09. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
007.17	<p>Waterbody: Calleguas Creek Reach 4 (Revolon Slough)</p> <p>Pollutant: Aluminum</p> <p>Rationale for Removal: Several lines of evidence use data from an agricultural drain (A-1) rather than waterbody</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The commenter is correct that monitoring station A-1 is an agricultural discharge monitoring site and does not represent ambient surface water in Calleguas Creek Reach 4. LOEs associated with this monitoring station have been removed. The remaining LOEs still show an impairment of the Warm Freshwater Habitat beneficial use. The listing recommendation remains "List on 303(d) list (TMDL required list)."</p> <p>Site A-1 has been flagged so any data associated with this station will be automatically removed in future listing cycles.</p>
007.18	Waterbody: Calleguas Creek Reach 4 (Revolon Slough)	Changes to listing recommendations were made in response to this comment.

No.	Comment	Response
	<p>Pollutant: Dimethoate</p> <p>Rationale for Removal: Of the two lines of evidence for this listing, one uses data from an agricultural drain (04D_ETTG) rather than a waterbody, and the other lists no exceedances</p> <p>Comment #: 1</p>	<p>The commenter is correct that monitoring station 04D_ETTG is located in a waterbody that discharges into Calleguas Creek Reach 4. The station does not represent ambient surface water in Calleguas Creek Reach 4. LOEs associated with this monitoring station have been removed. The listing recommendation was revised from “List” to “Do Not List”.</p> <p>Site 04D_ETTG has been flagged so any data associated with this station will be automatically removed in future listing cycles.</p>
007.19	<p>Waterbody: Calleguas Creek Reach 4 (Revolon Slough)</p> <p>Pollutant: Fenpropathin</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain (04D_ETTG) rather than waterbody used as basis for listing decision</li> <li>• Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</li> </ul> <p>Comment #: 1, 5</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station 04D_ETTG is located in a waterbody that discharges into Calleguas Creek Reach 4. The station does not represent ambient surface water in Calleguas Creek Reach 4. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing has also been removed.</p> <p>Site 04D_ETTG has been flagged so any data associated with this station will be automatically removed in future listing cycles.</p> <p>For a discussion on the selection of criteria for assessing pesticides, please see response to comment 007.89.</p>

No.	Comment	Response
007.20	<p>Waterbody: Camarillo Hills Drain (tributary to Revolon Slough)</p> <p>Pollutant: Toxicity</p> <p>Rationale for Removal: Data from MS4 outfall (MO-CAM) rather than waterbody</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station MO-CAM is a storm water major outfall and does not represent ambient surface water in Camarillo Hills Drain. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing has also been removed.</p> <p>Station MO-CAM has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>
007.21	<p>Waterbody: La Vista Drain (Ventura County)</p> <p>Pollutant: Fenpropathrin</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain rather than waterbody used as basis for listing decision</li> <li>• One line of evidence references zero exceedances from the incorrect Site and Watershed (Santa Clara Watershed Unknown River Random Site 580)</li> <li>• Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</li> </ul> <p>Comment #: 1, 2, 5</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>In the decision for Fenpropathrin in La Vista Drain (Ventura County), Decision ID 152765, LOE ID 310579 uses data from Santa Clara Watershed Unknown River Random Site 580 (“408BA0580”). The source of the data is provided in ref3800. This data file lists the geographic coordinates of Site 408BA0580 as 34.26651312, -119.092952. This places the station on La Vista Drain (Ventura County). Please see response to comment 007.74 for a discussion of assessing La Vista Drain (Ventura County).</p> <p>For a discussion on the selection of criteria for assessing pesticides, please see response to comment 007.89.</p>

No.	Comment	Response
007.22	<p>Waterbody: La Vista Drain (Ventura County)</p> <p>Pollutant: Aluminum</p> <p>Rationale for Removal</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain rather than waterbody used as basis for listing decision</li> <li>• Two of four lines of evidence reference zero exceedances from the incorrect Site and Watershed (Santa Clara Watershed Unknown River Random Site 580)</li> </ul> <p>Comment #: 1</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>In the decision for Aluminum in La Vista Drain (Ventura Count), Decision ID 153930, LOE IDs 314933 and 315039 use data from Santa Clara Watershed Unknown River Random Site 580 (“408BA0580”). The source of the data is provided in ref3800. This data file lists the geographic coordinates of Site 408BA0580 as 34.26651312, -119.092952. This places the station on La Vista Drain (Ventura County). The station is located on the correct waterbody that it is being used to assess, regardless of station name.</p> <p>Please see response to comment 007.74 for a discussion of assessing La Vista Drain (Ventura County).</p>
007.23	<p>Waterbody: Calleguas Creek Ranch Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Selenium</p> <p>Rationale for Removal: Data from the incorrect Site and Watershed (Santa Clara Watershed Unknown River Random Site 660)</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The data submission identified by the commenter provided the geographic coordinates of station “Santa Clara Watershed Unknown River Random Site 660” as 34.2678, -118.938 using the NAD83 datum. This places the station on Calleguas Creek Reach 6.</p>
007.24	<p>Waterbody: Calleguas Creek Reach 12 (North Fork Arroyo Conejo)</p>	<p>Changes to listing recommendations were made in response to this comment.</p>

No.	Comment	Response
	<p>Pollutant: Selenium</p> <p>Rationale for Removal: Listing is based on an insufficient number of exceedances, because two listed exceedances were collected from the same site on the same date. Large amounts of ongoing monitoring data indicate no impairment.</p> <p>Comment #: 3</p>	<p>In freshwater, a criterion exists for total selenium but not for dissolved selenium. When there are no data for total selenium, or when the total and dissolved selenium fractions represent unique samples, dissolved selenium data may be considered as exceedances when they exceed the criterion for total selenium. In this decision, LOE IDs 265843 and 83533 for dissolved selenium correspond to water samples for which there are total selenium data; therefore, total and dissolved data do not represent data from unique samples. The total selenium data were considered in other LOEs and present a more accurate assessment of the waterbody. Therefore, LOE IDs 265843 and 83533 were removed and not considered in this decision.</p> <p>The data were reassessed and with 1 exceedance out of 66 samples, indicating the beneficial use is fully supported. The selenium decision for Calleguas Creek Reach 12 (North Fork Arroyo Conejo) (Decision ID 137379) has been revised from “List” to “Do Not List.”</p>
007.25	<p>Waterbody: Calleguas Creek Reach 12 (North Fork Arroyo Conejo)</p> <p>Pollutant: Ammonia</p> <p>Rationale for Removal: Listing uses an incorrect objective to assign the evaluation threshold of compliance. Evaluation thresholds should be based on the Los Angeles Basin Plan, not the 2013 USEPA recommended ammonia criteria. Previous lines of evidence based on Basin Plan objectives exhibit no exceedances.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>LOE IDs 253577, 253580, and 257271 have been reevaluated using the 30-day Average Objective for Ammonia-N for Freshwaters Applicable to Waters Subject to the “Early Life Present” Condition detailed in the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (“Basin Plan”). The objective can be found in the footnote to Table 3-2 on page 3-10 in Chapter 3 the Basin Plan  <a href="https://www.waterboards.ca.gov/losangeles/water_issues">https://www.waterboards.ca.gov/losangeles/water_issues</a></p>



No.	Comment	Response
	<p>Comment #: 4</p>	<p><a href="#">/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf</a>). The sum of exceedances and samples is now 0 exceedances of 204 samples.</p> <p>The listing recommendation (Decision ID 149460) has been revised from "List" to "Do Not List."</p> <p>A summary of decisions affected by the ammonia reassessments is provided in Appendix W: List of Los Angeles and Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.</p>
<p>007.26</p>	<p>Waterbody: Calleguas Creek Reach 9A (Conejo Creek: Calleguas Creek Reach 3 to Camrosa Diversion)</p> <p>Pollutant: Ammonia</p> <p>Rationale for Removal: Listing uses an incorrect objective to assign the evaluation threshold of compliance. Evaluation thresholds should be based on the Los Angeles Basin Plan, not the 2013 USEPA recommended ammonia criteria. Previous lines of evidence based on Basin Plan objectives exhibit no exceedances.</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>LOEs 253488, 253489, and 257023 have been reevaluated using the 30-day Average Objective for Ammonia-N for Freshwaters Applicable to Waters Subject to the "Early Life Present" Condition detailed in Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties ("Basin Plan"). The objective can be found in the footnote to Table 3-2 on page 3-10 in Chapter 3 the Basin Plan (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf</a>). The sum of exceedances and samples is now 0 exceedances of 43 samples.</p> <p>The listing recommendation (Decision ID 150429) has been revised from "List" to "Do Not List."</p> <p>A summary of decisions affected by the ammonia reassessments is provided in Appendix W: List of Los</p>

No.	Comment	Response
		Angeles and Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.
007.27	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Specific Conductivity</p> <p>Rationale for Removal: Incorrectly listed using guideline for MUN beneficial use that is not applicable to waterbody</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Upon evaluation, it was determined that the Municipal and Domestic Supply beneficial use ("MUN") was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 255833 and 255834, have been deleted. As there were no other LOEs associated with the decision, the decision has also been removed.</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
007.28	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Dichlorvos</p> <p>Rationale for Removal: Listing based solely on USEPA Office of Pesticide Program (OPP) evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for a discussion of the appropriateness of Office of Pesticide Programs aquatic life benchmarks as evaluation guidelines for determination of impairment.</p> <p>Unrelated to the commenter's request, changes to the listing recommendation were made. The data used to develop the Dichlorvos listing recommendation for Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136607) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during the initial assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count</p>

No.	Comment	Response
		<p>when the quantitation limits are greater than evaluation guideline concentrations. As a result, LOE ID 260382 was removed from the decision for Dichlorvos in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
007.29	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Fenthion</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for a discussion of the appropriateness of Office of Pesticide Programs aquatic life benchmarks as evaluation guidelines for determination of impairment.</p> <p>Unrelated to the commenter's request, changes to the listing recommendation were made. The data used to develop the Fenthion listing recommendation for Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136676) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during the initial assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations. As a result, LOE ID 261880 was removed from the decision for Fenthion in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data</p>

No.	Comment	Response
		quality issues are resolved for this dataset, it may be considered in a future integrated report.
007.30	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Naled</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for a discussion of the appropriateness of Office of Pesticide Programs aquatic life benchmarks as evaluation guidelines for determination of impairment.</p> <p>Unrelated to the commenter's request, changes to the listing recommendation were made. The data used to develop the Naled listing recommendation for Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136674) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during the initial assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations. As a result, LOE ID 263937 was removed from the decision for Naled in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
007.31	Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2	Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for a discussion of the appropriateness of Office of

No.	Comment	Response
	<p>Pollutant: Deltamethrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Pesticide Programs aquatic life benchmarks as evaluation guidelines for determination of impairment.</p>
007.32	<p>Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2</p> <p>Pollutant: Fenprothrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for a discussion of the appropriateness of Office of Pesticide Programs aquatic life benchmarks as evaluation guidelines for determination of impairment.</p>
007.33	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Fenprothrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for a discussion of the appropriateness of Office of Pesticide Programs aquatic life benchmarks as evaluation guidelines for determination of impairment.</p>
007.34	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>Pollutant: Turbidity</p> <p>Rationale for Removal: Listing based on an evaluation threshold from a study of impacts of turbidity on large mouth bass, which has been no demonstration that this species is present in this reach. Evaluation thresholds based on studies specific to one species should not be generally applied in the 303(d) listing process.</p> <p>Comment #: 6</p>	<p>Largemouth bass are considered sensitive to turbidity, which can affect feeding success and growth through reducing prey detection. Though they are an introduced species, largemouth bass are common throughout Southern California streams and lakes and are an important freshwater game fish. An evaluation guideline protective of largemouth bass is both applicable to a large number of waterbodies as well as protective of species utilizing warm freshwater habitat ("WARM" beneficial use) that are less sensitive to turbidity.</p>
007.35	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.36	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
007.37	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.38	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.39	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>



No.	Comment	Response
	Comment #: 7	
007.40	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.41	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.42	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
	Comment #: 7	
007.43	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.44	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.45	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Deltamethrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>

No.	Comment	Response
007.46	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.47	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.48	<p>Waterbody: Calleguas Creek Reach 10 (Arroyo Conejo: Conejo Creek to North Fork Arroyo Conejo)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
007.49	<p>Waterbody: Calleguas Creek Reach 10 (Arroyo Conejo: Conejo Creek to North Fork Arroyo Conejo)</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.50	<p>Waterbody: Calleguas Creek Reach 10 (Arroyo Conejo: Conejo Creek to North Fork Arroyo Conejo)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.51	<p>Waterbody: Calleguas Creek Reach 10 (Arroyo Conejo: Conejo Creek to North Fork Arroyo Conejo)</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
	Comment #: 7	
007.52	<p>Waterbody: Calleguas Creek Reach 10 (Arroyo Conejo: Conejo Creek to North Fork Arroyo Conejo)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.53	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.54	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p> <p>Pollutant: Cyfluthrin</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
	<p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	
007.55	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.56	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p> <p>Pollutant: Deltamethrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>
007.57	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.58	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.59	<p>Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>



No.	Comment	Response
007.60	<p>Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.61	<p>Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.62	<p>Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
	Comment #: 7	
007.63	<p>Waterbody: Fox Barranca (tributary to Calleguas Creek Reach 6)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.64	<p>Waterbody: Fox Barranca (tributary to Calleguas Creek Reach 6)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.65	<p>Waterbody: Fox Barranca (tributary to Calleguas Creek Reach 6)</p> <p>Pollutant: Permethrin</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
	<p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	
007.66	<p>Waterbody: Fox Barranca (tributary to Calleguas Creek Reach 6)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.67	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.68	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Cypermethrin</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.69	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.70	<p>Comment 1. Remove listings based on agricultural drain and stormwater outfall monitoring locations</p> <p>There are multiple instances where listing decisions are based on data from the Ventura County Agricultural Irrigated Lands Group (VCAILG) which include monitoring data from agricultural drains. In several cases, data from agricultural drains that discharge to waterbody reaches were used to list the waterbody reach. The drains are not listed tributaries or waterbodies in the Basin Plan and are not located within the waterbody that is being listed. As a result, the data should not be used for the listing decisions for these waterbodies.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The monitoring stations identified by the commenter in this letter have been examined and data that were determined to not be representative of ambient conditions were removed. A summary of decisions affected by removal of stations not representing conditions in ambient surface water is provided in Appendix S: List Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.</p> <p>For a discussion of assessing waterbodies identified by the commenter as agricultural drains, please see response to comment 007.74.</p>

No.	Comment	Response
007.71	Calleguas Creek Reach 2 and Reach 4 were listed using data from the VCAILG monitoring sites 02D_BROOM (Reach 2) and 04D_ETTG (Reach 4), which are both agricultural drains selected to be representative of agricultural discharges to Calleguas Creek Reaches 2 and 4 and are not representative of receiving water conditions.	All LOEs for Calleguas Creek Reach 2 and Calleguas Creek Reach 4 using data from monitoring sites 02D_BROOM and 04D_ETTG, respectively, have been removed. A summary of decisions affected by removal of stations not representing conditions in ambient surface water is provided in Appendix S: List Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.
007.72	Additionally, site A-1 in Reach 4 is an agricultural land use site for the Ventura County Stormwater monitoring program.	Please see response to comment 007.17.
007.73	Therefore, any data collected from these sites cannot be used to list the downstream Calleguas Creek Reaches. All listings should be evaluated to ensure that the monitoring locations were in receiving waters rather than agricultural drains.	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The monitoring stations identified by the commenter in this letter have been examined and data that were determined to not be representative of ambient conditions were removed. A summary of decisions affected by removal of stations not representing conditions in ambient surface water is provided in Appendix S: List Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.</p> <p>For a discussion of assessing waterbodies identified by the commenter as agricultural drains, please see response to comment 007.74.</p>

No.	Comment	Response
007.74	<p>In addition, the Santa Clara and La Vista Drain are agricultural drains that have been incorrectly included in the Integrated Report assessment. While only La Vista Drain is listed on the 2024 303(d) list in Category 5, both the La Vista Drain and the Santa Clara Drain are included in several other Integrated Report categories based on monitoring locations that were selected to characterize agricultural discharges. Neither of these waterbodies are designated with beneficial uses in the Basin Plan or shown in the map of tributaries to Revolon Slough in the Basin Plan. The La Vista Drain is an agricultural drain designed to convey excess irrigation water from agricultural lands, and as such, it is predominantly an open ditch that flows alongside W. Los Angeles Avenue and then along Santa Clara Avenue where it becomes the Santa Clara Drain. The monitoring location on each drain was selected to represent agricultural discharges for the Agricultural Waiver and were not designed to characterize receiving waters. Because these are agricultural drains and not tributaries, they should be removed from the Integrated Report assessment.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The waterbodies named by the commenter, while not identified by name in the Los Angeles Region Basin Plan (“Basin Plan”), are appropriately included in the 2024 California Integrated Report. The Basin Plan states that, “[t]hose waters not specifically listed (generally smaller tributaries) are designated with the same beneficial uses as the streams, lakes, or reservoirs to which they are tributary. This is commonly referred to as the ‘tributary rule.’” (Basin Plan Chapter 2, pg. 2-10, <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf</a>)</p> <p>Existing natural drainages are frequently modified to collect and move excess irrigation water or precipitation away from the soil surface. Santa Clara Drain (Ventura County) and La Vista Drain (Ventura County) are such drainages. On older hydrology maps, these waterbodies appear as unmodified ephemeral streams in the Beardsley Channel sub-watershed. Additionally, La Vista Drain is tributary to Calleguas Creek Reach 5 (Beardsley Channel). These natural drainages that are modified to convey runoff are receiving waters and it is appropriate that these two waterbodies are assessed. Additionally, La Vista Drain and Santa Clara Drain have been assessed in the California Integrated Report since 2016 and have previous listing decisions approved by U.S. EPA.</p>

No.	Comment	Response
007.75	<p>Finally, the Camarillo Hills Drain was listed based on data from site MO-CAM. This site is an outfall draining the City of Camarillo and is not located in the receiving water. Additionally, the Camarillo Hills Drain is a part of the stormwater drainage system and is not a tributary designated in the Basin Plan. All assessments made based on this site and for the Camarillo Hills Drain should be removed from the Integrated Report.</p>	<p>Changes to listing recommendations were made in response to the comment about site MO-CAM. Please see response to comment 007.20.</p> <p>Decision ID 139091 for toxicity was the only listing recommendation made this cycle for Camarillo Hills Drain and it has been removed.</p> <p>The waterbody Camarillo Hills Drain is not being removed from the Integrated Report at this time. While not identified by name in the Los Angeles Region Basin Plan, the drain is appropriately included in the 2024 California Integrated Report. The Basin Plan states that, “[t]hose waters not specifically listed (generally smaller tributaries) are designated with the same beneficial uses as the streams, lakes, or reservoirs to which they are tributary. This is commonly referred to as the ‘tributary rule.’” (Basin Plan Chapter 2, pg. 2-10, <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf</a>). If data from stations characteristic of surface water are received for this waterbody, the data will be assessed in a future cycle.</p> <p>An MS4 is defined in the federal regulations as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a permittee, and designed or used for collecting or conveying runoff. Natural drainages and urban streams are frequently modified and used by municipalities to collect and convey runoff away from development within their jurisdiction. The Water</p>



No.	Comment	Response
		<p>Boards consider many altered natural drainages that are used to convey runoff to be both part of the MS4 and as receiving waters. (See, e.g., Natural Resources Defense Council, Inc. v. County of Los Angeles (9th Cir. 2013) 725 F.3d 1194, 1200, fn. 12.)</p> <p>The Army Corps of Engineers has determined that Camarillo Hills Drain is a water of the United States through its issuance of section 404 permits. As examples, see CWA Section 404 Nationwide Permit Nos. 3, 31, 33 (Permit No. 2005-1903-MWV) and Nationwide Permit No. 39 (Permit No. 2016-0016-AJS) for Camarillo Hills Drain. Therefore, assessing the channels (as well as other waters having characteristics similar to these channels) pursuant to CWA section 303(d) appears to be appropriate.</p>
007.76	<p>Requested Action:</p> <p>Remove all listings shown in Table 1 that were based on Ag monitoring data from agricultural land use sites and agricultural drains not representative of the listed waterbody and evaluate remaining listings to ensure no other listings are based on agricultural drain monitoring rather than receiving water monitoring.</p>	<p>The decisions referenced in commentor's Table 1 are addressed in responses to comments 007.009 through 007.069.</p>
007.77	<p>Remove the La Vista Drain assessments from all categories in the Integrated Report as it is an agricultural drain and not a waterbody.</p>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comment 007.44 for discussion on La Vista Drain.</p>

No.	Comment	Response
007.78	Remove the Santa Clara Drain assessments from all categories in the Integrated Report as it is an agricultural drain and not a waterbody.	Changes to listing recommendations were not made in response to this comment. Please see response to comment 007.74 for discussion on Santa Clara Drain.
007.79	Remove all assessments for Camarillo Hills Drain from all categories as it is not a waterbody and was listed using stormwater outfall data.	Changes to listing recommendations were made in response to this comment. Please see response to comment 007.20 regarding Decision ID 139091 for Camarillo Hills Drain using data from site MO-CAM. Please see response to comment 007.75 for a discussion of assessing Camarillo Hills Drain.
007.80	<p>Comment 2. Remove listings or specific lines of evidence based on data not located in the Calleguas Creek Watershed</p> <p>The listing for selenium in Calleguas Creek Reach 6 is based on data from a site that is located in the Santa Clara River Watershed, site 408BA0660 (Santa Clara Watershed Unknown River Random Site 660). This listing should be removed.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 007.23.</p>
007.81	Furthermore, lines of evidence referencing Site 408BA0660 should be revised or removed to improve accuracy of listing evidence for each waterbody. For Pesticide listings in Calleguas Creek Reach 6, specifically Bifenthrin, Cyfluthrin, Cypermethrin, Permethrin, Pyrethroids, and DDT, numerous lines of evidence cite no samples and no exceedances from Site 408BA0660, and these lines of evidence should be removed from their respective listings. The Calleguas Creek Reach 6 Nitrogen, Nitrate listing includes two lines of evidence from Site 408BA0660, and this listing should be	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>For a discussion of the appropriateness of assessing data from Site 408BA0660, please see response to comment 007.23.</p> <p>The LOEs using data from Santa Clara Watershed Unknown River Random Site 580 ("408BA0580") are associated with data file ref3800. This data file lists the</p>

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	revised to remove these lines of evidence. Lastly, Aluminum and Fenpropathrin listings from La Vista Drain (Ventura County; addressed as an agricultural drain in Comment #1) include lines of evidence for zero exceedances from Site 408BA0580 (Santa Clara Watershed Unknown River Random Site 580).	geographic coordinates of Site 408BA0580 as 34.26651312, -119.092952. This places the station on La Vista Drain (Ventura County). Data from this station are being used to assess the correct waterbody.
007.82	Requested Action:  Remove the selenium listing Calleguas Creek Reach 6.	Changes to listing recommendations were not made in response to this comment.  See response to comment 007.23.
007.83	Revise or remove any lines of evidence for Calleguas Creek Reach 6 or La Vista Drain (Ventura County) listings based on Site 408BA0660 or Site 408BA0580.	Changes to listing recommendations were not made in response to this comment.  For a discussion of the appropriateness of assessing data from Site 408BA0660, please see response to comment 007.23.  Ref3800, the data file associated with some listing recommendations in La Vista Drain (Ventura County), gives the latitude and longitude of Site 408BA0580 as 34.26651312, -119.092952. This station is located on La Vista Drain.
007.84	Comment 3. Remove listings with insufficient exceedances to meet the Listing Policy  Selenium is proposed as a new listing for Calleguas Creek Reach 12 based on 2 exceedances of the Total Selenium CTR criteria and 1 exceedance of the dissolved criteria.	Changes to listing recommendations were made in response to this comment.  The selenium decision for Calleguas Creek Reach 12 (North Fork Arroyo Conejo) (Decision ID 137379) has

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	<p>However, both of the exceedances of the Total Selenium criteria occurred on the same day at the same site and selenium does not have an applicable dissolved criterion. Additionally, all of the samples that exceeded were collected by the Southern California Monitoring Coalition at a randomly selected monitoring location for which it is challenging to determine if the site has been assigned to the appropriate waterbody. Finally, the most recent data were collected in 2014.</p>	<p>been revised from "List" to "Do Not List." Please see response to comment 007.24 for more detail.</p>
007.85	<p>The Hill Canyon Wastewater Treatment Plant has been collecting selenium data at two monitoring locations in Calleguas Creek Reach 12 for almost 20 years and no exceedances of selenium have ever been observed, as shown in the Fact Sheet. The randomly selected monitoring location exceedances are inconsistent with a large amount of ongoing monitoring data that demonstrate no impairment. As a result, the selenium listing for Calleguas Creek Reach 12 should be removed based on insufficient exceedances and the samples exceeding the objective should be evaluated to determine if they are actually located in Calleguas Creek Reach 12.</p>	<p>See response to 007.84. The selenium decision for Calleguas Creek Reach 12 (North Fork Arroyo Conejo) (Decision ID 137379) has been revised from "List" to "Do Not List."</p>
007.86	<p>Requested Action:  Remove the selenium listing for Calleguas Creek Reach 12 based on an insufficient number of exceedances.</p>	<p>Please see response to 007.84. The selenium decision for Calleguas Creek Reach 12 (North Fork Arroyo Conejo) (Decision ID 137379) has been revised from "List" to "Do Not List."</p>
007.87	<p>Evaluate if 408BA0036 (North Fork Arroyo Conejo Random Site 36) is actually located in Reach 12.</p>	<p>The Waterbody Fact Sheet provides the name of the station in question as "408BA0036 (North Fork Arroyo Conejo Random Site 36)." The geographic coordinates of</p>

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		this station are 34.215, -118.879 using the NAD83 datum. This is located on Calleguas Creek Reach 12.
007.88	<p>Comment 4. Remove Ammonia listings in Reach 9A and 12 that are based on the wrong objective</p> <p>Ammonia was listed in Reaches 9A and 12 based on a comparison of the data to the 2013 USEPA recommended ammonia criteria. However, the Los Angeles Basin Plan includes a water quality objective for ammonia. The Basin Plan water quality objective is the currently applicable evaluation threshold for those waterbodies and should be used for the integrated report assessment. Previous lines of evidence in the Fact Sheet using the Basin Plan objective demonstrate no exceedances of the objective so we request that these listings be removed.</p> <p>Requested Action:</p> <p>Remove the ammonia listings for Calleguas Creek Reach 9A and 12 based on the incorrect use of the 2013 USEPA recommended ammonia criteria as the evaluation guideline rather than the Los Angeles Basin Plan ammonia objective.</p>	Changes to listing recommendations were made in response to this comment. Please see responses to comments 007.26 and 007.25 for the listing recommendations for ammonia in Calleguas Creek Reach 9A and Calleguas Creek Reach 12, respectively.
007.89	<p>Comment 5. Remove pesticides listings based on USEPA Office of Pesticide Program (OPP) Evaluation Guidelines</p> <p>Several new pesticides were listed based on guidelines established by the USEPA OPP for use in screening pesticides during the registration process. OPP benchmarks are not appropriate for use as evaluation guidelines to determine impairments. OPP benchmarks are not developed</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Section 6.1.3 of the Listing Policy states that “narrative water quality objectives shall be evaluated using evaluation guidelines” and provides requirements for selection of numeric evaluation guidelines. The requirements specify that the evaluation guidelines must</p>

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	<p>by EPA as actionable thresholds, as they are not water quality objectives and are intended by EPA to be used for screening purposes only.<sup>1</sup> Impairment listings should not be based solely on OPP benchmarks.</p> <p>OPP evaluation guidelines were used for the following pesticides and all listings for these pesticides should be removed:</p> <ul style="list-style-type: none"> <li>• Deltamethrin</li> <li>• Dichlorvos</li> <li>• Fenpropathrin</li> <li>• Fenthion</li> <li>• Naled</li> </ul> <p>Requested Action:</p> <p>Remove all listings based solely on USEPA OPP evaluation guidelines (deltamethrin, dichlorvos, fenpropathrin, fenthion, and naled) for the reaches shown in Table 1.</p> <p>Footnote 1: <a href="https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-and-ecological-risk#relationship">https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-and-ecological-risk#relationship</a></p>	<p>be applicable and protective of the beneficial use, linked to the pollutant under consideration, scientifically based and peer reviewed, well described, and identify a range above which impacts occur and below which no or few impacts are predicted. The Office of Pesticide Programs aquatic life benchmarks meet Listing Policy requirements and are appropriate to use as evaluation guidelines to interpret the narrative objective for determination of impairment. Aquatic life benchmarks are based on toxicity values from scientific studies reviewed by the U.S. EPA and a risk assessment process for pesticides. Aquatic life benchmarks are an estimate of a pesticide concentration below which there is not expected to be a risk of concern to aquatic life. Chronic and acute benchmarks were available for nonvascular and vascular plants, invertebrates, and fish. The lowest of available thresholds for a pesticide was selected as the threshold for assessment of pesticide data.</p>
007.90	<p>Comment 6. Remove Turbidity listing in Calleguas Creek Reach 3 based on use of inapplicable evaluation guideline</p> <p>In Calleguas Creek Reach 3, turbidity was listed based on an evaluation threshold from a study of impacts of turbidity on large mouth bass. The applicability of this study to Calleguas Creek Reach 3 has not been demonstrated by a finding that large mouth bass are present in this reach. Evaluation</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.34 regarding the threshold for turbidity.</p>

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	<p>thresholds based on studies specific to one species should not be generally applied in the 303(d) listing process.</p> <p>If this listing is not removed, it should be recharacterized as Category 5B as it is addressed by the Calleguas Creek Sediment TMDL (See Comment #17)</p> <p>Requested Action:</p> <p>Remove turbidity listing in Calleguas Creek Reach 3</p>	<p>Please see response to comment 007.142 for a discussion of recharacterizing this listing recommendation as being addressed by a TMDL.</p>
007.91	<p>Comment 7. Remove pyrethroid listings based on total data and incorrect evaluation guideline</p> <p>The majority of reaches in the Calleguas Creek Watershed have new proposed listings for one or more pyrethroid pesticides. Our understanding is that the listings are based on threshold values that were developed for the Central Valley Pyrethroid TMDL, however we could not confirm the basis for the thresholds due to broken links in the Fact Sheet to the criteria reference documents. Using the assumption that the assessment guidelines used for the evaluation were these threshold values, the Stakeholders have two concerns with the proposed listings.</p> <p>The Central Valley Pyrethroid TMDL developed trigger values that are specifically not considered water quality objectives until further evaluation and study are performed including the Pyrethroid Research Plan and the outcomes from management programs developed in the TMDL. Using these thresholds as a statewide evaluation criterion is inappropriate</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.1 for Selection and Use of Pyrethroids in Water Threshold. Additionally, see principal response 3.3 for Quantitative Analyses and Methodologies regarding links to reference documents in the Waterbody Fact Sheets.</p>

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	until the studies have been completed and the threshold values assessed.	
007.92	<p>The Central Valley Pyrethroid TMDL trigger values were developed to consider the bioavailable fraction associated with particulate organic carbon (POC) and dissolved organic carbon (DOC). In reviewing the data used for the listings in the Calleguas Creek Watershed, it appears that all of the listings were based on total concentrations. The Fact Sheets do not discuss any adjustments being made to identify the bioavailable fraction by adjusting for POC and DOC. Instead, the Fact Sheets note that if dissolved or bioavailable concentrations were not available, the total fraction was compared to the trigger values. The Stakeholders have conducted several studies on metals demonstrating reduced toxicity of metals due to site-specific conditions, including DOC concentrations, that have resulted in the removal of impairments. They have also demonstrated that the bioavailable fraction of metals and selenium can vary significantly from the total concentrations. As a result, assessing the total pyrethroid concentrations against thresholds that are designated as being the dissolved or bioavailable fraction is inappropriate.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.93	<p>The Stakeholders request that all new pyrethroid listings be reassessed based on the comments above. If after the reassessment, any pyrethroid listings remain, the Stakeholders request that they be included in Category 5B as they are already being addressed by the Toxicity TMDL in the watershed (see Comment #18).</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comments 007.91, 007.92, and 007.143.</p>



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007.94	<p>Finally, the Stakeholders request that the Staff Report and adopting resolution for the Integrated Report discuss the upcoming Urban Pesticides Amendments and note that no new TMDLs to address the pyrethroid listings will be developed until the Urban Pesticides Amendments become effective. At that point, the waterbodies will be reassessed to determine if any should be categorized in Category 4b as being addressed by a program other than a TMDL. Like the Trash Amendments, it is anticipated that the Urban Pesticides Amendments may contain a statewide approach for addressing pesticides that would be sufficient to serve as an alternative to a TMDL for waterbodies impacted by urban sources of pesticides. Developing TMDLs prior to the Urban Pesticides Amendment could create challenges for implementing coordinated monitoring programs and implementation actions at the Statewide level that are necessary to fully address pesticide impairments due to the limited authority local agencies have to restrict pesticide use in their communities.</p>	<p>See principal response 2.3 for Statewide Urban Pesticides Provisions Project discussion.</p>
007.95	<p>Remove all pyrethroid listings in the Calleguas Creek watershed that are based on the evaluation of the total fraction if compared to a dissolved/bioavailable threshold value unless the results are adjusted for POC and DOC.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
007.96	<p>For any pyrethroid listings that remain, categorize them in Category 5B as they are addressed by the Calleguas Creek Watershed Toxicity TMDL.</p>	<p>See response to comment 007.143.</p>

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007.97	Include language in the Staff Report and the Adopting Resolution that no new pesticide TMDLs will be developed until after the Urban Pesticide Amendments are adopted.	See principal response 2.3 for Statewide Urban Pesticides Provisions Project discussion.
007.98	Based on a review of the proposed Category 5 waterbody-pollutant combinations, the Stakeholders have identified a number of waterbodies that we feel should be reassessed based on a review of the available data or errors in the evaluation. The requested modifications are shown in Table 2, below, with a rationale for the requested reassessment. A detailed discussion of each of the justifications follows the table.	See responses to comments 007.99 through 007.132.
007.99	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p> <p>Comment #: 13</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Section 6.1.3 of the Listing Policy states that “narrative water quality objectives shall be evaluated using evaluation guidelines” and provides requirements for selection of numeric evaluation guidelines. The requirements specify that the evaluation guidelines must be applicable and protective of the beneficial use, linked to the pollutant under consideration, scientifically based and peer reviewed, well described, and identify a range above which impacts occur and below which no or few impacts are predicted. The water quality criteria for the protection of aquatic life developed at UC Davis meet Listing Policy requirements and are appropriate to use as evaluation guidelines to interpret the narrative objective for determination of impairment.</p>

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		<p>However, the data used to develop the Malathion listing recommendation for Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136625) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, data from LOE ID 263251 were removed from the decision for Malathion in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek). As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
007.100	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Endosulfan sulfate</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data assessed in LOE ID 261178 for Endosulfan sulfate in Calleguas Creek Reach 3 were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. As a result, LOE ID 261178 has been removed and as there are no other LOEs in the decision, the listing recommendation has been deleted. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p> <p>Please see response to comment 040.131 for a discussion of data quantification issues, including why</p>

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		non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.
007.101	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Heptachlor</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data assessed in LOE ID 261972 for Heptachlor in Calleguas Creek Reach 3 were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. As a result, LOE ID 261972 has been removed and as there are no other LOEs in the decision, the listing recommendation has been deleted. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p> <p>Please see response to comment 040.131 for a discussion of data quantification issues, including why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
007.102	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Heptachlor epoxide</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data assessed in LOE ID 261962 for Heptachlor epoxide in Calleguas Creek Reach 3 were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. As a result, LOE ID 261962 has been removed and as there are no other LOEs in the decision, the listing</p>

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		<p>recommendation has been deleted. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p> <p>Please see response to comment 040.131 for a discussion of data quantification issues, including why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
007.103	<p>Waterbody: Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek)</p> <p>Pollutant: Oil and Grease</p> <p>Rationale for Removal: Datafile does not match information in the Fact Sheet.</p> <p>Comment #: 14</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the listing recommendation was revised to account for the inappropriate inclusion of unquantified data as quantified data. Please see response to comment 007.139 for more details.</p>
007.104	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: DDT</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>All LOEs from 2024, LOE IDs 259811, 259918, 259760, 259757, 259948, and 259812, contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p>

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		Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.
007.105	<p>Waterbody: Calleguas Creek Reach 6 (Conejo Creek to Hitch Rd.)</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>All LOEs from 2024, LOE IDs 267938, 267918, 267673, 267703, 267750, and 267899, contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
007.106	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Chlordane</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Reassess using non-detected data</li> <li>• Remove lines of evidence based on MUN beneficial use that is not applicable to this waterbody.</li> </ul>	<p>Changes to the Waterbody Fact Sheet were made in response to this comment but the listing recommendation has not changed.</p> <p>The Waterbody Fact Sheet was updated to reflect the removal of LOEs based on the MUN beneficial use, which was inappropriately applied to this waterbody. LOE IDs 267796, 267510, 255866, and 255842 for MUN have been removed from the decision. Please see response to comment 007.134 for a discussion of assessing</p>

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	<p>Comment #: 9, 11</p>	<p>waterbodies conditionally designated with the MUN beneficial use.</p> <p>Data assessed in LOE IDs 255841 and 255892 were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. As a result, LOE IDs 255841 and 255892 from 2024 have been removed. Please see response to comment 040.131 for a discussion of data quantification issues, including use of non-detected data. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p> <p>Of the remaining three LOEs, LOE ID 267817 assesses Chlordane water column data for the protection of Warm Freshwater Habitat beneficial use and has two exceedances out of two samples, which exceeds the allowable frequency listed in Table 3.1 of the Listing Policy.</p>
007.107	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: DDD</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Reassess using non-detected data</li> <li>• Remove lines of evidence based on MUN beneficial use that is not applicable to this waterbody.</li> </ul> <p>Comment #: 9, 11</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>LOE IDs 254297, 253977, 259674, and 259691 for the MUN beneficial use have been removed. Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use. LOE ID 83451 assesses DDD data for the protection of Warm Freshwater Habitat beneficial use, was originally written for the 2016 Integrated Report, is not subject to errors with non-detected data, and indicates no impairment. Therefore, the listing</p>

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		recommendation (Decision ID 149485) has been revised from “List” to “Do Not List.”
007.108	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: DDE</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Reassess using non-detected data</li> <li>• Remove lines of evidence based on MUN beneficial use that is not applicable to this waterbody.</li> </ul> <p>Comment #: 9, 11</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>LOE IDs 254001, 254002, 259728, and 259508 for the MUN beneficial use have been removed. Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p> <p>Please see response to comment 040.131 for information on why non-detect data in the remaining LOE (LOE ID 83452) are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>The listing recommendation has been revised from “List” to “Do Not List.”</p>
007.109	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: DDT</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Reassess using non-detected data</li> <li>• Remove lines of evidence based on MUN beneficial use that is not applicable to this waterbody.</li> </ul> <p>Comment #: 9, 11</p>	<p>Changes to listing recommendations were not made in response to this comment. The listing recommendation remains “List.” However, the Waterbody Fact Sheet was revised.</p> <p>LOE IDs 259814, 259853, 254190, 254144 for the MUN beneficial use have been removed. Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>



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		<p>The remaining five LOEs all assessed support of the Warm Freshwater Habitat beneficial use. Of these, four LOEs (LOE IDs 259815, 259872, 254120, and 254093) contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5. The last of the five LOEs, LOE ID 259872, has seven exceedances out of seven samples, which exceeds the allowable frequency listed in Table 3.1 of the Listing Policy.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
007.110	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Reassess using non-detected data</li> <li>• Remove lines of evidence based on MUN beneficial use that is not applicable to this waterbody.</li> </ul> <p>Comment #: 9, 11</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 267885, 267825, 255739, and 255738, have been deleted.</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p> <p>Data assessed in LOE IDs 255742 and 256165 for Toxaphene in Calleguas Creek Reach 7 were part of a data set containing unquantified data that were</p>

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		<p>mistakenly evaluated as quantified data during assessment. Therefore, these LOEs were removed from the decision. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p> <p>LOE IDs 267709 and 267886 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>The LOEs remaining in the decision show one exceedance out of one sample. The Final Use Rating has been revised to “Insufficient Information” and the listing recommendation has been revised from “List” to “Do Not List.”</p>
007.111	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Bis(2ethylhexyl) phthalate (DEHP)</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 253752 and 253753, have been deleted. As there were no other LOEs associated with the decision, the listing recommendation has also been removed.</p>

No.	Comment	Response
		Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.
007.112	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Chlorodibromomethane</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 254614, 254610, and 254615, have been deleted. As there were no other LOEs associated with the decision, the listing recommendation has also been removed.</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
007.113	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Dichlorobromomethane</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 253801 and 253779, have been deleted. As there were no other LOEs associated with the decision, the listing recommendation has also been removed.</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>

No.	Comment	Response
007.114	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Specific Conductivity</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 255833 and 255834, have been deleted. As there were no other LOEs associated with the decision, the listing recommendation has also been removed.</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
007.115	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Copper</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Reassess using available hardness data rather than default hardness</li> <li>• Remove lines of evidence based on MUN beneficial use that is not applicable to this waterbody.</li> </ul> <p>Comment #: 9, 10</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the Waterbody Fact Sheet was revised.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 254181 and 254288, have been deleted. The LOEs remaining in the decision are for the protection of Warm Freshwater Habitat beneficial use (“WARM”) (LOE IDs 254199 and 254247), and collectively have 14 exceedances out of 107 samples, which exceeds the allowable frequency listed in Table 3.1 of the Listing Policy. This supports that the listing recommendation of “List” for Copper in Calleguas Creek Reach 7 (Arroyo Simi). Please see response to comment 007.134 for a</p>

No.	Comment	Response
		<p>discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p> <p>Additionally, site-specific hardness data reported as “Total Hardness (calc)” are available for this waterbody. Please see response to comment 022.05 for discussion on hardness data not reported as “Hardness as CaCO3.”</p>
007.116	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Iron</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the Waterbody Fact Sheet was revised.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 254804 and 254910, have been deleted. The remaining LOEs associated with the Warm Freshwater Habitat beneficial use still show an impairment, and the listing recommendation remains “List.”</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
007.117	<p>Waterbody: Calleguas Creek Reach 7 (Arroyo Simi)</p> <p>Pollutant: Selenium</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the Waterbody Fact Sheet was revised.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOEs for MUN, LOE IDs 255806 and 255613, have been deleted. The remaining</p>

No.	Comment	Response
		<p>LOEs associated with the Warm Freshwater Habitat beneficial use still show an impairment, and the listing recommendation remains "List."</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
007.118	<p>Waterbody: Calleguas Creek Reach 9A (Conejo Creek: Calleguas Creek Reach 3 to Camrosa Diversion)</p> <p>Pollutant: Arsenic</p> <p>Rationale for Removal: Error in units in datafile likely resulted in the exceedances</p> <p>Comment #: 15</p>	Please see response to comment 007.140.
007.119	<p>Waterbody: Calleguas Creek Reach 9A (Conejo Creek: Calleguas Creek Reach 3 to Camrosa Diversion)</p> <p>Pollutant: Oxygen, Dissolved</p> <p>Rationale for Removal: Supporting datafile needs review for potential errors</p> <p>Comment #: 16</p>	Please see response to comment 007.141.
007.120	<p>Waterbody: Calleguas Creek Reach 9A (Conejo Creek: Calleguas Creek Reach 3 to Camrosa Diversion)</p>	Please see response to comment 007.141.

No.	Comment	Response
	<p>Pollutant: pH</p> <p>Rationale for Removal: Supporting datafile needs review for potential errors</p> <p>Comment #: 16</p>	
007.121	<p>Waterbody: Calleguas Creek Reach 12 (North Fork Arroyo Conejo)</p> <p>Pollutant: Temperature, water</p> <p>Rationale for Removal: Reassess using appropriate evaluation threshold for beneficial uses in the reach</p> <p>Comment #: 12</p>	Please see response to comment 007.137.
007.122	<p>Waterbody: Calleguas Creek Reach 10 (Arroyo Conejo: Conejo Creek to North Fork Arroyo Conejo)</p> <p>Pollutant: DDT</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>LOE IDs 259871 and 259909 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>

No.	Comment	Response
007.123	<p>Waterbody: Calleguas Creek Reach 13 (Arroyo Conejo above North Fork Arroyo Conejo)</p> <p>Pollutant: DDT</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>LOE IDs 259778, 259936, 259795, and 259920 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
007.124	<p>Waterbody: Rio De Santa Clara/Oxnard Drain No. 4</p> <p>Pollutant: Chlordane</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>LOE IDs 267531 and 267629 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>



No.	Comment	Response
007.125	<p>Waterbody: Rio De Santa Clara/Oxnard Drain No. 4</p> <p>Pollutant: DDT</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>LOE IDs 259917 and 259763 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
007.126	<p>Waterbody: Rio De Santa Clara/Oxnard Drain No. 4</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>LOE IDs 267882 and 267824 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>

No.	Comment	Response
007.127	<p>Waterbody: Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 6</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p> <p>Comment #: 13</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.99.</p>
007.128	<p>Waterbody: Fox Barranca (tributary to Calleguas Creek Reach 6)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p> <p>Comment #: 13</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.99.</p>
007.129	<p>Waterbody: Fox Barranca (tributary to Calleguas Creek Reach 6)</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>LOE IDs 267879, 267805, 267943, and 267788 contained data that were not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total</p>

No.	Comment	Response
		sample count when the quantitation limits are greater than evaluation guideline concentrations.
007.130	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p> <p>Comment #: 13</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.99.</p>
007.131	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Copper</p> <p>Rationale for Removal: Reassess using available hardness data rather than default hardness</p> <p>Comment #: 10</p>	<p>Changes to listing recommendations were not made in response to this comment. Site-specific hardness data were used to formulate the hardness adjusted copper criteria. Please see response to comment 007.135 for a discussion of using available hardness data in assessing copper and other metals.</p>
007.132	<p>Waterbody: Honda Barranca</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 11</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>LOE ID 267939 contained data that was not included in the assessment because the laboratory data quantitation limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total</p>

No.	Comment	Response
		sample count when the quantitation limits are greater than evaluation guideline concentrations.
007.133	<p>Comment 8. Include missing data from the TMDL monitoring program and reassess all listings in the Calleguas Creek Watershed</p> <p>The Stakeholders reviewed the reference dataset ref5173 that contains the data the Calleguas Creek Stakeholders submitted to the California Environmental Data Exchange Network (CEDEN). Based on our records, the included range of dates in the datafile is missing two years of monitoring data that were submitted prior to the October 16, 2020 deadline for data submittals. The Stakeholders request that data from August 2008 through October of 2010 be included in the assessment of all listings in the Calleguas Creek Watershed.</p> <p>Additionally, multiple sites in Calleguas Creek Reach 1, Reach 2, Reach 3, Reach 4, Reach 5, Reach 9A, and Reach 9B are not included in the dataset associated with the Fact Sheets. The Stakeholders have confirmed that all of the missing data identified in this comment are in CEDEN and these data files can be provided if needed. The Stakeholders are confident that if these data were included in the assessment, additional delistings would be identified. This assumption is confirmed by the numerous delistings that were identified this year in the reaches where TMDL data were used in the assessment, in addition to the assessment conducted by the Stakeholders in 2013 that was submitted with our comments on the 2016/2018 Integrated Report.</p> <p>The Stakeholders raised concerns about the continued exclusion of TMDL data from both the 2016/2018 and current</p>	<p>Changes to listing recommendations were not made in response to this comment. Additionally, commenter's efforts to collect and submit data for use in the California Integrated Report are appreciated. Water Board staff is working to evaluate data from 2008 to 2010 that were not included when assembling data from CEDEN to determine if they meet formatting and quality assurance requirements. If they do, these data will be treated as a high priority dataset and will be used for off-cycle assessments for the Calleguas Creek watershed.</p> <p>Upon reviewing data for the Calleguas Creek watershed that are currently available in the CEDEN, more than half of the data submitted by the Calleguas Creek TMDL Work Plan Monitoring Project could not be used in assessments because the data did not have an entry in the analyte results field. Additionally, many records are not representative of ambient surface water conditions (e.g., effluent) and cannot be used in integrated report assessments. TMDL monitoring data collected between 2008 to 2010 and submitted to CEDEN by the Stakeholders Implementing TMDLs in the Calleguas Creek Watershed ("Stakeholders") do not appear to have been evaluated in a past integrated report and were not evaluated for the 2024 Integrated Report.</p> <p>In a comment letter in response to the 2016 Draft California Integrated Report, the Stakeholders indicated that they assumed that data provided electronically and in annual reports to the Los Angeles Regional Board would</p>

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	<p>listing cycles. This will be the second listing cycle in which the extensive data collected under the TMDL monitoring program has not been assessed during the integrated reporting cycle despite being provided by the Stakeholders. The Stakeholders have been diligently working to implement the TMDLs and the result has been attainment of many of the TMDL requirements in the watershed by the final compliance date of the TMDL. It is very important that the 303(d) list accurately represent the status of waterbody impairments and reflect the successes that have been achieved through the hard work of dischargers.</p> <p>Once the complete dataset has been compiled, the Stakeholders request that at a minimum, the following constituents be evaluated for potential delistings:</p> <ul style="list-style-type: none"> <li>• Ammonia</li> <li>• Chem A</li> <li>• Chlordane</li> <li>• Chlorpyrifos</li> <li>• Copper</li> <li>• DDD</li> <li>• DDE</li> <li>• DDT</li> <li>• Total DDTs</li> <li>• Diazinon</li> <li>• Dieldrin</li> <li>• Endosulfan</li> <li>• Endosulfan Sulfate</li> <li>• Heptachlor</li> <li>• Heptachlor Epoxide</li> <li>• Lindane</li> </ul>	<p>be considered readily available data for integrated report evaluations per the Listing Policy (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2014/CCWMP_lucia_mcgovern_INDEXED.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2014/CCWMP_lucia_mcgovern_INDEXED.pdf</a>). During the 2014-2016 California Integrated Report, when the Los Angeles Regional Board was last on cycle, the <a href="#">Notice of Public Solicitation</a> for that cycle notified data providers that their data and information, in an electronic format, should be mailed to Jeffrey Shu at the State Water Board, and must be received no later than 5:00 p.m., June 30, 2010 (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/data_solicitation_ir2012v2.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/data_solicitation_ir2012v2.pdf</a>). If the TMDL monitoring data were submitted to CEDEN or to the Los Angeles Regional Board during the solicitation period for the 2014-2016 California Integrated Report, they would not have been considered for assessment.</p> <p>If these data were submitted to CEDEN after the submission deadline for the 2014-2016 California Integrated Report, which was August 30, 2010, they were not considered for the 2024 California Integrated Report. In order to prevent the creation of LOEs duplicative of data already assessed in a previous cycle, only data collected on or after September 1, 2010, were selected to create new LOEs for the 2024 California Integrated Report. As a result, the Calleguas Creek TMDL monitoring data collected from 2008 to 2010 were not retrieved for assessment in the 2024 California Integrated Report.</p> <p>The Stakeholders' data will be examined to determine if they meet the formatting and quality assurance</p>

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	<ul style="list-style-type: none"> <li>• Mercury</li> <li>• Nickel</li> <li>• All Nitrogen compounds</li> <li>• PCBs</li> <li>• Toxaphene</li> </ul> <p>Requested Action:</p> <p>Reassess all Calleguas Creek waterbodies using all available data.</p>	<p>requirements detailed in section 6.1.4 of the Listing Policy. If they do, these data will be treated as a high priority dataset and will be used for off-cycle assessments for the Calleguas Creek watershed.</p> <p>Additionally, please see principal responses 3.1 Readily Available Data Requirements and 3.2 Data Not Used for Assessments.</p>
007.134	<p>Comment 9. Reassess pollutant listings based on the California Toxics Rule objectives for the protection of human health from the consumption of water and organisms where the MUN beneficial use does not apply</p> <p>Numerous listings were made using water quality objectives for the protection of human health from the consumption of water and organisms and at least one listing is based on the secondary maximum contaminant level in Reach 7 of the Calleguas Creek Watershed. However, Reach 7 is designated for the municipal beneficial use with an asterisk (P* and I*) in the Basin Plan. The asterisked MUN beneficial use should not be used to propose new 303(d) listings. Fact Sheets for previous 303(d) listing cycles have clearly noted that the asterisked MUN beneficial uses should not be used for 303(d) listing purposes. Instead, these listings should be reassessed using the water quality objectives for the protection of human health from the consumption of organisms only.</p> <p>State Board Resolution No. 88-63 (Sources of Drinking Water) and Regional Board Resolution 89-03 (Incorporation of Sources of Drinking Water Policy into the Water Quality</p>	<p>Changes were made to listing recommendations in response to this comment. For the 2024 California Integrated Report, the listing recommendations were revised to omit decisions based on water quality objectives specific to the MUN beneficial use that is designated in the basin plan with a corresponding asterisk. In a future listing cycle, the Water Boards commit to evaluating data where MUN is not designated, yet there is sufficient information to demonstrate that the beneficial use is occurring and appears to be an existing beneficial use and recommend waters to be listed as impaired when levels exceed thresholds.</p> <p>Commenter correctly notes that in approving the Los Angeles Regional Water Board’s 1994 amendments to its Basin Plan, U.S. EPA did not approve the Regional Water Board’s identification of waterbodies designated with an asterisk (“*”) as having the MUN beneficial use. U.S. EPA’s approval letter explains that the implementation language on page 2-4 of the Basin Plan demonstrated that the Regional Water Board intended only to</p>

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	<p>Control Plans (Basin Plans)), state that "All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic waters supply and should be so designated by Regional Boards... [with certain exceptions which must be adopted by the Regional Board]."</p> <p>The Regional Board adopted a Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 4, 1994, that included provisions to implement State Water Board Resolution 88-63. On May 26, 2000, the USEPA approved the revised Basin Plan except for the implementation plan for potential MUN-designated water bodies. On August 22, 2000, the City of Los Angeles, City of Burbank, City of Simi Valley, and the County Sanitation Districts of Los Angeles County challenged USEPA's water quality standards action in the U.S. District Court. On December 18, 2001, the court issued an order remanding the matter to USEPA to take further action on the 1994 Basin Plan consistent with the court's decision. On February 15, 2002, USEPA revised its decision and approved the 1994 Basin Plan in whole. In its February 15, 2002 letter, USEPA stated:</p> <p>"EPA bases its approval on the court's finding that the Regional Board's identification of waters with an asterisk ("*") in conjunction with the implementation language at page 2-4 of the 1994 Basin Plan, was intended "to only conditionally designate and not finally designate as MUN those water bodies identified by an ("*") for the MUN use in Table 2-1 of the Basin Plan, without further action." Court Order at p. 4. Thus, the waters identified with an ("*") in Table 2-1 do not have MUN as a designated use until such time as the State undertakes additional study and modifies its Basin Plan.</p>	<p>conditionally, not finally, designate as MUN those waterbodies identified by an "*" in Table 2-1 of the Basin Plan (Letter from Alexis Straus, U.S. EPA, Region IX, Director, Water Division to Celeste Cantu, State Water Board, Executive Director (Feb. 15, 2002), p. 1.)</p> <p>U.S. EPA continues, "Thus, the waters identified with an ("*") in Table 2-1 do not have MUN as a designated use until such time as the [Regional Water Board] undertakes additional study and modifies its Basin Plan. Because this conditional use designation has no legal effect, it does not constitute a new water quality standard subject to EPA review under section 303(c)(3) of the Clean Water Act 33 U.S.C. § 1313(c)." (Id., p. 2.)</p> <p>The Listing Policy provides guidance to evaluate data and information as compared to water quality objectives, beneficial uses, and antidegradation considerations (p.1). The federal antidegradation regulation provides that states must develop antidegradation policies which, in pertinent part, must maintain and protect existing uses. (40 CFR § 131.12(a)(1).) U.S. EPA defines an existing use as meeting two conditions: both the use has actually occurred and the water quality necessary to support the use has been attained on or after November 28, 1975. (80 Fed. Reg. 51020, 51207, col. 3 (interpreting § 131.3(e) (defining existing use).) However, states are not bound to U.S. EPA's interpretation of an existing use, and the Listing Policy does not provide a definition for an existing use. When evaluating an existing use for consideration of placement on the integrated report, consideration is only given as to whether the use is occurring (without any consideration of attainment of</p>



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	<p>Because this conditional use designation has no legal effect, it does not constitute a new water quality standard subject to EPA review under section 303(c)(3) of the Clean Water Act ("CWA'J. 33 U.S.C. § 1313(c)(3)."<sup>1</sup></p> <p>In addition to the above decision, the Basin Plan states that until the additional study is undertaken and the Basin Plan is modified "no new effluent limitations will be placed in Waste Discharge Requirements as a result of these designations". The Regional Board has also determined that water quality objectives applicable to the MUN beneficial use will not be used to assess impairments under the 303(d) listing programs. For constituents that only have objectives that are applicable to the MUN beneficial use, the decision Fact Sheets for the 303(d) listing process state that there are no applicable water quality objectives in waterbodies designated with an asterisk ("*"). In the 2010 listing cycle, a number of 303(d) listings were actually removed based on this determination. Below is an example of the language from a listing decision for Los Angeles River Reach 1:</p> <p>"The listing for aluminum in this water body was originally based on data assessed using the MCL for aluminum. Since MUN is a "potential" beneficial use, it is not appropriate to use the MCL to evaluate aluminum data from this reach. Thus, there is no aluminum objective for this reach and the original listing is faulty."</p> <p>Based on this evidence, it is clear that for waterbodies with a MUN designation that includes an asterisk ("*"), water quality objectives specific to the MUN beneficial use are not applicable. As such, water quality data collected in these</p>	<p>water quality necessary to support the use). For additional discussion, please refer to section 3.11 of the staff report.</p> <p>Therefore, the Water Boards intend to evaluate all readily available data against MUN-related thresholds following the approach below. Data from waterbodies with existing but non-designated MUN uses that are identified as E with an asterisk ("E*") would be evaluated to list using Listing Policy section 3.11 if there is sufficient evidence provided that MUN is occurring, and concentrations exceed thresholds. Where waterbodies with insufficient evidence that MUN is occurring, the waterbody would be placed in Category 1, 2, or 3, as appropriate.</p> <p>For the 2024 California Integrated Report, the evidence that MUN is occurring for waters identified in Table 2-1 of the Basin Plan with an E* was not evaluated to list using Listing Policy section 3.11. In a future listing cycle, the Water Boards commit to evaluating available evidence that MUN is occurring for the waterbodies that are identified with an asterisk. In the interim for the 2024 California Integrated Report, the listing recommendations were revised to omit decisions based on water quality objectives specific to the MUN beneficial use that is designated in the basin plan with a corresponding asterisk.</p> <p>A list of changes to LOEs, decisions, and listing recommendations due to removal of data assessed for the conditionally designated MUN beneficial use can be found in Appendix V: List of Los Angeles Regional Water</p>



No.	Comment	Response
	<p>receiving waters should not be compared to water quality objectives applicable to the MUN beneficial use.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Reassess the listings in Reach 7 for Bis(2ethylhexyl) phthalate (DEHP), Chlorodibromomethane, Dichlorobromomethane, Chlordane, DDD (Dichlorodiphenyldichloroethane), DDE (Dichlorodiphenyldichloroethylene), DDT (Dichlorodiphenyltrichloroethane), and Toxaphene based on the California Toxics Rule organisms only criteria.</li> <li>• Reassess the listing in Reach 7 for specific conductivity, DDD, and DDE using an evaluation guideline that is not based on the MUN beneficial use (i.e., not the secondary maximum contaminant level).</li> <li>• Confirm that no other listings or lines of evidence (as specified in Table 2) in the Calleguas Creek watershed are based on water quality objectives associated with the MUN beneficial use for waterbodies designated with a P* or I* in the Basin Plan.</li> </ul> <p>Footnote 1: <a href="https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-and-ecological-risk#relationship">https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-and-ecological-risk#relationship</a></p>	<p>Board Decisions Revised Due to Removal of Data Assessed for Incorrect Beneficial Use.</p>
007.135	<p>Comment 10. Reassess new copper listing in Reach 7 based on water quality objectives calculated using actual hardness data</p> <p>Calleguas Creek Reach 7 is proposed for listing for copper based on comparison of the data to water quality objectives</p>	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>The criteria for copper in freshwater come from the California Toxics Rule (“CTR”). According to the CTR, the freshwater aquatic life criteria for many metals are</p>

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	<p>calculated using the default hardness. Hardness data for this reach are available and are significantly higher than the default hardness of 100 mg/L and should be used for calculating the water quality objective. Copper data in Reach 7 have been repeatedly evaluated by both the Los Angeles Regional Water Quality Control Board and the Stakeholders as part of the Calleguas Creek Metals TMDL. Reach 7 has been repeatedly found to not be impaired for copper.</p> <p>The Stakeholders reviewed the supporting data file and it did not contain any dissolved data that could be compared to the CTR criteria for copper so it is unclear how the exceedances of the dissolved criteria in the Fact Sheet were determined without any data. Additionally, the range of hardness values included in the supporting dataset was from 348 mg/L to 1134 mg/L, with an average over 400 mg/L. If 400 mg/L is used as the hardness to calculate the objective, the copper objective would be 27.6 ug/L instead of 9 ug/L. As a result, the Stakeholders request that the copper listing be reassessed for Reach 7 as it is inconsistent with all previous assessments for the reach done by the Los Angeles Regional Water Board and the Stakeholders.</p> <p>The Stakeholders also request that the copper listing for Honda Barranca be reassessed using the available hardness data rather than the default hardness. Hardness data are included for each sampling event in the supporting data file.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>Reassess the listings in Reach 7 and Honda Barranca for copper using the CTR objective calculated using the available hardness data.</li> </ul>	<p>expressed as a function of hardness as calcium carbonate in the waterbody. The equations and values for adjusting the criteria using sample-specific hardness are provided in paragraph (b)(2) of the CTR. Values displayed in the table to paragraph (b)(1) of the CTR correspond to a hardness of 100 mg/L, which is the value used in assessment when no hardness data were provided.</p> <p>When laboratory results for hardness, reported as “Hardness as CaCO<sub>3</sub>,” are included with metal data, collected at the same location and on the same day as the metal data, the hardness values are used in calculating the criteria. When no hardness data meeting these requirements are available, a default hardness value of 100 mg/L is used, in keeping with the value used in the table in paragraph (b)(1) of the CTR.</p> <p>The Calleguas Creek Reach 7 hardness data were reported as “Total Hardness (calc)”, not as “Hardness as CaCO<sub>3</sub>,” and thus were not used to develop site specific hardness dependent CTR copper criteria. As a result, the default hardness value of 100 mg/L was used to develop the copper criteria. The integrated report’s automated data system currently only recognizes hardness data when it is reported as “Hardness as CaCO<sub>3</sub>” which is consistent with the notation required by CEDEN. The Calleguas Creek Reach 7 hardness data will be examined to determine if they meet the hardness type requirement (hardness as calcium carbonate) outlined in the CTR. If they do, these data will be used to develop hardness dependent metals criteria for off-cycle assessments or for a future listing cycle.</p>

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	<ul style="list-style-type: none"> <li>Only use dissolved data for the assessment as the dissolved criteria are the only applicable objectives in the CTR. If no dissolved data are available, then the assessment should not be done based on total data.</li> </ul>	<p>The assessment for copper in Honda Barranca used site specific hardness data to calculate the hardness adjusted copper criteria, not the default hardness value of 100 mg/L.</p> <p>Regarding total copper data, when only total copper data are available, total copper can be converted to dissolved copper using the corresponding conversion factor in Table 2 of paragraph (b)(2) of the CTR. In general, metal conversion factors are used to convert laboratory results for total metals to dissolved metals when dissolved data are required for comparison to criteria.</p> <p>Please see section 3.2.1.4 of the Staff Report for a discussion on how total metals are converted to dissolved metals when no dissolved metals data are available.</p>
007.136	<p>Comment 11. Reassess listings for organochlorine pesticides with detection limits above the water quality objectives.</p> <p>Multiple new listings for organochlorine pesticides were included on the 303(d) list in the Calleguas Creek Watershed. In reviewing the Fact Sheets for these listings, it appears that most of the non-detected data were excluded from the analysis due to the fact that the method detection limits were above the applicable water quality objectives. The result of this exclusion is that detected values are overweighted in the analysis and may drive an impairment listing when the vast majority of samples are not detected.</p> <p>While the Stakeholders understand the concern of considering non-detected data with reporting limits above the</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>

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	<p>water quality objectives, in this case, the Stakeholders request the approach be reevaluated. The water quality objectives for these constituents are below the technical capability of detection for all commercial laboratories. The Stakeholders utilize methods and laboratories that achieve the lowest possible method detection limits and reporting limits available. Using this approach to assessment effectively negates the majority of the data collected by the Stakeholders due to a situation outside of their control. Given the available laboratory limitations, the only method for Stakeholders to demonstrate the objectives are being attained is through non-detect data. It should also be noted that in several cases, although the reporting limit is above the water quality objective, the method detection limit was equal to the water quality objective and those non-detect data were also not considered in the analysis.</p> <p>This approach has the potential to artificially identify impairments. For example, in Calleguas Creek Reach 7 for toxaphene, 2 detected values were observed out of 53 samples, but is being listed based on a 100% exceedance frequency because the 51 non-detect samples were not considered in the analysis. If the non-detected samples were included, the waterbody would not be considered impaired.</p> <p>The Stakeholders request that the Water Board reassess the listings for organochlorine pesticides where non-detected data with reporting limits above the objectives were not considered.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Reassess the proposed new listings for DDD, DDE, DDT, Toxaphene, Chlordane, Endosulfan Sulfate,</li> </ul>	

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	<p>Heptachlor, and Heptachlor Epoxide in the Calleguas Creek Watershed based on consideration of non-detected data as meeting the objectives.</p>	
007.137	<p>Comment 12. Reassess the proposed temperature listing for Calleguas Creek Reach 12</p> <p>The temperature listing for Reach 12 is based on the use of an evaluation guideline of 13-21°C as the optimum growth range for rainbow trout for protection of the SPWN beneficial use. However, the rainbow trout growth range threshold used for the listing is only applicable to the COLD beneficial use.</p> <p>Additionally, the Fact Sheet for the listing identifies the Basin Plan objective used to evaluate the temperature data as: “The natural receiving water temperature of all regional waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.”</p> <p>The assessment did not demonstrate that the natural receiving water temperature had been altered. For this waterbody, data are available upstream and downstream of the discharge that can be used to evaluate if the temperature was altered. Additionally, the natural conditions in the reach need to be considered, including the amount of shading present at the two monitoring locations, prior to determining a temperature alteration has occurred. This assessment should be completed in lieu of using a threshold that does not apply based on the beneficial use designations of the reach.</p> <p>Requested Action:</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that the temperature evaluation guideline of 13-21°C designed for the protection of rainbow trout is used in assessing the Cold Freshwater Habitat (“COLD”) beneficial use. This evaluation guideline was originally from <i>Inland Fishes of California</i> (Moyle, 1976). The language has been updated to reflect the revised version of this book (Moyle, 2002). The updated evaluation guideline language for the COLD beneficial use in the Los Angeles region read as follows in COLD LOEs for temperature: “<i>Inland Fishes of California (Moyle 2002) identifies a temperature range below 21 degrees C as suitable for survival with minimum mortality (page 276).</i>”</p> <p>Calleguas Creek Reach 12 is not designated with the COLD beneficial use. At this time, there is no threshold for evaluating temperature for the Spawning, Reproduction, and/or Early Development (“SPWN”) beneficial use. LOE IDs 255816, 255793, and 267047) associated with the SPWN beneficial use have been removed from the decision and it has been reassessed. There are five LOEs remaining for the Warm Freshwater Habitat (“WARM”) beneficial use, with a total of 12 exceedances out of 734 samples. Because it is unknown</p>

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	<ul style="list-style-type: none"> <li>Do not use the 13-21°C rainbow trout evaluation guideline which only applies to COLD beneficial use segments.</li> <li>Reassess the proposed temperature listing based on an assessment of whether or not an alteration of natural temperature has occurred, in accordance with the Basin Plan objective.</li> </ul>	<p>whether the temperature exceedances are due to waste discharge(s) and because the exceedances are so few, the listing recommendation was revised from “List” to “Do not List.”</p> <p>The overarching narrative water quality objective for temperature and one of the narrative objectives that corresponds with the WARM beneficial use are described, in part, with reference to natural temperature. However, pursuant to Section 6.1.5.9 of the Listing Policy, the natural receiving water temperature need not be used to assess these water quality objectives if the data are unavailable. Section 6.1.5.9 instructs that an alternative approach to assess temperature impacts should be used in the absence of data on natural receiving water temperatures.</p> <p>Natural receiving water temperature data are not available. As a result, an alternative approach to assess temperature impacts is employed. Recent temperature data may be compared to the temperature requirements of aquatic life in the waterbody to assess the WARM beneficial use based on peer reviewed literature. However, evaluation guidelines are not available that represent standards attainment or WARM beneficial use protection per Listing Policy section 6.1.3, such as peer-reviewed literature, for warm freshwater aquatic life species most sensitive to temperature. Therefore, the narrative portion of the temperature water quality objective for assessing for the WARM beneficial use cannot be further evaluated.</p>

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		<p>The other narrative temperature water quality objective for WARM states that, “At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharges.” The water quality objective’s use of the metric 80°F may not be assessed as a maximum, “do not exceed threshold” in the absence of data indicating that the exceedance is due to waste discharges causing or contributing to the exceedance. It is currently unknown whether temperatures above 80°F are due to waste discharge(s). Therefore, data that exceeded the 80°F portion of the objective, using the binomial test at Table 3.2 of the Listing Policy, were not used to list a waterbody as impaired on the 303(d) list (Category 5). As described above, the five LOEs for the WARM beneficial use included 12 instances with temperatures above 80°F out of 734 samples. Because it is unknown whether the temperature exceedances are due to waste discharge(s) and because the exceedances are so few, the listing recommendation for Calleguas Creek Reach 12 was revised from “List” to “Do not List.”</p> <p>While data collected upstream and downstream of a discharge are helpful in determining if the discharge is causing or contributing to an alteration of the receiving water temperature, upstream-downstream data are not as helpful in determining if the waterbody is at temperature levels necessary to support beneficial uses.</p> <p>Additionally, the Los Angeles Regional Water Board is in the process of revising the Basin Plan temperature objectives. When a new water quality objective is adopted to assess beneficial use support, all readily available data</p>

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		will be reassessed with the new objective and listing recommendations may be revised as appropriate.
007.138	<p>Comment 13. Reassess Malathion listings based on UC Davis Criteria when Existing EPA Criteria</p> <p>New listings for malathion are proposed for Calleguas Creek Reach 3, Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2, Fox Barranca and Honda Barranca based on comparison of the data to a UC Davis aquatic life criterion. The criteria developed by UC Davis has not been adopted as a water quality criterion and there is an existing recommended criteria that has been developed by USEPA. It is not appropriate to use an evaluation threshold based on a study that has not been adopted as a water quality for waterbodies in the Calleguas Creek Watershed when recommended criteria exist for that constituent.</p> <p>Requested Action:</p> <p>Reassess the malathion listings in Reach 3, Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2, Fox Barranca, and Honda Barranca using the USEPA recommended criteria for malathion.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.99.</p>
007.139	<p>Comment 14. Reassess the Oil and Grease listing for Calleguas Creek Reach 3</p> <p>The Stakeholders reviewed the data file that is used as the basis for this listing and could not confirm the number of exceedances described in the Fact Sheet. The Stakeholders only identified 3 exceedances while the Fact Sheet noted 27.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Laboratory QA/QC data (e.g., matrix spikes and matrix spike duplicates) may be reported in data submitted to the California Integrated Report. These data are internal laboratory tests to ensure the accuracy and precision of</p>



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	<p>It appears possible the quality assurance/quality control (QA/QC) data were evaluated against the thresholds and resulted in the identified number of exceedances.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>Review the number of exceedances identified as the basis for the oil and grease listing in Calleguas Creek Reach 3 and adjust the listing decision as appropriate.</li> <li>Confirm that QA/QC data are not being used for any listing decisions in the Calleguas Creek Watershed</li> </ul>	<p>results reporting. QA/QC records are indicated in the submitted data and are removed from the data before LOEs are created. These data are not used for any listing decisions.</p> <p>Unrelated to the commenter's request, changes to the listing recommendation were made. The data used to develop the Oil and Grease listing recommendation for Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136633) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for more detail regarding misinterpreting unquantified data as quantified data.</p> <p>As a result, LOE ID 264155 was removed from the decision for Oil and Grease in Calleguas Creek Reach 3 until those data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed.</p>
007.140	<p>Comment 15. Reassess the Arsenic listing for Calleguas Creek Reach 9A</p> <p>The Stakeholders reviewed the data file that is used as the basis for this listing and noted that two different sets of units were included in the data file. It appears that the results labeled as mg/L were converted to µg/L and resulted in the identified exceedances shown in the Fact Sheet. However, a discussion with the data providers confirmed that the mg/L units is an error in the data file and all units should be µg/L. A review of the results column shows that all of the results are within the same range and it would be unlikely for four results</p>	<p>Changes to listing recommendation were made in response to this comment.</p> <p>The datafile associated with LOE ID 253456 was evaluated and it was confirmed that some results for arsenic at station RSW-002D were recorded in mg/L instead of µg/L. Using µg/L instead of mg/L reduces the exceedances from 4 out of 11 samples to 0 out of 11 samples. The arsenic decision for Calleguas Creek Reach 9A (Conejo Creek: Calleguas Creek Reach 3 to</p>

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	<p>to be orders of magnitude higher than the other results. The Stakeholders request that the data be reassessed using the correct units.</p> <p>Requested Action:</p> <p>Review units of Arsenic data in Calleguas Creek Reach 9A and adjust listings according to this review.</p>	<p>Camrosa Diversion) (Decision ID 136484) was revised from “List” to “Do Not List.”</p>
007.141	<p>Comment 16. Reassess the pH and dissolved oxygen listing for Calleguas Creek Reach 9A</p> <p>The Stakeholders reviewed the data file that is used as the basis for this listing and noted that results of zero were included for pH and resulted in the identified exceedances shown in the Fact Sheet. A result of zero for a pH measurement is highly unlikely and strongly suggests an error in the data file. The Stakeholders request that the data file be reviewed and the pH listing be reassessed without the zero values.</p> <p>A number of zero values are also included in the datafile for dissolved oxygen of Calleguas Creek Reach 9A that should be reviewed and removed from the data assessment.</p> <p>Requested Action:</p> <p>Review the data file for Calleguas Creek Reach 9A and remove erroneous values, including zero values for pH and dissolved oxygen, and reassess the listings.</p>	<p>Changes to listing recommendation were made in response to this comment.</p> <p>The datafile associated with decisions for pH and dissolved oxygen was reviewed and the commenter is correct in that results of zero were included at stations RSW-001U and RSW-002D on several dates in 2018 (May 2, October 3, December 5) and 2019 (February 2, March 6, December 4).</p> <p>For Decision ID 151861 for dissolved oxygen, removing the zero values results in the following changes:</p> <ul style="list-style-type: none"> <li>• LOE ID 308001 for station RSW-001U was revised from 7 exceedances out of 38 samples to 1 exceedance out of 32 samples.</li> <li>• LOE ID 308180 for station RSW-002D was revised from 12 exceedances out of 38 samples to 6 exceedances out of 32 samples.</li> </ul> <p>As a result, the decision for dissolved oxygen in Calleguas Creek Reach 9A (Conejo Creek: Calleguas</p>

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		<p>Creek Reach 3 to Camrosa Diversion) was revised from “List” to “Do Not List.”</p> <p>For Decision ID 136520 for pH, removing the zero values results in the following changes:</p> <ul style="list-style-type: none"> <li>• LOE ID 255501 for station RSW-001U was revised from 6 exceedances out of 38 samples to 0 exceedance out of 32 samples.</li> <li>• LOE ID 255457 for station RSW-002D was revised from 6 exceedances out of 38 samples to 0 exceedances out of 32 samples.</li> </ul> <p>As a result, the decision for pH in Calleguas Creek Reach 9A (Conejo Creek: Calleguas Creek Reach 3 to Camrosa Diversion) was revised from “List” to “Do Not List.”</p> <p>Additionally, it is recommended that data providers review their data for accuracy before submission.</p>
007.142	<p>Comment 17. Correct pollutants listed as Category 5A which should be 5B based on coverage by an existing TMDL.</p> <p>There are a number of proposed new listings for pollutants that are already covered by an existing TMDL and are incorrectly categorized as 5A. While the Stakeholders maintain that several of these listings should be removed entirely or reassessed because of the issues detailed in Request I and Request II, if they are not removed, they should, at a minimum, be changed from Category 5A to Category 5B. The requested waterbody/pollutant</p>	<p>Changes to some listing recommendations were made in response to this comment.</p> <p>Additionally, the 2024 California Integrated Report does not contain an Integrated Report Condition Category “5B.” See Staff Report, Figure 2-3. As described in that figure, the category used to identify an impaired waterbody as being addressed by a TMDL is Category “4a.” Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. A <i>TMDL requirement status</i> within the Integrated Report Condition Category 5</p>

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	<p>combinations that should be recategorized are included in Table 3.</p> <p>[Table 3. Waterbodies to recategorize from Category 5A to Category 5B is available in Appendix A Tables Associated with Public Comments.]</p> <p>Footnote 2: The Calleguas Creek Nitrogen TMDL. RS 2002-017. Approved by USEPA on June 20, 2003.</p> <p>Footnote 3: Total Maximum Daily Load for Organochlorine Pesticides, Polychlorinated Biphenyls, and Siltation in Calleguas Creek, its Tributaries and Mugu Lagoon. RS 2005-010. Approved by USEPA on March 24, 2006.</p> <p>Footnote 4: The Calleguas Creek Watershed Salts TMDL. RS 2007-016. Approved by USEPA on December 2, 2008.</p>	<p>is applied for each waterbody-pollutant combination as an internal tracking mechanism.</p> <p>The following listing recommendations identified in the commenter’s Table 3 were revised in response to another comment. Please see response to comment 007.141 for an explanation of these changes:</p> <ul style="list-style-type: none"> <li>• Calleguas Creek Reach 9A – Oxygen, Dissolved (Decision ID 151861) was revised from “List on 303(d) list (TMDL required list)” to “Do Not List on 303(d) list (TMDL required list).”</li> <li>• Calleguas Creek Reach 9A – pH (Decision ID 136520) was revised from “List on 303(d) list (TMDL required list)” to “Do Not List on 303(d) list (TMDL required list).”</li> </ul> <p>With regard to the commenter’s assertion that an impairment caused by dissolved oxygen is addressed by the Calleguas Creek Nitrogen TMDL, dissolved oxygen may indirectly be addressed by the implementation of the Calleguas Creek Nitrogen TMDL if there is evidence that the cause of the dissolved oxygen impairment is due to eutrophication caused by nitrogen input to the waterbody. Thus far no evidence available suggests that the dissolved oxygen impairment is only a result of nitrogen-caused eutrophication, and the impairment would not be considered as being addressed by the TMDL itself or the implementation of the TMDL.</p> <p>Additionally, although the acute and chronic criteria used to calculate the ammonia targets in the Calleguas Creek Nutrients TMDL are pH dependent, the Calleguas Creek</p>

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		<p>Nitrogen TMDL does not address pH specifically. Any future impairment of beneficial uses caused by pH will not be considered as being addressed by this TMDL.</p> <p>The TMDL requirement status for Nitrogen, Nitrate in the following waterbodies have been revised from 5A “List on 303(d) list (TMDL required list)” to 5B “List on 303(d) list (being addressed by USEPA approved TMDL)” because the listings are being addressed by the Calleguas Creek Nitrogen TMDL:</p> <ul style="list-style-type: none"> <li>• Fox Barranca (tributary to Calleguas Creek Reach 6)</li> <li>• Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2</li> </ul> <p>Because there are additional impairments associated with these waterbodies that are not being addressed by a U.S. EPA-approved TMDL, the waterbodies remain in waterbody condition category 5. However, the waterbody-pollutant combinations are assigned a TMDL requirements status of 5B (water quality standards are not yet attained but the listing is being addressed by an approved by a U.S. EPA-approved TMDL).</p> <p>No changes were made to the listing recommendation for turbidity in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek). The TMDL for Organochlorine Pesticides, Polychlorinated Biphenyls, and Siltation in Calleguas Creek (“Calleguas Creek OC Pesticides &amp; PCBs TMDL”) does not address turbidity.</p>

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		<p>The commenter is correct that the impairment for DDD in Fox Barranca (tributary to Calleguas Creek Reach 6) is being addressed by the Calleguas Creek OC Pesticides &amp; PCBs TMDL. However, the listing decision cited by the commenter, Decision ID 99248, is from 2016 and was carried over into the 2024 cycle because there were no new data to assess. The 2016 listing decision was “List on 303(d) list (TMDL required list).” During the development of the 2024 California Integrated Report, the listing recommendation for DDD in Fox Barranca (tributary to Calleguas Creek Reach 6) was updated in Decision ID 154734 from “List on 303(d) list (TMDL required)” to “List on 303(d) list (being addressed by U.S. EPA approved TMDL)” placed in Category 4a.</p>
007.143	<p>Comment 18. After addressing the comments above, re-assign all new pesticides listings that remain as Category 5B as they are addressed by the Calleguas Creek Toxicity TMDL.</p> <p>The Stakeholders request that any new pesticide listings that remain after the issues in Request I are addressed be included in Category 5B as being addressed by the existing Toxicity TMDL. The Toxicity TMDL was established to address toxicity caused by organophosphate pesticides and unknown toxicity due to other pesticides and/or toxicants. Specifically, the Basin Plan Amendment notes:</p> <p>“Discharge of wastes containing chlorpyrifos, diazinon, other pesticides and/or other toxicants to Calleguas Creek, its tributaries and Mugu Lagoon cause exceedances of water quality objectives for toxicity established in the Basin Plan.”</p>	<p>Changes to listing recommendation were not made in response to the issues raised by commenter; however, changes to listing recommendations for seven decision IDs mentioned by the commenter were made in response to a separate issue where it has been concluded that unquantified data were mistakenly identified as quantified data during assessment.</p> <p>The commenter has correctly identified that the impairment for organophosphate pesticides in Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2 is being addressed by the Calleguas Creek Toxicity TMDL.</p> <p>Additionally, the 2024 California Integrated Report does not contain an Integrated Report Condition Category “5B.” See Staff Report, Figure 2-3. As described in that figure, the category used to identify an impaired waterbody as</p>

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	<p>To address the other pesticides and/or toxicants, the Toxicity TMDL included a toxicity target “to address toxicity in reaches where the toxicant has not been identified.” If the toxicity target or allocation is exceeded, the TMDL includes a trigger to conduct a Toxicity Identification Evaluation (TIE) and implement actions to address the identified toxicant. Additionally, the implementation actions discussed in the Toxicity TMDL implementation plan are designed to address pesticides as a whole and are not specific to diazinon and chlorpyrifos. As a result, the Toxicity TMDL proactively addresses toxicity associated with other pesticides, such as pyrethroids and other organophosphate pesticides (e.g., malathion).</p> <p>TIEs conducted in the watershed have resulted in the identification of pyrethroids as a potential cause of toxicity and the Stakeholders have already begun actions to address these pesticides in addition to the organophosphate pesticides included in the TMDL. The structure of the TMDL is designed to proactively prevent toxicity and, therefore, it is not necessary to develop another TMDL for these constituents. There are already sufficient controls in place through the agricultural waiver and MS4 permit. As a result, if placed on the 303(d) List as new listings, we request that the waterbody-pollutant combinations in Table 4 be changed from 5A to 5B.</p> <p>[Table 4. Pesticide Listings, if maintained after addressing the other comments in the letter, to be included in Category 5B, being addressed by the Toxicity TMDL<sup>5</sup> is available in Appendix A Tables Associated with Public Comments.]</p>	<p>being addressed by a TMDL is Category “4a.” Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. A <i>TMDL requirement status</i> within the Integrated Report Condition Category 5 is applied for each waterbody-pollutant combination as an internal tracking mechanism. The TMDL requirement status for this waterbody-pollutant combination has been revised from 5A (water quality standard is not attained and a TMDL is still required) to 5B (water quality standards are not yet attained but the listing is being addressed by an approved by a U.S. EPA-approved TMDL).</p> <p>Because there are additional impairments associated with these waterbodies that are not being addressed by a U.S. EPA-approved TMDL, the waterbodies remain in waterbody condition category 5. However, the waterbody-pollutant combinations for organophosphate pesticides in Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2 are assigned a TMDL requirements status of 5B (water quality standards are not yet attained but the listing is being addressed by an approved by a U.S. EPA-approved TMDL).</p> <p>The Calleguas Creek Toxicity TMDL includes only a limited discussion of the increasing use of pyrethroids and other toxicants as replacement pesticides due to the phasing out of chlorpyrifos and diazinon. The TMDL does not contain a source analysis, specific numeric targets, loadings, allocations and implementation actions, all required elements of a TMDL per 40 C.F.R § 130.7, for pyrethroids and other pesticides identified by the</p>



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	<p>Footnote 5: The Calleguas Creek, Its Tributaries, and Mugu Lagoon Toxicity, Chlorpyrifos and Diazinon TMDL. RS 2005-009. Approved by USEPA on March 24, 2006.</p>	<p>commenter. Therefore, the waterbody-pollutant combinations identified in the commenter's Table 4 that have a "List" listing recommendation, other than Organophosphate Pesticides for Duck Pond Agricultural Drains/Mugu Drain/Oxnard Drain No 2, are being recommended for placement on the 303(d) list as listings requiring TMDLs. Numeric targets, source analysis, load and waste load allocations, margin of safety, and consideration of seasonal variation and critical conditions for pyrethroids and other replacement pesticides in the Calleguas Creek watershed will need to be addressed by a new TMDL.</p> <p>However, the data used to develop the Disulfoton, Methoxychlor, and Parathion listing recommendations for Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 151760, 136626, and 136636, respectively) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for more detail regarding misinterpreting unquantified data as quantified data. As a result, LOE IDs 307352 (Disulfoton), 263691 (Methoxychlor), and 264614 (Parathion) were removed from their respective decisions in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) until the data can be properly reassessed. As there are no other LOEs associated with these decisions, the listing recommendation has also been removed.</p> <p>Additionally, see the following for changes to listing recommendations. Information on justification for changes to listing recommendations can be found in the referenced response to comment:</p>



No.	Comment	Response
		<ul style="list-style-type: none"> <li>• Response to comment 007.28 for Dichlorvos in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136607)</li> <li>• Response to comment 007.29 for Fenthion in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136676)</li> <li>• Response to comment 007.30 for Naled in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136674)</li> <li>• Response to comment 007.99 for Malathion in Calleguas Creek Reach 3 (Potrero Rd. to Conejo Creek) (Decision ID 136625)</li> </ul>
007.144	<p>Comment 19. Provide data necessary for a full evaluation of the proposed listings</p> <p>In several cases, insufficient information was provided to allow a full evaluation of the proposed listings. For example, Calleguas Creek Reach 3 is listed for Aluminum, however this listing could not be confirmed due to lack of available pH and hardness data in the listing. The Stakeholders request that the following information be provided with the revised list to allow a full evaluation:</p> <ul style="list-style-type: none"> <li>• Provide all the supporting calculations and comparisons to the evaluation guidelines, including the calculation of criteria that are based on hardness, pH, temperature, etc. Without this information, it is challenging to determine if the evaluations are correct.</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>While data and data analysis components are available in Waterbody Fact Sheets, the State Water Board recognizes the importance of improving clarity when presenting the California Integrated Report for public review. Please see Principal Response 3.3: Quantitative Analysis and Methodologies regarding access to data references and analysis transparency.</p> <p>Regarding aluminum in Calleguas Creek, site-specific hardness and pH data were used to calculate the corresponding aluminum criteria. Please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments for the calculated aluminum criteria for each waterbody/station combination. Additionally, please see Staff Report section 3.1.2: Insufficient pH Data and Staff</p>

No.	Comment	Response
	<ul style="list-style-type: none"> <li>Fix broken links to references. When the reference information is missing, it is challenging to evaluate the basis for the listings.</li> </ul>	<p>Report section 3.1.3: Aluminum Reassessment regarding aluminum assessment methods.</p> <p>Some Aluminum data in Calleguas Creek Reach 3 (Decision ID 153875) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for more detail regarding misinterpreting unquantified data as quantified data. As a result, LOE IDs 314972 and 315158 were removed from the decision for Aluminum in Calleguas Creek Reach 3 until the data can be properly reassessed. There are two remaining LOEs which support keeping the listing recommendation as "List."</p> <p>Regarding broken links to references, it is difficult to know which reference is not working without knowing the specific reference. The one reference that is currently not available for the waterbody stated by the commenter is reference 5790 or Final Aquatic Life Ambient Water Quality Criteria for Aluminum. EPA-822-R-18-001. Washington, D.C.: Office of Water, USEPA. However, the document code EPA-822-R-18-001 is in the reference title and will lead to the <a href="https://www.epa.gov/wqc/2018-final-aquatic-life-criteria-aluminum-freshwater">U.S. EPA's 2018 Aluminum Criteria document</a> on U.S. EPA's website (<a href="https://www.epa.gov/wqc/2018-final-aquatic-life-criteria-aluminum-freshwater">https://www.epa.gov/wqc/2018-final-aquatic-life-criteria-aluminum-freshwater</a>).</p>
007.145	<p>The Stakeholders identified a number of inconsistencies, errors, and issues that need to be corrected prior to finalizing the list. Following is a list of issues that were identified in the review but is not considered to be comprehensive.</p>	<p>Changes to Waterbody Fact Sheets were made in response to this comment.</p> <p>In the commenter's example, the commenter is correct that the Santa Monica Bay Beaches QAPP should not be</p>

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	<ul style="list-style-type: none"> <li>In many cases the QAPP listed in the Fact Sheet is not associated with the data used as the basis for the listing. For example, the Calleguas Creek Watershed TMDL QAPP is shown in many cases as the QAPP for the wastewater treatment plant permit monitoring data. Additionally, we noted at least one instance where the Santa Monica Bay Beaches QAPP was cited for data in Honda Barranca. Please review and make sure all references to the QAPPs are correctly assigned to the appropriate datasets in the Fact Sheet.</li> </ul>	<p>cited for data used in 49 LOEs assessing Honda Barranca. For these LOEs, the text displayed in the “QAPP Information” section of the Waterbody Fact Sheets did not match the QAPP document linked in the “QAPP Information Reference(s)” section of the Waterbody Fact Sheet. The linked QAPP, Ventura County Agricultural Irrigated Lands Group Quality Assurance Project Plan, is now correctly assigned and the text in the “QAPP Information” section was updated to read “Ventura County Agricultural Irrigated Lands Group (VCAILG) Quality Assurance Project Plan” for the affected Honda Barranca LOEs.</p> <p>Wastewater treatment plant permit monitoring data from the Simi Valley Water Quality Plant, Hill Canyon Treatment Plant, and Camarillo Water Reclamation Plant were correctly associated with the Calleguas Creek Watershed Management Plan QAPP for the Monitoring and Reporting Program Plan for Nitrogen, OC and PCBs, Toxicity, Salts and Metals and Selenium Total Maximum Daily Loads (Larry Walker Associates, 2014). Per language in each of these treatment plant NPDES permits, “all sampling has followed the Standard Operating Procedures outlined in the Executive Officer-approved Calleguas Creek Watershed Management Plan Quality Assurance Project Plan (QAPP).” (NPDES NO. CA0055221, NPDES NO. CA0056294, and NPDES NO. CA0053597.) For data from these treatment plant permit monitoring programs, it is appropriate to identify the Calleguas Creek Watershed Management Plan QAPP.</p>

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		<p>Outside of these examples, the commenter does not provide specific information on which assessments are affected. Without the Decision IDs, LOE IDs, waterbody-pollutant combinations, a specific waterbody name, or other identifying information, LOEs cannot be reviewed to determine if QAPPs and data are correctly associated, and no changes can be made. Stakeholders may contact State Water Board staff and include this information to request assistance in correcting data quality issues by sending an email to <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p>
007.146	<p>There are numerous instances in which data was cited as being collected from Larry Walker Associates, however for certain listings data was not collected by this firm. Please review source information for listings and appropriately assign source data.</p>	<p>Changes to Waterbody Fact Sheets were not made in response to this comment.</p> <p>Please see response to comment 007.145.</p>
007.147	<p>There are numerous instances in which multiple lines of evidence for a given listing cite 0/0 exceedances. These lines of evidence should be either revised or removed to improve accuracy of listing information.</p>	<p>Changes to Waterbody Fact Sheets were not made in response to this comment.</p> <p>LOEs citing zero exceedances out of 0 samples represent data received that were not used because the results could not be quantified with the level of certainty required by section 6.1.5.5 of the Listing Policy. For example, this applies when a laboratory data quantitation limit is above the water quality threshold for a pollutant. A single LOE may also contain a mix of records, with some data able to be used for assessment while others cannot be used due to an inability for those results to be quantified. The information will be detailed in the line of evidence associated with a decision on the Waterbody Fact Sheet.</p>

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		This is done to provide transparency in data usage to data providers and the public.
007.148	Several listings cite “insufficient data” for the reason for listing, however this is not an approved listing criterion. Any listings that cite reason for listing as insufficient data should be evaluated.	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Insufficient information to determine beneficial use support results in a listing recommendation of “Do Not List.” The commenter does not provide specific information on which listing recommendations are affected. Without the Decision IDs or waterbody-pollutant combinations, no changes can be made.</p>
007.149	The pollutant DDT (Dichlorodiphenyltrichloroethane) is listed as being addressed by The Calleguas Creek Historic Pesticides TMDL for Calleguas Creek Reach 10, and by the Calleguas Creek PCBs TMDL for Reach 13, 6, and 7. TMDLs should be consistently and correctly referenced when pollutants are listed as being addressed by USEPA approved TMDL.	The “Amendment to the Water Quality Control Plan – Los Angeles Region to Incorporate a Total Maximum Daily Loads (TMDLs) for Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCBs) and Siltation in Calleguas Creek, Its Tributaries, and Mugu Lagoon,” which addresses impairments for DDT in the Calleguas Creek watershed, is listed in the assessment database as both “Calleguas Creek Historic Pesticides TMDL” and “Calleguas Creek PCBs TMDL.”

**Letter 8: Debbie Mackey, Central Valley Clean Water Association**

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008.01	<p>Most TMDLs require multi-year, data-driven stakeholder processes with significant associated costs. Therefore, in order to conserve limited societal resources, including state and local staff resources and funding, Category 5 of the 303(d) list should only reflect those water body segments where: (1) reliable data are utilized; (2) an adopted water quality standard (properly applied) is exceeded, and (3) a TMDL is needed to address the problem. Waters should not be included on the Category 5 list where data is incomplete or uncertain; where thresholds used in the impairment evaluation are uncertain; where the impairment is being, or can be, addressed by another program; or where the failure to meet water quality standards is the result of pollution rather than a pollutant.</p>	<p>Comment noted.</p> <p>Under Clean Water Act section 303(d), states are required to review, revise as necessary, and submit to U.S. EPA a list of water quality-limited segments that are not meeting or are not expected to meet water quality standards. This submission is referred to as the 303(d) list of Impaired Waters, or the “303(d) list”. The 303(d) list must identify the pollutants causing lack of attainment of water quality standards and include a priority ranking of the water quality-limited segments considering the severity of the pollution and the uses to be made of the waters. (40 C.F.R. § 130.7(b)(4).) To restore water quality, a total maximum daily load (“TMDL”) or other regulatory action must be developed to address the impaired waterbodies on the 303(d) list. This is in accordance with the State Water Board Resolution 2005-0050, “Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options” (SWRCB 2005).</p> <p>State Water Board staff reviewed all readily available data submitted per the requirements of the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">June 29, 2020 Data Solicitation Notice</a>, (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf</a> ). Readily available data were assembled and evaluated to ascertain adequacy for water quality assessments per section 6.1.1. of the Listing Policy. Data deemed ineligible for water quality assessments were not considered for the 2024 California Integrated Report. For</p>

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		<p>further instruction, please see principal response 3.1 for Readily Available Data Requirements.</p> <p>Additionally, adopted water quality standards are used when available. Evaluation guidelines do not need to be formally adopted. To be considered an evaluation guideline, which is used to assess 303(d) listing placement, the evaluation guideline must meet the requirements outlined in section 6.1.3 of the Listing Policy. Section 6.1.3 of the Listing Policy states that “narrative water quality objectives shall be evaluated using evaluation guidelines” and provides guidance for selection of numeric evaluation guidelines. The requirements specify that the evaluation guidelines must be applicable and protective of the beneficial use, linked to the pollutant under consideration, scientifically-based and peer reviewed, well described, and identify a range above which impacts occur and below which no or few impacts are predicted.</p> <p>After a waterbody is placed in Category 5 of the 303(d) list, Regional Water Boards may implement actions other than TMDLs for their impaired waterbody-pollutant combinations to address the impairment. These actions may be sufficient to place a waterbody in Category 4b (when a non-TMDL regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame, and a TMDL is not required) or Category 5r (when a non-TMDL restoration project or action may result in attainment of standards, and the TMDL requirement remains). See section 2.5 of the Staff Report for additional information on Category 4b and 5r.</p>

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		<p>Lastly, waterbodies where the water quality standard is not attained as a result of pollution rather than a pollutant (e.g., the aquatic life beneficial use is not supported due to hydrologic alteration or habitat alteration) are placed in Category 4c and would not require development of a TMDL. See Revised Staff Report section 2.5: Integrated Report Condition Categories.</p>
008.02	<p>The draft Integrated Report proposes 832 new listings which would require a TMDL statewide, including 123 new listings in the Central Valley. Of those proposed new listings in the Central Valley, 122 would require new TMDLs. Our review of the information supporting the listings revealed that some of the new proposed listings do not meet the appropriate threshold for inclusion on the Category 5 list.</p>	<p>Comment noted. Please reference responses to comments to this comment letter for information on specific concerns about listing recommendations made in the 2024 Integrated Report. In numerous instances in response to information or discussion provided by commenters during this reporting cycle, changes to listing recommendations have been made where appropriate to comport with the Listing Policy.</p>
008.03	<p>Transparency and clarity are also real concerns. We appreciate the Fact Sheets, which are a useful tool, but in order to evaluate the listings, stakeholders need to have more user-friendly access to clearly presented data points, assumptions, and threshold values that are the basis for the decision to list. There is a failure to clearly “show the work” behind the listings – data values, sites, methodology, and so on. The Fact Sheets include conclusory statements that the listings are consistent with the Listing Policy, but it is not possible to confirm the accuracy of many of these statements without laborious efforts to dig out and verify the supporting information. In addition, we found several cases where the Fact Sheet links to data that do not support the proposed listing.</p>	<p>Comment noted. Please see principal response 3.3 for Quantitative Analyses and Methodologies regarding the use of Waterbody Fact Sheets, potential assessment updates, and evaluation guideline links.</p>



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008.04	<p>The public had limited time (45 days) to review this lengthy report and the supporting documents. We attempted to review the bases for most of the proposed listings in the Central Valley. Our comments reflect a number of issues that we identified. At this point, given the limited review time, we are not confident that we identified all of the problems that exist in the draft Integrated Report. CVCWA reserves the right to supplement these comments as we continue our review of the voluminous information related to these listings.</p>	<p>The State Water Board recognizes the significant volume of information included in the Draft 2024 California Integrated Report and will consider providing more time for the public comment period in future integrated report cycles. The comments submitted by the written comment due date are appreciated.</p> <p>Under the Administrative Procedures Act Title 5 U.S.C. § 553 (2012), government agencies are required after publication of a proposed rule or document to provide at least 30 days for the public to submit written data, views, or comments. The Draft 2024 California Integrated Report was published on February 16, 2023, and the public comment period remained open for a 45-day period, closing on April 3, 2023. Additionally, see principal response 3.5 for Data Submission Timeline and the Public Process.</p>
008.05	<p>Numerous Central Valley water body segments are proposed for listing due to aluminum.<sup>1</sup> We have significant concerns with the assessment used to support the proposed listings. The Fact Sheets indicate that the listings are based on exceedances of a guideline value for protection of the COLD beneficial use – a 2018 USEPA aquatic life chronic criterion which is based, largely, on assumed ambient water conditions for pH, hardness, and DOC. These proposed listings also ignore site-specific Water Effect Ratio (WER) information developed to support NPDES permitting decisions in the Central Valley Water region in the past two decades. These site-specific studies have clearly demonstrated the importance of the statement made in the 2018 USEPA criteria document that “aluminum toxicity is strongly affected by water</p>	<p>If available, site-specific total hardness, DOC, and pH data were used when assessing for aluminum using U.S. EPA’s 2018 Aluminum Criteria to protect aquatic life from toxic effects of aluminum. The chronic criterion is expressed as a variable aluminum concentration calculated using pH, dissolved organic carbon, and total hardness data collected from the receiving water body. If data were insufficient or missing for any one of those three values, total hardness, DOC, and pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default values were provided in the Draft Staff Report in</p>

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	<p>chemistry through its effects on bioavailability.” The WER studies that have been performed by a number of Central Valley POTWs have indicated that the appropriate aluminum concentration for protection of sensitive aquatic life in Central Valley waters is an order of magnitude higher than the levels predicted by the 2018 USEPA chronic criterion. Based on this science, the Central Valley Water Board has modified its permitting approach for aluminum.</p> <p>Footnote 1: Barker Slough, San Joaquin River, Powell Slough, Feather River, Kelsey Creek, Manning Creek, Colusa Basin Drain, Thomes Creek, Mill Creek, Clear Creek, Pit River, Little Dry Creek, Dry Creek, Sutter Bypass, Hamlin Creek, and Toe Drain.</p>	<p>section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion.</p> <p>Ecoregions are designed to serve as a spatial framework for environmental resource management and denote areas within which ecosystems (and the type, quality, and quantity of environmental resources) are generally similar. Ecoregions also allow the opportunity to provide a consistent assessment process for aluminum across California.</p> <p>The default values used for total hardness and DOC are found in U.S. EPA’s Draft Technical Support Document: Recommended Estimates for Missing Water Quality Parameters for Application in EPA’s Biotic Ligand Model. DOC data are the predicted 10th percentile concentrations from both the National Organic Carbon Database, Wadeable Stream Assessment and the National River and Stream Assessment. Total hardness data are taken from the predicted 10th percentile concentrations from USGS and National Water Information Systems data.</p> <p>The default values for pH are based on the median value per Level III Ecoregion, which were calculated from all available pH data submitted to CEDEN and were developed by State Water Board staff.</p> <p>Additionally, use of the 2018 Aluminum Criteria better reflects aluminum toxicity than use of a Water Effect Ratio (“WER”), as explained in U.S. EPA’s 2021 Draft Technical Support Document: “EPA’s 2018 recommended criteria for protecting aquatic life from the toxic effects of aluminum in freshwater systems represents the most</p>

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		<p>current science. Historically, WERs have been used to adjust criteria values where ambient water chemistry was suspected to alter the bioavailability (hence, toxicity) of a metal. However, the MLR-based construct of the 2018 recommended criteria is superior to previously recommended criteria, by better reflecting aluminum toxicity based on water chemistry conditions at a particular site.” Furthermore, U.S. EPA’s 2018 Aluminum Criteria also accounts for the influence dissolved organic carbon can have on the bioavailability of aluminum. Most WERs do not consider the role DOC can have on the bioavailability of aluminum.</p> <p>When developing the 2018 aluminum chronic criteria, the U.S. EPA applied aluminum toxicity data from 13 different aquatic species at various life stages. When the 2018 Criteria was finalized, U.S. EPA applied 60 effect concentration endpoint studies to develop the chronic criteria. The toxicity data used for the U.S. EPA’s 2018 Aluminum Criteria chronic criterion encompasses changes in growth, reproduction, and survival of aquatic organisms. The data used in the MLR models and the final MLR model were peer reviewed by independent external experts. The external peer documents and U.S. EPA’s response to the external peer reviews can be found on the U.S. EPA’s website (<a href="https://www.epa.gov/wqc/aquatic-life-criteria-aluminum">https://www.epa.gov/wqc/aquatic-life-criteria-aluminum</a>).</p> <p>The use of a ratio based WER determined with 2 or 3 test species at only one life stage limits the reliability of the resultant site-specific criteria and the level of protection provided for families, genera, and life stages not represented in the WER testing.</p>

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		<p>A WER can be beneficial to provide additional total hardness, DOC, and pH data to calculate the 2018 criteria, but only if pH, DOC, and hardness data from the WER were collected at the same time or similar time as the aluminum data used to make listing recommendations in order to meet the spatial and temporal requirements stated in sections 6.1.5.2 and 6.1.5.3 of the Listing Policy.</p> <p>In order to further consider implications of use of WER data, aluminum data for the San Joaquin River (in Delta Waterways, southern portion) waterbody were assessed using different combinations of hardness data from the 2007 Manteca WER. The pH data from the WER were not used because site-specific pH data were not collected the same day as the aluminum data, and no DOC data were provided in the Manteca WER. There were no changes to the exceedance count using the WER data.</p> <p>Furthermore, except for the 2007 Manteca WER submitted by another commenter, the WER studies and associated data were not submitted in an electronic format compatible with CEDEN in conformance with Listing Policy Sections 6.1.2 and 6.1.4, and as specified in the data solicitation notice. The WER studies are currently stored in hard copy at the Central Valley Regional Water Board office. Although Water Board staff are working to obtain the hard copies, the commenter is encouraged to submit WER data as specified in the data solicitation notice to ensure the data and information is considered in future Integrated Report listing cycles.</p> <p>The listing recommendation for the San Joaquin River, Delta Waterways, southern portion was revised from “List”</p>

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		to “Do Not List” following the removal of data that was determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.
008.06	In its 2018 criteria document, USEPA adopted new aluminum national aquatic life criteria, replacing the 1988 criteria. The new criteria recognize the importance of considering the actual pH, dissolved organic carbon, and total hardness of waters to which the criteria apply. These factors were inherently considered and had a significant impact on the WER testing that has occurred in the Central Valley. Clearly, these actual water quality characteristics significantly reduce the toxicity of aluminum in Central Valley waters. For this reason, it is important that the State Water Board provide a table of the pH, hardness, and DOC values that have been assumed as the basis for interpretation of the 2018 USEPA aluminum criterion for the listings that have been proposed in the Central Valley.	If available, site-specific total hardness, DOC, and pH data were used to assess aluminum data using U.S. EPA’s 2018 Aluminum Criteria. If data were insufficient or missing, total hardness, DOC, and pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default values were provided in the Draft Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion.
008.07	Given that the proposed listings are based on assumed water quality conditions, are in conflict with best available science from special WER studies performed in Central Valley waters, and are inconsistent with technical information which has supported adopted NPDES permits, we request that the proposed listings for aluminum in the Central Valley be reconsidered.	Changes to listing recommendations were not made in response to this comment. Please see response to comment 008.05.
008.08	During the 2020-2022 listing cycle, State Water Board Staff considered this very issue, reviewed the pH, dissolved organic carbon, and hardness data from the Central Valley	Changes to listing recommendations were not made in response to this comment.

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	<p>waterbodies, and concluded that “aluminum concentrations appear to be well below the 2018 criterion, and the 1988 criterion may be overly protective.”<sup>2</sup> Therefore, Staff recommended removing 65 water bodies from the proposed listings and revising them to “Do Not List.”<sup>3</sup> The same conclusion is warranted during the 2022-2024 listing cycle, and the proposed listings for aluminum in the Central Valley should be revised to “Do Not List.”</p> <p>Footnote 2: State Water Resources Control Board, Revised Summary of Comments and Responses: Statewide Clean Water Act Section 303(d) List Portion of the 2020-2022 California Integrated Report, p. 135 (Feb. 16, 2022), available at <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf</a>.</p> <p>Footnote 3: Ibid.</p>	<p>For the Draft 2020-2022 California Integrated Report, aluminum data were assessed using the 1988 Aquatic Life Criteria for Aluminum (“1988 Criteria”). After receiving multiple public comments on how the 1988 Criteria was overly protective and is superseded by the U.S. EPA’s 2018 Aluminum Criteria (“2018 Criteria”), a cursory review of only three Central Valley waterbodies was conducted by State Water Board staff, using dissolved organic carbon, hardness, and pH from other sources. With respect to those three waterbodies, aluminum concentrations appeared to be well below the U.S. EPA’s 2018 Aluminum Criteria. Based on that cursory finding, the State Water Board stated a conclusion in the resolution adopting the 2020-2022 303d list (No. 2022-0006) that that the 1988 Criteria may not be an appropriate evaluation guideline. Additionally, the Resolution (No. 2022-0006) for the 303 (d) portion of the 2020-2022 California Integrated Report stated that, “data will be assessed during the 2024 California Integrated Report using the 2018 Criterion following additional efforts to gather and apply pH, dissolved organic carbon, and hardness data.”</p> <p>The commenter is incorrect in stating the State Water Board recommended revising the 65 waterbodies to “Do Not List.” Because there were insufficient data submitted during the 2020-2022 California Integrated Report to apply U.S. EPA’s 2018 Aluminum Criteria, aluminum data considered for the first time during the 2020-2022 California Integrated Report were evaluated but not used to make listing or delisting recommendations for the 2020-2022 303(d) list. Instead, aluminum listing decisions</p>

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		<p>remained as identified in the 2018 California Integrated Report to afford adequate time to gather data, determine how to deal with insufficient data, and for all interested parties to review any proposed changes.</p> <p>All readily available data and information were reassessed for the 2024 California Integrated Report using U.S. EPA's 2018 Criteria which considers total hardness, DOC, and pH data and default values. See Staff Report section 3.1.1: Insufficient Total Hardness and DOC Data for additional information.</p>
008.09	<p>New pyrethroid listings are proposed for numerous Central Valley waters. We have concerns regarding the benchmarks used as the basis for the listings, as well as the unnecessary duplication and potential conflict that would result from requiring additional TMDLs to be developed when an existing TMDL and water quality control program are already in place for these pesticides in the Central Valley.</p> <p>A water quality control program has been developed for pyrethroids in waters within the San Joaquin and Sacramento River basins. This control program includes TMDLs for certain previously-listed pyrethroid pesticides. The Central Valley Pyrethroid control program includes trigger values that are expressly not to be used as water quality objectives until further evaluation and study are performed, including the Pyrethroid Research Plan and the outcomes from management programs developed in the control program. Moreover, the trigger values were developed to consider the bioavailable fraction associated with particulate organic carbon (POC) and dissolved organic carbon (DOC). All comparisons to triggers should consider the POC and DOC</p>	<p>See principal response 2.1 for Selection and Use of Pyrethroids in Water Threshold and principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p> <p>Additionally, see response to comment 008.10.</p>

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	adjustments or otherwise use an approved method to measure filtered pyrethroid concentrations.	
008.10	<p>It is not necessary for additional TMDLs to be prepared for pyrethroids. Under the water quality control program, the Central Valley Regional Board has established specific requirements for various types of discharges and requires the preparation of management plans when pyrethroid triggers are exceeded. The water quality control program sets forth an implementation plan for addressing water bodies impaired by pyrethroid pesticides.</p> <p>In light of the existing efforts already in place to address pyrethroids, we recommend that the newly proposed listings be categorized consistently as 4A (being addressed by an existing TMDL) or 4B (addressed by another water quality control program.)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Categorizing a waterbody as 4b requires evidence of reasonable assurance that water quality standards will be attained in a reasonable period of time or of a plan to address the impairment. (<a href="#">Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act; TMDL-01-03 (epa.gov)</a>, Section II.E.) Depending on the sources contributing to the pyrethroids impairment of a waterbody and if the waterbody is part of a program or has an established plan that accounts for the management of all these sources, an approved pyrethroids management plan may be adequate to categorize a waterbody in 4b.</p> <p>The amendment to Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the control of pyrethroid pesticide discharges (R5-2017-0057) established a TMDL for nine (9) waterbodies impacted by six (6) named pyrethroid pesticides as well as the additive toxic effects individual pyrethroid pesticides. These nine waterbodies are placed in Category 4a and in order for any other waterbodies to be placed in Category 4a the sources of the impaired pollutant in new waterbody must be accounted for in the existing TMDL load allocations. The amendment also identifies five (5) waterbodies receiving agricultural discharges with known pyrethroid impairments.</p>



No.	Comment	Response
		<p>The Basin Plan amendment Staff Report describes an approach whereby impaired waterbodies receiving agricultural discharge may be categorized as impairments being addressed by a regulatory program other than a TMDL (Category 4b). However, neither the Basin Plan amendment nor the Staff Report establish that all new and existing pyrethroid impairments should be exempt from the requirement to develop a TMDL to address impaired water quality.</p> <p>Since the adoption of the Basin Plan amendment and subsequent implementation of pyrethroid management plans for waterbodies not meeting pyrethroid triggers, management activities have not yet yielded expected reductions in receiving water pyrethroid water column concentrations. Pyrethroid research regarding science-based pyrethroid management activities is currently being gathered and reviewed. This research will inform a reconsideration of pyrethroid management practices in order to help meet pyrethroid water concentration targets. Regarding agricultural waterbodies, Irrigated Lands Regulatory Program (“ILRP”) coalition groups are an active and integral component of this effort to address gaps in understanding. With this approach to improving pyrethroid management practices to protect beneficial uses, there is the potential that in the future the Central Valley Pyrethroid Control Program will provide the assurance needed to place pyrethroid impaired ILRP waterbodies into Category 4b.</p> <p>Urban storm water management entities (e.g., municipal separate storm sewer systems [“MS4s”]) do not have direct control of the multiple sources of pesticides that</p>

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		<p>may be utilized throughout their service areas and released into their conveyance systems. In addition, approved stormwater management plans containing municipal stormwater best management practices (“BMPs”) do not intrinsically provide assurance of meeting the standards required by U.S.EPA for a 4b designation. For example, stormwater BMP effectiveness is generally not based on pollutant discharge concentration but are instead structural or technology based. While there are control measures available to MS4s that are expected to reduce pesticide loads to the levels needed to attain water quality standards, but their effectiveness has not been demonstrated as they have been for agricultural dischargers. In addition, state law prohibits local public entities, such as MS4s, from regulating the sale or use of pesticide products, and thus they cannot directly limit the use of pyrethroids within their service area. MS4s may need a more flexible time schedule to attain water quality standards related to pyrethroids as they determine the most effective management practices to reduce pesticide concentrations.</p>
008.11	<p>For the reach of the Sacramento River from Sacramento City Marina to Suisun Marsh Wetlands, new 303(d) listings are proposed for the following disinfection by-products:</p> <ul style="list-style-type: none"> <li>• Chlorodibromomethane (CDBM)</li> <li>• Dichlorobromomethane (DCBM)</li> <li>• Chloroform</li> <li>• Total trihalomethanes (THMs)</li> </ul>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethane Principal Response for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with</p>

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	<p>Based on the information provided in the Fact Sheets, the proposed listings of the disinfection by-products (DBPs) are based on twelve samples taken in the Sacramento River at Hood by the MWQI program during the period of October 5, 2010 to September 7, 2011. Exceedances of California Toxics Rule criteria and Maximum Contaminant Levels (MCLs) are alleged as the basis for the proposed listings.</p> <p>These proposed DBP listings are not consistent with the Listing Policy, as they are not based on actual measurements of the constituents in question using acceptable analytical techniques. Instead, the data used to support the proposed listings are derived from the results of a Trihalomethane (THM) Formation Potential (THMFP) test developed by the Department of Water Resources, which predicts THMs from other measurements. The use of an indirect method of estimating THMs is not an adequate basis for listings. Actual measurements of THMs using available analytical methods and appropriate detection limits (supported by QA/QC) should be the basis for any proposed 303(d) listings for THMs, using adopted California Toxics Rule criteria as the threshold values.</p>	<p>Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
008.12	<p>During the 2020-2022 listing cycle, Staff acknowledged that results from THFMP tests “should not be considered as part of the assessment of disinfection byproducts.” Staff removed these data from the decisions, and decisions were revised to include data only from individual THM analyses. This change affected 84 decisions for chloroform, bromoform, DCBM, CDBM, and THMs, and of these 84 decisions, 77 were removed.<sup>4</sup></p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see principal response 5 for Central Valley Regional Water Board Trihalomethane Principal Response for a more thorough response to this comment and see Staff Report Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated</p>

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	Footnote 4: Id. at p. 144-45	with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.
008.13	<p>In light of the lack of any appropriate evidence of exceedances of available water quality criteria or MCLs for the DBPs in question, we request that these proposed listings be removed.</p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethane Principal Response for a more thorough response to this comment and see Staff Report Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
008.14	<p>We note that other proposed listings for the same DBPs are included in the 2024 Integrated Report. Spot checking of the Fact Sheets and data used to support those proposed listings indicates the same inappropriate reliance on THMFP results. Therefore, we request that proposed listings for CDBM, DCBM, chloroform, and TTHMs in the following water bodies be checked:</p> <ul style="list-style-type: none"> <li>• Morrison Creek</li> <li>• Lower American River, Nimbus Dam to Sacramento River confluence</li> <li>• San Joaquin River, Delta Waterways southern portion</li> <li>• San Joaquin River, Stanislaus River to the Delta</li> <li>• California Aqueduct</li> </ul>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethane Principal Response for a more thorough response to this comment and see Staff Report Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>

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	<ul style="list-style-type: none"> <li>• Old River</li> <li>• Yuba River</li> <li>• Butte Creek</li> </ul> <p>To the extent that THMFP results are the basis for information to support these proposed listings, we request that those proposed listings also be removed from the 2024 report.</p>	<p>In addition, the San Joaquin River, Delta Waterways, southern portion listing recommendation was revised from “List” to “Do Not List” following the removal of data that was determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.</p>
008.15	<p>A new 303(d) listing for manganese in the San Joaquin River is proposed, using the Secondary MCL (SMCL) for manganese (0.050 mg/l) as the threshold value. Review of the dissolved data used in the listings shows that four individual samples exceeded the SMCL, out of 12 samples tested in the period from November 16, 2010 to April 3, 2012. The average and median concentrations at the two sites where data was obtained were less than the SMCL. The use of individual data points (in lieu of averages) to interpret compliance with an aesthetics-based SMCL for manganese is inconsistent with compliance assessment methodologies in the Central Valley Region’s Basin Plans, which state “The annual average of sample results will be used to evaluate compliance with the Secondary Maximum Contaminant Levels identified in Tables 64449-A or 64449-B,” and is inconsistent with the SDWA and the CWA, where quarterly or annual averages are used. As a result, we request that the proposed listing for manganese in the San Joaquin River be removed.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The listing recommendation for Decision ID 135507 was revised from “List” to “Do Not List” following the removal of data that were determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.</p> <p>In the 2024 Integrated Report, data were reassessed for the Sacramento River Watershed per the Central Valley Salinity Alternatives for Long-Term Sustainability (“CV-SALTS”) Basin Plan Amendment. As described in section 6.2.8 of the Revised Staff Report, data associated with the San Joaquin River watershed, the Sacramento-San Joaquin River Delta, and the Tulare Lake basin will be reassessed for the 2026 and 2028 California Integrated Reports. As such, the remaining data associated with Decision ID 135507 will be reassessed for the 2026 Integrated Report.</p>

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008.16	<p>New 303(d) listings for iron are being proposed in a number of water bodies in the Central Valley based on available data for total iron. The water bodies in question include:</p> <ul style="list-style-type: none"> <li>• San Joaquin River, Delta Waterways, southern portion</li> <li>• Colusa Basin Drain</li> <li>• Clear Creek</li> <li>• Indian Creek</li> <li>• Feather River</li> <li>• Little Dry Creek</li> <li>• Dry Creek</li> <li>• Hamlin Creek</li> <li>• Stony Creek</li> <li>• Butte Slough</li> </ul> <p>A detailed review of the basis for the proposed listing in the San Joaquin River was performed. The Fact Sheet states that the proposed listing is based on exceedances of the USEPA chronic criterion for protection of aquatic life (1000 ug/l). Review of the cited USEPA criteria table indicates that the chronic criterion in question was derived from a 1976 “Red Book” value that has not been revised in over 50 years, and certainly not since the adoption of the USEPA Metals Policy in 1993 (which shifted criteria for most metals from the total to the dissolved measurements in ambient waters).</p> <p>The Water Board should reconsider the use of this chronic criterion for iron, and in particular, its application using total iron measurements in ambient waters.</p>	<p>The listing recommendation for the San Joaquin River, Delta Waterways, southern portion was revised from “List” to “Do Not List” following the removal of data that were determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.</p> <p>Changes to the assessment methodology for iron were not made in response to commenter’s request for the Water Board to use a chronic criterion for iron, and in particular, its application using total iron measurements in ambient waters. The U.S. EPA’s 1993 Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria provides guidance for eleven metals but does not provide guidance for iron specifically. Additionally, the memo does not provide a conversion factor to convert total fraction iron data to the dissolved fraction. Although changes were not made at this time, the State Water Board will continue to investigate and will request additional information from the U.S. EPA in order to determine whether total iron or dissolved iron are appropriate to make listing recommendations.</p> <p>Additionally, the use of the U.S. EPA 304(a) National Recommended Aquatic Life Criteria for iron, which is from the 1986 <a href="https://www.epa.gov/sites/default/files/2018-10/documents/quality-criteria-water-1986.pdf">Quality Criteria for Water</a> Gold Book (<a href="https://www.epa.gov/sites/default/files/2018-10/documents/quality-criteria-water-1986.pdf">https://www.epa.gov/sites/default/files/2018-10/documents/quality-criteria-water-1986.pdf</a>), in order to assess all readily available data, are appropriate as it is the most current 304(a) recommended criteria. The U.S. EPA requires that states assemble and evaluate all existing and readily available water quality related data</p>

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		and information for use in developing their CWA Section 303(d) lists (40 C.F.R. § 130.7(b)(5)).
008.17	We request that all proposed listings for iron be reevaluated for the waters in question and that any such listings be postponed pending a thorough evaluation of the appropriate application of the USEPA criterion for iron.	Please see response to comment 008.16.
008.18	<p>A new 303(d) listing for zinc is proposed for the San Joaquin River, Delta Waterways, Southern portion. The associated Fact Sheet states that the proposed listing is based on exceedances of California Toxics Rule chronic criterion for zinc for protection of aquatic life. Review of the data upon which the proposed listing is based indicates dissolved zinc concentrations ranging from 18 to 225 µg/L for data collected in the period of November 16, 2010 to April 3, 2012. The data summary does not identify the specific analytical method used and does not identify either the MDL or Reporting Limits associated with the analytical method. The summary states that the sample was collected with a “bucket,” which raises concerns that appropriate clean sampling and handling methods may not have been followed. Neither the data summary nor the Fact Sheet identify the specific hardness-based zinc criterion that was used in the compliance evaluation, nor the hardness value that was used, and whether it was measured or assumed.</p> <p>We request that the additional essential information stated above be provided for public review prior to adoption of the proposed 2024 Integrated Report.</p>	<p>The listing recommendation for the San Joaquin River, Delta Waterways, southern portion was revised from “List” to “Do Not List” following the removal of data that was determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.</p> <p>However, changes to listing recommendations were not made regarding the commenter’s request to include non-detect in the total sample count when the quantitation limits are greater than evaluation guideline concentrations. These data were assessed correctly according to Listing Policy Section 6.1.5.5, which states:</p> <p><i>“When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis.</i></p> <p><i>The quantitation limit includes the minimum level, practical quantitation level, or reporting limit.”</i></p>



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		<p>Additionally, if an MDL is not available, it is substituted with zero. If an MDL is available and the quantitation limit is less than the objective, the result is multiplied by ½ the method detection limit and considered a valid sample, as it can be ascertained with certainty that the result is less than the objective (i.e., between 0 and the RL).</p> <p>The commenter states that the data used for the zinc listing recommendation did not have a method reported. After further inspection of the datafile, the samples used to make the listing recommendation from the sampling site CALWR_WQX-B9D74761184 collected from January 1, 2012, to March 24, 2012, have a reported method titled “Metals in Waters by ICP/MS”.</p> <p>The dataset used for this listing recommendation did not have site-specific hardness data; therefore, a default value of 100 mg/L was used to calculate the criteria for zinc consistent with the CTR. Metals assessments covered by the CTR are described in Staff Report section 3.2.1.4: Metals,</p> <p><i>The criteria were calculated based on the equations provided in the CTR, using hardness data collected at the same sample location, day, and time. If no hardness data were available, a default value of 100 mg/L was used in the equation, as specified in the CTR.</i></p> <p>The commenter is correct that the collection device reported in the datafile is reported as “bucket”, which refers to a sampling method developed by SWAMP. The SWAMP Clean Water Team published <a href="#">Standard Operating Procedure 2.1.1.4</a> for the sampling method, using a clean, weighted bucket as an extended holder to</p>



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		<p>lower the actual sample bottle into a sampling site that is otherwise difficult to collect samples from.</p> <p>Finally, see Principal Response 3.5: Data Submission Timeline and the Public Process regarding the public review period.</p>
008.19	<p>Additionally, pending resolution of potential issues with the data and assumptions used, we request that the proposed listing for zinc in the San Joaquin River be postponed.</p>	<p>Please see response to comment 008.18.</p>
008.20	<p>We urge the Board to be deliberate and exacting in the development of the 2024 Integrated Report in order to ensure that it is technically sound, internally consistent, and focuses resources on developing TMDLs where they are needed and suitable for addressing actual impairments.</p>	<p>Comment noted.</p> <p>Please see Staff Report section 1: About the Integrated Report and Staff Report section 2: California Integrated Report Development, which detail the steps taken to ensure the 2024 California Integrated Report is technically sound and internally consistent.</p> <p>Regarding focusing resources on developing TMDLs, states are required to include a priority ranking of impaired or threatened waters (“303(d) list”) for the development of total maximum daily loads (“TMDLs”), accounting for the severity of the pollution and the uses to be made of such waters. (40 C.F.R. § 130.7(b)(4).) The TMDL adoption process is a separate and distinct process than that of the development of the Integrated Report. However, the California Integrated Report reflects the most recent information on adopted and approved TMDLs, as well as Regional Water Board prioritization</p>

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		<p>and scheduling of TMDLs, which is a requirement of the Clean Water Act. (40 C.F.R § 130.7(b).)</p> <p>Additionally, the Regional Water Boards undertake a prioritization process to develop TMDLs or other regulatory programs of implementation to address and remedy impaired waterbody-pollutant combinations. Each Regional Water Board reviews its listings and prioritizes TMDLs or other control efforts for completion based on, but not limited to, the following factors from section 5 of the Listing Policy:</p> <ul style="list-style-type: none"> <li>• Waterbody significance (such as importance and extent of beneficial uses, threatened and endangered species concerns, and size of waterbody);</li> <li>• Degree that water quality objectives are not met or beneficial uses are not attained or threatened (such as the severity of the pollution or number of pollutants/stressors of concern) (40 C.F.R. § 130.7(b)(4));</li> <li>• Degree of impairment;</li> <li>• Potential threat to human health and the environment;</li> <li>• Water quality benefits of activities ongoing in the watershed;</li> <li>• Potential for beneficial use protection and recovery;</li> <li>• Degree of public concern;</li> <li>• Availability of funding; and</li> <li>• Availability of data and information to address the water quality problem.</li> </ul>

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		<p>As well, with the adoption of the <a href="#">Racial Equity Resolution (rs2021-0050 (ca.gov))</a> by the State Water Board in November 2021, a <a href="https://www.waterboards.ca.gov/racial_equity/docs/racial-equity-action-plan-final-en.pdf">Racial Equity Action Plan</a> (<a href="https://www.waterboards.ca.gov/racial_equity/docs/racial-equity-action-plan-final-en.pdf">https://www.waterboards.ca.gov/racial_equity/docs/racial-equity-action-plan-final-en.pdf</a>) was developed to set goals for the State Water Board to address racial inequities and identifies metrics to measure progress. This plan includes a directive for the State Water Board to provide guidance to Regional Water Boards on the consideration of impacts to Black, Indigenous, and People of Color (“BIPOC”) communities and environmental justice when addressing impaired waters through development of TMDLs or other actions to restore clean water.</p>

**Letter 9: Paul Bedore, City of Brentwood, City of Roseville, El Dorado Irrigation District**

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009.01	<p>We appreciate the opportunity to provide comments on the proposed Clean Water Act section 303(d) list for the 2024 California Integrated Report.</p>	<p>Comment noted.</p>
009.02	<p>Comment 1. Implementation of the 2018 National Ambient Water Quality Criterion (NAWQC) for Aluminum</p> <p>There are two aspects to our comments on listing decisions for aluminum using the 2018 National Ambient Water Quality Criterion (NAWQC) for the protection of freshwater aquatic life.</p>	<p>Please see response to comment 008.05. If available, site-specific total hardness, DOC, and pH data were used to assess aluminum data using U.S. EPA’s 2018 Aluminum Criteria. If data were insufficient or missing, total hardness, DOC, and pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default</p>

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	<p>Insufficient Information</p> <p>There is insufficient information provided in the proposed decisions and their Lines of Evidence (LOEs) to identify which measurements are considered by the State Water Resources Control Board (State Water Board) to be exceedances of the NAWQC. This is because the NAWQC must be calculated using various water quality parameters and each LOE does not list the actual measurements or default values used to calculate the NAWQC, nor do they provide the actual value of the NAWQC that was compared to measurements.</p>	<p>values were provided in the Draft Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion. Please see Appendix R: List of Calculated Aluminum Criteria Aquatic Life Assessments.</p>
009.03	<p>Decisions that rely on calculated evaluation guidelines, such as the aluminum NAWQC, need to be revised to explicitly provide the value of the evaluation guideline used in the LOEs. Otherwise, the evaluation guideline remains unpublished, preventing the public from fully reviewing the basis for decisions. Moreover, the values of the inputs to calculate the NAWQC also need to be provided with each LOE—default or sample-specific. Otherwise, the public cannot evaluate and comment on whether the appropriate evaluation guideline was used.</p>	<p>Please see response to comment 008.05. If available, site-specific total hardness, DOC, and pH data were used to assess aluminum data using U.S. EPA’s 2018 Aluminum Criteria. If data were insufficient or missing, total hardness, DOC, and pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or State Water Board staff were used. These default values were provided in the Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion. Please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments.</p>
009.04	<p>Representative Measurements</p> <p>Total aluminum is not an appropriate measure of impairments to freshwater aquatic life when using the 2018 NAWQC, and the U.S. Environmental Protection Agency (USEPA) does not</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The U.S. EPA developed the recommended 2018 Final Aquatic Life Criteria for Aluminum in Freshwater (“2018 U.S. EPA Criteria”) using the total recoverable fraction. As described in the 2018 U.S. EPA Criteria, measurements</p>

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	<p>require the State Water Board to use total aluminum measurements in the 303(d) listing assessment.</p>	<p>of dissolved aluminum do not sufficiently characterize the full spectrum of forms of aluminum that results in toxicity to aquatic life. Dissolved, colloidal, and precipitated forms of aluminum are all bioavailable to aquatic organisms, which supports the criteria as total fraction aluminum. If dissolved aluminum concentrations were compared to the 2018 U.S. EPA Criteria, toxicity would be underestimated, because colloidal forms and hydroxide precipitates of aluminum that can dissolve in natural conditions and become biologically available, would not be measured.</p> <p>The Listing Policy requires the evaluation of narrative water quality objectives when evaluation guidelines are available that represent water quality standards attainment. (Listing Policy, section 6.1.3.)</p> <p>Also, see response to comment 009.05 for additional discussion on total aluminum.</p>
009.05	<p>USEPA (2018)<sup>2</sup>, therefore, warns that waters could inappropriately be identified as not attaining water quality standards if the sample contains high amounts of particulates and the total recoverable analysis is applied to the samples.</p> <p>“In some circumstances, assessing waters using the analytical method for total recoverable aluminum could result in identification of some waters as not attaining water quality standards for aluminum criteria (i.e., being identified as impaired), where the bioavailable analytical method may not indicate impairment. For example, ambient waters with high amounts of total suspended solids may show elevated concentrations of aluminum based on analysis of the total</p>	<p>Changes to listing recommendations were not made in response to this comment. Also, please see response to comment 009.04.</p> <p>The 2018 U.S. EPA Criteria using total aluminum was used for aluminum assessments because it represents water quality standards attainment and is scientifically based. Currently, there is not an analytical method that more accurately estimates the bioavailable fraction of aluminum.</p> <p>Additionally, it is not appropriate to use dissolved concentrations of aluminum that involve filtering test samples prior to digestion and excluding particulate forms</p>

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	<p>recoverable fraction, yet these concentrations could actually represent only non-toxic forms of aluminum.”</p> <p>USEPA’s warning will be realized if the State Water Board uses the “total” fraction as the basis for comparison to the 2018 NAWQC. This is because across all 61 proposed decisions to “list” waterbodies for aluminum on the 2024 303(d) list, 38% of total aluminum measurements exceed the 2018 NAWQC (Figure 1), in contrast to a 1% exceedance rate for dissolved aluminum measurements. Hence, almost all 61 decisions to list waterbodies for aluminum using the 2018 NAWQC use measurements that incorporate aluminum in the particulate fraction, a fraction that is composed primarily of aluminum silicate minerals (Filella 20071) that are not toxic to aquatic life (USEPA 2018<sup>2</sup>).</p> <p>Footnote 2: U.S. EPA. 2018. Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum. U.S. EPA Office of Water. EPA- 800-D-21-001.</p>	<p>of aluminum, as they may underestimate the toxicity of aluminum. The U.S. EPA determined that dissolved aluminum is not appropriate for comparison to the 2018 U.S. EPA Criteria on page 3 of the 2021 promulgation of the Federal Aluminum Aquatic Life Criteria Applicable to Oregon (“2021 Oregon Criteria” <a href="https://www.govinfo.gov/content/pkg/FR-2021-03-19/pdf/2021-05428.pdf">https://www.govinfo.gov/content/pkg/FR-2021-03-19/pdf/2021-05428.pdf</a>), stating that:</p> <p><i>Methods to determine dissolved concentrations of aluminum, therefore, may underestimate the toxicity of the aluminum in a sample if the particulate forms including aluminum hydroxide precipitates that contribute to toxicity are not measured. In conclusion, dissolved aluminum measurements are not appropriate for comparison to the aluminum criteria that EPA is promulgating for Oregon.</i></p> <p>As a result, it would be inappropriate to reassess all aluminum listing recommendations using the dissolved aluminum fraction as requested by the commenter.</p> <p>The 2018 U.S. EPA Criteria states that methods 200.7 and 200.8 are currently the only two approved methods for measuring total aluminum in natural waters (p. 24). The U.S. EPA also states on page 5 of the 2021 Oregon Criteria that the methods used to analyze total fraction aluminum data, which dissolved aluminosilicates through the use of a strong acid (pH&lt;2) digestion step to prepare the sample for measurement, may overestimate the biologically available fraction that is toxic to aquatic life (He and Ziemkiewics 2016; Ryan et al. 2019). In the 2018 U.S. EPA Criteria, there is discussion on analytical</p>

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		<p>methods that may address concerns with including aluminum bound to particulate matter (i.e., clay) in total recoverable aluminum concentrations. Alternative laboratory sample process steps that acidify the sample to a higher pH to more accurately extract and measure the bioavailable fraction of aluminum in the water column are being developed. These extraction steps may be able optional steps within the scope of the current U.S. EPA-approved methods, or an alternative test procedure may be needed. Such extraction steps have been published by Rodriguez et al. (Determination of Bioavailable Aluminum in Natural Waters in the Presence of Suspended Solids. Environ. Toxicol. Chem. 29 April 2019. <a href="https://doi.org/10.1002/etc.4448">https://doi.org/10.1002/etc.4448</a>.) However, they are still being researched and developed and are not yet approved by the U.S. EPA or considered for use in California. Additionally, on page 5 of the 2021 promulgation of the Oregon Criteria, the U.S. EPA states they are not supporting the use of any other analytical methods at this time.</p> <p><i>EPA expects that an analytical method that uses a less aggressive initial acid digestion that liberates bioavailable forms of aluminum (including amorphous aluminum hydroxide), yet minimizes dissolution of mineralized forms of aluminum such as aluminosilicates associated with suspended sediment particles and clays (referred to as a bioavailable analytical method), will better estimate the bioavailable fraction of aluminum in ambient waters. EPA is not prescribing use of any specific</i></p>

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		<p><i>method and looks to further research and method standardization efforts to identify best practices.</i></p> <p>When contacted for guidance on the use of alternative extraction steps to measure the bioavailable fraction of aluminum, the U.S. EPA responded that they do not have a timeline for considering an analytical method that uses a less aggressive acid digestion step such as the one described in Rodriguez et al. (2019). As a result, the State Water Board is conducting additional research to consider and potentially scale a bioavailable-focused analytical method, such as the one described by Rodriguez et al. (2019), to ensure that the extraction method accurately captures bioavailable aluminum, and that any laboratory conducting the test could achieve similar results. Once a bioavailable-focused analytical method becomes available, and new data gathered per the bioavailable method are available from a waterbody to compare to the 2018 U.S. EPA Criteria, existing aluminum aquatic life integrated report decisions for those waterbodies will be reassessed using the new data. Listing recommendations would be revised if appropriate according to section 3.1 of the Listing Policy: Numeric Water Quality Objectives and Criteria for Toxicants in Water.</p> <p>Finally, the commenter is incorrect that the Draft 2024 California Integrated Report included 61 “List” recommendations using the 2018 U.S. EPA Criteria, as that is the number of total recommended listings for aluminum when considering all beneficial uses. The 2018 U.S. EPA Criteria were only used when assessing aluminum for attainment of aquatic life uses in freshwater,</p>



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		<p>specifically for waters designated with the COLD and WARM beneficial uses. The Draft 2024 California Integrated Report included 42 “List” recommendations and 6 “Do Not Delist” recommendations for nonattainment of COLD and WARM uses.</p> <p>For the 48 recommendations described above, if only dissolved data were compared to the 2018 U.S. EPA Criteria, 29 recommendations would change from “List” to “Do Not List,” three would remain as “List,” one would remain as “Do Not Delist,” and three would change from “Do Not Delist” to “Delist.” Data from 12 of the 48 decisions would not be used to make a listing recommendation because dissolved data are not available.</p>
009.06	<p>The acid soluble and dissolved measurements demonstrate that the total recoverable method over-estimates the bioavailable fraction of aluminum many times over. Moreover, these samples were collected from the San Joaquin River, within-Delta waterways (southern) portion, which is proposed to be listed for aluminum using the NAWQC in Decision ID 135550.</p>	<p>Please see response to comments 009.04, 009.05, 009.07.</p> <p>In addition, the listing recommendation for the San Joaquin River, Delta Waterways, southern portion was revised from “List” to “Do Not List” following the removal of data that were determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.</p>
009.07	<p>Though we cannot confidently determine the value of the evaluation guideline used for San Joaquin River LOEs for Decision 135550 (for the reasons described above), the guideline may be exceeded by some of the total aluminum measurements from the Manteca WER study. However, it is unlikely that the dissolved or acid soluble aluminum</p>	<p>As explained in U.S. EPA’s 2021 Draft Technical Support Document – Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum (“2021 Draft Technical Support Document”): “EPA’s 2018 recommended criteria for protecting aquatic life from the toxic effects of aluminum in freshwater systems represents the most current science. Historically, WERs</p>

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	<p>measurements exceeded the guideline, given they are many times lower than total measurements.</p>	<p>have been used to adjust criteria values where ambient water chemistry was suspected to alter the bioavailability (hence, toxicity) of a metal. However, the Multiple Linear Regression (“MLR”) based construct of the 2018 U.S. EPA Criteria is superior to previously recommended criteria, by better reflecting aluminum toxicity based on water chemistry conditions at a particular site.”</p> <p>Furthermore, the 2018 U.S. EPA Criteria also accounts for the influence dissolved organic carbon (“DOC”) can have on the bioavailability of aluminum. Most WERs do not consider the role DOC can have on the bioavailability of aluminum.</p> <p>Additionally, the Manteca WER study was developed with the 1988 U.S EPA Aluminum Criteria which was superseded by the 2018 U.S. EPA Criteria. When developing the 2018 U.S. EPA Criteria, aluminum toxicity data were applied from 13 different aquatic species at various life stages. When the 2018 Criteria was finalized, U.S. EPA applied 60 effect concentration endpoint studies to develop the chronic criteria. The toxicity data used for the U.S. EPA’s 2018 Criteria’s chronic criterion encompass changes in growth, reproduction, and survival of aquatic organisms. The data used in the MLR models and the final MLR model were peer reviewed by independent external experts. The external peer documents and U.S. EPA’s response to the external peer reviews can be found on the U.S. EPA’s website. <a href="https://www.epa.gov/wqc/aquatic-life-criteria-aluminum">https://www.epa.gov/wqc/aquatic-life-criteria-aluminum</a></p> <p>In order to further consider implications of use of WER data, aluminum data for the San Joaquin River (in Delta Waterways, southern portion) waterbody were analyzed</p>

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		<p>using different combinations of hardness data (minimum, maximum, and average) from the 2007 Manteca WER. The pH data from the Manteca WER were not used because site-specific pH data were not collected the same day as the aluminum data, and therefore, not representative of temporal conditions. No DOC data were provided in the Manteca WER. Instead, site-specific pH data included in the LOEs and the Level III Ecoregion 7 DOC default value were used in the analysis. The analysis showed there would be no changes to the exceedance count using the WER data.</p> <p>For a list of criteria used for aquatic life aluminum assessments, please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments for the calculated aluminum criteria for each waterbody/station combination.</p>
009.08	<p>However, USEPA (2018)<sup>2</sup> does not require the State Water Board to use measurements of “total” aluminum for comparison to the 2018 NAWQC in listing decisions.</p> <p>“A state or authorized tribe is not required to use all available data and information to make listing decisions, including total recoverable data, where it can provide a technical, science-based rationale for the exclusion of such data and information. 40 CFR 130.7(b)(6)(iii), For example, a state or authorized tribe may be able to demonstrate that total recoverable aluminum samples are not representative of water quality conditions because non-toxic forms of aluminum are leading to an exceedance above the criteria. In such cases, the state or authorized tribe may decline to rely on total recoverable data, or may assign a greater weight to</p>	Please see response to comment 009.05.

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	<p>bioavailable data if it is more representative of water quality for listing purposes.”</p> <p>Footnote 2: U.S. EPA. 2018. Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum. U.S. EPA Office of Water. EPA- 800-D-21-001.</p>	
009.09	<p>Accordingly, the State Water Board should utilize their discretion to not “list” waterbodies for aluminum using the 2018 NAWQC without evidence that the bioavailable fraction of aluminum is the cause of the exceedance. At this juncture, dissolved aluminum measurements provide the better indication of bioavailable aluminum and thus are more accurately related to potential impairment. If the State Water Board continues to list waterbodies solely on the basis of total aluminum measurements, these listings will not lead to Total Maximum Daily Loads that enhance water quality; rather they will require time, attention, and resources from the Regional Water Quality Control Boards and other public agencies to demonstrate what we already know—the aluminum is from naturally occurring, aluminum-bearing suspended solids that are not toxic to aquatic life.</p>	<p>Changes to listing recommendations were not made in response to this comment. Also, see response to comments 009.04 and 009.05.</p> <p>The State Water Board does not have discretion to not “list” waterbodies for aluminum. Rather, the State Water Board is required to “to establish a standardized approach for developing California’s section 303(d) list in order to achieve the overall goal of achieving water quality standards and maintaining beneficial uses in all of California’s surface waters. CWA section 303(d) requires states to identify waters that do not meet, or are not expected to meet by the next listing cycle, applicable water quality standards.” Section 6.1.3 of the Listing Policy requires the selection of appropriate evaluation guidelines to evaluate attainment of narrative water quality objectives.</p> <p>Additionally, U.S. EPA’s 2021 Draft Technical Support Document states, “...EPA’s regulations require that states assemble and evaluate all existing and readily available water quality related data and information for use in developing their CWA Section 303(d) lists (40 C.F.R. § 130.7(b)(5)); this would include data for total recoverable aluminum.”</p>

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		<p>Regarding the commenter's concerns for future implications from a 303(d) listing, the 303(d) list (as well as the full California Integrated Report) is an informational document and does not by itself directly establish new regulatory requirements. By adopting the 303(d) list, the State Water Board provides recommendations to the U.S. EPA to list or delist waterbodies. See Staff Report section 1.1: The 303(d) List of Impaired Waters.</p> <p>The 303(d) list is not a regulatory action, nor does it automatically establish a TMDL. Once a waterbody is placed on the 303(d) list, the Regional Water Boards undertake a prioritization process to inform TMDL development or other regulatory programs of implementation to address and remedy impaired waters (see Staff Report section 2.6: Prioritization of TMDLs and Other Efforts to Address Impaired Waters). Waterbodies that are identified as impaired are addressed in accordance with Resolution 2005-0050, the Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (Impaired Waters Policy). The process of developing a TMDL involves identifying and evaluating point and nonpoint pollutant source(s), natural sources, and a margin of safety to ensure standards are attained. The factors or sources that cause a waterbody to be impaired, be they natural or anthropogenic, are not identified during the development of a 303(d) list.</p> <p>Finally, a TMDL is not the only option available for a waterbody placed into Category 5. Regional Water Boards may implement actions other than TMDLs for their impaired waterbody-pollutant combinations. These</p>

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		actions may be sufficient to place a waterbody in Category 4b (when a non-TMDL regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame, and a TMDL is not required) or Category 5r (when a non-TMDL restoration project or action may result in attainment of standards, and the TMDL requirement remains). See section 2.5 of the Staff Report for additional information on Category 4b and 5r.
009.10	Lastly, the State Water Board's Integrated Report division should communicate to Board members the need for the State Water Board's monitoring programs to monitor for bioavailable forms of aluminum, as recommended by USEPA, and the constituents needed to properly parameterize the 2018 NAWQC. Without this direction, State monitoring programs will not generate the data needed to implement the 2018 NAWQC in accordance with USEPA recommendations.	Please see response to comment 009.05.
009.11	<p>Comment 2. Insufficient Analytical Information to Support Decisions</p> <p>Many proposed decisions rely on data from USEPA's WQX database, a reference that contains 223,281 lines of data. This reference is lacking essential information needed for the public to evaluate basic elements of data quality.</p> <ul style="list-style-type: none"> <li>• Analytical Method – 13% (29,045) of these measurements do not specify an analytical method.</li> <li>• Reporting Limit (RL) – 76% (170,922) of these measurements do not provide an RL.</li> </ul>	<p>The WQX database contains raw data, including data screened out for quality assurance issues. Therefore, not all of the data included in the WQX database are used to make listing recommendations.</p> <p>See response to comment 014.24 regarding use of data lacking an analytical method, RL, or MDL.</p>

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	<ul style="list-style-type: none"> <li>Method Detection Limit (MDL) – 94% (209,858) of these measurements do not provide an MDL.</li> </ul>	
009.12	<p>These basic pieces of information identify if the purported constituent was tested with an appropriate analytical method and whether the measured result should be qualified because it was below the MDL or RL. The 2015 Listing Policy (section 6.1.4) requires credible numeric data to be measured with an identifiable analytical method and the State Water Board must make a finding in Fact Sheets of the availability of information on analysis practices and the adequacy of the data verification process, including detection limits. Moreover, when the quantitation limit (i.e., RL) is not available, the public cannot determine if the data have been appropriately qualified according to section 6.1.5.5 of the Listing Policy. Data lacking an analytical method, MDL, and RL should not be used for listing decisions.</p>	Comment noted. See response to comment 014.24.

**Letter 10. Greg Ramirez, City of Camarillo**

No.	Comment	Response
010.01	<p>The City has concerns regarding the 2024 303(d) List, and requests that the issues identified or referenced in this letter be addressed, and the 2024 303(d) List be released for another 60-day comment period prior to adoption.</p>	<p>Comment noted. The State Water Board will not be re-releasing the 2024 California Integrated Report out for an additional public comment period. Please see principal response 3.5 for Data Submission Timeline and the Public Process.</p>

No.	Comment	Response
010.02	The City supports the comments submitted by the Countywide Program and the CCW letters dated April 3, 2023. We encourage your agency to carefully consider the implications associated with these modifications to the 2024 303(d) List.	Comment noted. Please see response to comments to the Ventura Countywide Stormwater Management Program, Letter 41.
010.03	Remove the Camarillo Hills Drain (tributary to Revolon Slough) from the 2024 303(d) List - As previously requested in the CCW and Countywide Program comment letters, data from the site MO-CAM was used for this listing, and this site is an MS4 outfall that drains a portion of the City. This site is a part of the City's stormwater drainage system, which is not located in the receiving water, and it is not a tributary that is designated within the Basin Plan. For these reasons, remove all assessments for the Camarillo Hills Drain from all categories, as this is not a waterbody and it was listed using stormwater outfall data.	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Monitoring station MO-CAM is a storm water major outfall and does not represent ambient surface water in Camarillo Hills Drain. LOEs associated with this monitoring station have been removed. MO-CAM has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles. For a list of LOEs, decisions and listing recommendations revised due to removal of station MO-CAM, please see Appendix S: List of Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions</p> <p>Camarillo Hills Drain will continue to be assessed when non-effluent data are submitted for this waterbody. For a discussion of Camarillo Hills Drain as an assessable waterbody, please see response to comment 007.75.</p>
010.04	Reassess the Arsenic listing for Calleguas Creek Reach 9A - As previously requested in the CCW comment letter, the data file used as the basis for this listing should be reassessed as there are errors in the data file where mg/L were used instead	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 007.140.</p>



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	of ug/L. When assessed using the correct units, the results column shows that all of the results are within the same range. The City requests that the data be reassessed using the correct units, and reassess the arsenic listing.	
010.05	Reassess the pH and dissolved oxygen listing for Calleguas Creek Reach 9A –As previously requested in the CCW comment letter, there are errors in the data file that was used as the basis for this listing. The result of zero for a pH measurement, and the number of zero values in the data file for dissolved oxygen are errors in the file, these zeros should be removed as no samples were taken due to hazardous conditions. These should be reviewed and removed from the data assessment. The City requests that the data file for Calleguas Creek Reach 9A be reviewed and erroneous values for pH and dissolved oxygen be removed, and the listing reassessed.	Changes to listing recommendations were made in response to this comment.  Please see response to comment 007.141.
010.06	The City would like to thank you for consideration of these concerns, and we appreciate the opportunity to provide comments on the 2024 303(d) List.	Comment noted.

**Letter 11: Glen Kau, City of Norwalk**

No.	Comment	Response
011.01	De-Listings for SGR and Coyote Creek	While San Gabriel River Reach 2 is being recommended for delisting for lead and Coyote Creek is being

No.	Comment	Response
	<p>The city’s runoff flows go to San Gabriel River (SGR) Reach 1, 2, and Coyote Creek. We are pleasantly surprised to learn that the lead TMDL for Reach 2 finally has been proposed for de-listing. The city is equally pleased to learn that the copper TMDL for Coyote Creek also has been de-listed.</p>	<p>recommended for delisting for copper, implementation of the San Gabriel River Metals TMDL through permits and other programs remains in effect until the TMDL or permit is revised through the applicable revision process.</p>
011.02	<p>MS4 Permit Should be Re-Opened to Remove De-listed TMDLs</p> <p>It is the city’s hope that the de-listings will encourage the Los Angeles Regional Water Board (regional board) to remove from the current MS4 permit TMDLs that have been de-listed, not only as the result of the 2024 303(d) update, but also those that have been de-listed in the past. The city has, on several occasions, informed the board that it is not subject to the metals TMDL for San Gabriel River (SGR) Reaches 1 and 2, and Coyote Creek.</p> <p>The response from board staff is that even if a TMDL is de-listed, the board has the discretion to require compliance with it. This is based on staff’s unsubstantiated opinion that a TMDL is required because discharges from an upstream reach can contribute to an impairment of a downstream reach. Board staff’s opinion is diluted by three realities. First, nothing in either federal or state law and, more notably the State’s 303(d) Listing Policy, refers to anything about this presumed “alternative TMDL determinant”. Second, according to Decision ID fact sheets, even the regional board itself has recommended de-listing of metals for San Gabriel River reaches. The board cannot defend this contradiction and</p>	<p>Please see response to comment 011.01.</p> <p>The Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries (“San Gabriel River Metals TMDL”) applies to San Gabriel River and all impaired tributaries. At the time this U.S.EPA-established TMDL was adopted by U.S. EPA in 2007, the impaired water quality limited segments were as follows:</p> <ul style="list-style-type: none"> <li>• San Jose Creek Reach 1 – selenium</li> <li>• San Gabriel River Reach 2 – lead</li> <li>• Coyote Creek – copper, lead, zinc</li> <li>• San Gabriel River Estuary – copper</li> </ul> <p>New data have been assessed for the Draft 2024 California Integrated Report for these waterbody-pollutant combinations and the associated listing recommendations for the 2024 California Integrated Report are outlined below.</p> <ul style="list-style-type: none"> <li>• San Gabriel River Estuary – copper <ul style="list-style-type: none"> <li>○ Decision ID 138362</li> <li>○ “Do Not Delist from 303(d) list (being addressed with USEPA approved TMDL)”</li> </ul> </li> </ul>

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	<p>cannot have it both ways. Either a TMDL is legally determined, in keeping with listing policy and state and federal laws, or it's not. Third, in the case of the SGR reaches, none of them have been deemed "impaired" according to the regional board and therefore, cannot cause or contribute to an impairment of a downstream reach.</p> <p>Whereas the regional board maintains that an impaired upstream reach can cause an impairment to a downstream reach, it also says just the opposite in the TMDL attachment for the San Gabriel River. There it says that permittees may demonstrate compliance with wet weather concentration-based water quality-based effluent limitations for discharges to all upstream reaches and tributaries of SGR Reach 2 and Coyote Creek. Regional board staff are now saying that a TMDL for a downstream reach can be applied to an upstream reach – specifically that of SGR Reach 2 and Coyote Creek; can be applied to SGR Reach 3 which is above the Whittier Narrows Spreading Grounds. This makes no sense. First of all, it would be impossible for flows from these reaches to overcome gravity. Second, it would be impossible to overcome gravity and reach the spreading grounds located upstream, which operates as reach barrier. Third, Reach 3 is not listed for any of the metals TMDLs.</p>	<ul style="list-style-type: none"> <li>○ First listed in 1996</li> <li>● San Jose Creek Reach 1 – selenium <ul style="list-style-type: none"> <li>○ Decision ID 138747</li> <li>○ “Delist from 303(d) list (being addressed by U.S. EPA approved TMDL)”</li> <li>○ First delisted in 2010</li> </ul> </li> <li>● San Gabriel River Reach 2 – lead <ul style="list-style-type: none"> <li>○ Decision ID 138282</li> <li>○ “Delist from 303(d) list (being addressed by USEPA approved TMDL)”</li> <li>○ This is a new recommendation to delist</li> </ul> </li> <li>● Coyote Creek – copper <ul style="list-style-type: none"> <li>○ Decision ID 154722</li> <li>○ Delist from 303(d) list (being addressed by USEPA approved TMDL)</li> <li>○ This is a new recommendation to delist</li> </ul> </li> <li>● Coyote Creek – lead <ul style="list-style-type: none"> <li>○ Decision ID 132555</li> <li>○ “Delist from 303(d) list (being addressed by USEPA approved TMDL)”</li> <li>○ First delisted in 2016</li> </ul> </li> <li>● Coyote Creek – zinc <ul style="list-style-type: none"> <li>○ Decision ID 132575</li> <li>○ “Delist from 303(d) list (being addressed by USEPA approved TMDL)”</li> <li>○ First delisted in 2010</li> </ul> </li> </ul> <p>The 303(d) list (as well as the full California Integrated Report) is an informational document and does not by itself directly establish new or remove existing regulatory requirements. With respect to guidance addressing TMDL</p>

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		<p>allocations in waterbodies that are no longer impaired, the Clean Water Act Section 303(d)(3) instructs states to use TMDLs in circumstances of no impairment. In addition, U.S. EPA guidance, “Draft Considerations for Revising and Withdrawing TMDL” March 22, 2012, states:</p> <p><i>“EPA recommends that existing TMDLs not be withdrawn simply because the load and wasteload allocations have been implemented successfully and the water is now attaining water quality standards. EPA recommends that such “successful” TMDLs remain in place to ensure that WQS continue to be maintained in the future, and that their water quality analyses and allocation targets continue to inform permit writers’ and stakeholders’ efforts to maintain those water quality standards.”</i></p> <p>Revisions to TMDL allocations in Los Angeles Region waterbodies that are no longer impaired may be appropriate; however, revisions would require an amendment to the Los Angeles Regional Basin Plan and would be undertaken as a rulemaking action separate from integrated report assessments.</p> <p>Any permit requirements related to TMDL allocations will continue to apply until they are altered during the reopening of the permit. The California Integrated Report is not the appropriate venue to request changes to the Regional Phase I MS4 NPDES Permit (“Regional MS4 Permit”). Comments regarding the Regional MS4 Permit should be addressed to the Los Angeles Regional Water Board’s Storm Water and Municipal Permits program.</p>

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		Information about staff contacts and items available for public notice are available on the program’s webpage ( <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/</a> ).
011.03	<p>Board Failed to Post the State Board’s Notice of the 2024 303(d) List</p> <p>The city was surprised to learn that the regional board has not informed it and other cities of the State Board’s notice of the availability of the 303(d) 2024 list and its invitation to comment on it. The city only recently learned of it through an outside source. Not only were MS4 permittees not properly informed, but other interested parties such as general and individual NPDES permittees, and the public of which most if not all of whom were not informed. The regional board should have posted the notice on its website and scheduled it for discussion as an information item at its February 23, 2023 meeting. It is difficult to understand why the regional board ignored doing so, given its cost impact associated with TMDL compliance.</p>	See principal response 3.5: Data Submission Timeline and the Public Process.
011.04	<p>Properly Determining Water Quality Standards</p> <p>It is understood that a TMDL is required when water quality standards (WQS) for a pollutant have not been met. As the State Board is well aware, based on the State’s TMDL Listing Policy, if monitoring activities (sampling and analysis) result in a certain number of WQS exceedances, the subject water body segment (reach) is deemed impaired and placed on the</p>	The comment that 100 mg/L is provided “for illustrative purposes only” refers to the National Recommended Water Quality Criteria for Priority Toxic Pollutants (“National Toxics Rule”). The National Toxics Rule presents a different set of criteria than the California Toxics Rule (“CTR”).

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	<p>303(d) TMDL list. A WQS for metals and other toxics is determined by the California Toxic Rule (CTR). A WQS is based on water quality sampling for a water body. To adjust for chemical variances CTR requires a hardness value using calcium carbonate (CaCO<sub>3</sub>). The L.A. board uses a hardness value of 100 mg/l. However, according to CTR this value was recommended for “illustrative purposes only.” Using this value causes the WQS to be unnecessarily stringent. CTR supports using “actual hardness” at the time of sampling during the “ambient” condition of the water body (receiving waters). Using CaCO<sub>3</sub> as the actual, real-time hardness value will result in a more accurate toxic evaluation for metals. Generally, the higher the hardness value the less toxic for the metal being evaluated.</p>	<p>The commenter is correct that in the CTR, the freshwater aquatic life criteria for arsenic, cadmium, chromium III, chromium IV, copper, lead, nickel, silver, and zinc are expressed as a function of total hardness in the water body. If hardness data are available, collected from the same location and day as the metals data, the site-specific, hardness-adjusted criteria are calculated and compared to the metals sample result to determine exceedances. If hardness data are not available, the sample result is compared to the criteria listed in the table in paragraph (b)(1) of the CTR, which use a default hardness concentration of 100 mg/L. The commenter is encouraged to submit metals data and hardness data collected at the same location and day to CEDEN for assessment using site-specific criteria in a future California Integrated Report.</p>
011.05	<p>Direct the regional board to re-open the MS4 permit to eliminate the metals TMDL for SGR Reach 3, 2, and 1 and discard the claim that the regional board can determine a TMDL even it is not on the 303(d) list.</p>	<p>Please see response to comment 011.02 for metals impairments in the San Gabriel River and tributaries.</p> <p>The California Integrated Report is not the appropriate venue to request changes to the Regional Phase I MS4 NPDES Permit (“Regional MS4 Permit”). Comments regarding the Regional MS4 Permit should be addressed to the Los Angeles Regional Water Board’s Storm Water and Municipal Permits program. Information about staff contacts and items available for public notice are available on the program’s webpage</p>

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		<p>(<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/</a>).</p> <p>Regarding the inclusion of waterbodies in a TMDL, TMDL workshops, hearings, and adoption meeting are the forum for considering sources and requirements. Questions about TMDL development may be addressed to the Los Angeles Regional Water Board's TMDL program. Contact information and TMDL documentation can be found at the program's webpage (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p>
011.06	<p>Extend the comment period for the 2024 303(d) list update for 60 days. This would provide the regional board time to post the notice on its website and do a board presentation as an information item. The city suggests that the regional board should provide its information based on the presentation used by the Santa Ana Water Board.</p>	<p>Comment noted. The State Water Board recognizes the significant volume of information included in the Draft 2024 California Integrated Report and will consider providing more time for the public comment period in future integrated report cycles. The comments submitted by the written comment due date are appreciated. See principal response 3.5 for Data Submission Timeline and the Public Process.</p>
011.07	<p>Advise those required to monitor for metals to use the actual hardness value when sampling during the ambient condition of the target water body (viz., when it is not raining).</p>	<p>Comment noted. Integrated Report staff are considering ways to increase coordination with Water Board regulatory and other monitoring programs to inform monitoring efforts. See Staff Report section 1.1: The 303(d) List of Impaired Waters.</p>

**Letter 12: Ken Ballard and Lisa Moretti, Sacramento Stormwater Quality Partnership**

No.	Comment	Response
012.01	<p>The Sacramento Stormwater Quality Partnership (Partnership) appreciates the opportunity to provide comments on the proposed 2024 Clean Water Act Section 303(d) impairment list (2024 303(d) List) revisions. We recognize that this was a significant effort for the State Water Resources Control Board (State Water Board) staff in cooperation with the Regional Water Boards to compile the large amount of data and prepare this detailed assessment according to the impairment listing requirements of the federal Clean Water Act and California’s Listing Policy (Listing Policy).<sup>1</sup></p> <p>Footnote 1: State Water Resources Control Board. Water Quality Control Policy for Developing California’s Clean Water Action Section 303(d) List. Adopted September 30, 2004 Amended February 3, 2015.  <a href="http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf">http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf</a></p>	<p>Comment noted.</p>
012.02	<p>The Partnership has several recommendations for modifications to the proposed 303(d) List revisions. The recommended revisions are primarily related to the following issues:</p> <p><u>Incorrect use of trihalomethane (THM) formation potential to support listings based on THM human health water quality objectives.</u> The Department of Water Resources (DWR)</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethanes for a more thorough response to this</p>



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	<p>Municipal Water Quality Investigations (MWQI) program collected samples at fifteen water intake locations to determine the potential for THM formation. The sample results used for multiple decisions, including those described below, are incorrectly based on formation potential rather than actual concentrations of the THMs. The data records used from Reference 4948 do not specify the analytical method so the data do not adequately document the analyte used for the proposed 2024 303(d) listing. Communication with the data collecting agency (MWQI) confirmed that this study was an inter-laboratory (Weck Laboratories, Inc. and Bryte Chemical Laboratory) comparison for THM and haloacetic acid (HAA) formation potential that did not collect actual THM constituent concentration data. Data pairing for these inter-laboratory duplicates is evident in Reference 4948, but does not identify the samples as duplicates. All results from the 2010-11 MWQI study are then for formation potential, rather than a direct constituent concentration measurement. An annotated excerpt from the MWQI work plan and a sample comparison is provided in Attachment A.</p>	<p>comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
012.03	<p>Using the formation potential rather than actual concentrations is not consistent with the Listing Policy for proposed 2024 303(d) listings for Decision IDs detailed below.</p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to</p>

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		Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.
012.04	<p><u>Inappropriate use of total concentrations when the filtered or dissolved fraction should be used or calculated.</u> The Central Valley Pyrethroid TMDL developed trigger values that are specifically not considered water quality objectives until further evaluation and study are performed including the Pyrethroid Research Plan and the outcomes from management programs developed in the TMDL. Moreover, the trigger values were developed to consider the bioavailable fraction associated with particulate organic carbon (POC) and dissolved organic carbon (DOC). All comparisons to triggers should consider the POC and DOC adjustments or otherwise use an approved method to measure filtered pyrethroid concentrations as described in the decision comments below.</p>	See principal response 2.1 for Selection and Use of Pyrethroids in Water Threshold and principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.
012.05	<p><u>Lack of transparency on data inclusion and assessment rulesets.</u> The Partnership appreciates the level of effort and technical tools used to process such large datasets and supports this process.</p>	Comment noted.
012.06	<p>In order to be fully transparent and allow for an efficient public review of the new listings and delistings, all of the specific data that was used and the corresponding data analysis methodology should be fully and clearly documented.</p>	See principal response 3.3 for Quantitative Analyses and Methodologies regarding the inclusion of calculations and methodology transparency.

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012.07	<p>The State Water Board should provide the complete code base and process diagrams for processing and evaluating data, especially the methods (i.e., data dictionaries) to exclude data from consideration and calculate water quality objectives that are based on other parameters or summations. The LOE descriptions provide some helpful calculation and data selection information; however, the actual dataset used cannot be determined without additional information or confirmation. The lack of clarity around the dataset(s) used introduces ambiguity, making the analysis unreproducible in many cases. <u>The Partnership requests that the complete data processing and evaluation code be provided or otherwise be made publicly accessible.</u> Without this information, extensive data checking is needed to evaluate the listings. With greater transparency around the dataset(s), rulesets and processing/evaluation codes, the overall process could be streamlined to support our shared goals to protect water quality and use limited resources effectively.</p>	<p>The State Water Board will provide the complete data processing information and evaluation code upon request when the request is specific to waterbody and pollutant combinations. Additionally, see principal response 3.3 for Quantitative Analyses and Methodologies regarding the inclusion of calculations and methodology transparency. The commenter may contact State Water Board staff to request additional information by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p>
012.08	<p>AMERICAN RIVER, LOWER (NIMBUS DAM TO CONFLUENCE WITH SACRAMENTO RIVER)</p> <p>The Partnership had the following comments and requests for the Lower American River proposed 2024 303(d) listings:</p> <p>Benzo[b]fluoranthene (146125)</p> <p>The benzo[b]fluoranthene proposed 2024 303(d) listing was based on two samples (LOE 293322) exceeding the</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Concentrations receiving a QA Code of 'Estimated Value' are deemed to meet the data quality requirements established by the Listing Policy. The two samples with results exceeding the evaluation guideline and forming the basis of the proposed listing were correctly included in the assessment. Concentrations receiving a QA Code of</p>

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	<p>California Toxics Rule (CTR) water quality objective for protection human health (long term cancer risk). LOE 293322 excludes ten samples (from twelve total) because the quantification limit was greater than the water quality objective.</p> <p>The two samples used in the LOE were collected on the American River at Discovery Park. However, the sample on 2014-02-27 was qualified as estimated (“J”) in the provided data. Further research of CMP data files confirm that the laboratory reported the result as estimated because of matrix interference. Because the 2014-02-27 Discovery Park sample result is not a quantified concentration, the result should not be considered in the assessment.</p> <p>The Partnership requests that benzo[b]fluoranthene be removed from the 2024 303(d) List because there are less than two valid results that exceed the water quality objective.</p>	<p>‘Estimated Value’ are deemed to meet the data quality requirements established by the Listing Policy because these results had quantitation limits above the established evaluation guideline and measured concentrations above the quantitation limit (Note ResQualCode of ‘=’ for each sample).</p> <p>These data were assessed correctly according to Listing Policy Section 6.1.5.5, which states:</p> <p><i>“When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis.</i></p> <p><i>The quantitation limit includes the minimum level, practical quantitation level, or reporting limit.”</i></p>
012.09	<p>Chrysene (C1-C4) (146136)</p> <p>The proposed chrysene 2024 303(d) listing was based on four samples (LOE 293338) exceeding the California Toxics Rule (CTR) water quality objective for protection human health (long term cancer risk). LOE 293338 excludes five samples from nine total because “the laboratory data reporting limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy Section 6.1.5.5.” However, Listing Policy Section 6.1.5.5 does not consider cases where</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Data for LOE 293338 were assessed correctly according to Listing Policy Section 6.1.5.5. Listing Policy Section 6.1.5.5 states:</p> <p><i>“When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective,</i></p>

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	<p>the method detection limit is lower than the water quality objective:</p> <p>“When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis.” [Listing Policy page 23]</p> <p>When the sample is not detected and the method detection limit is below the water quality objective it is confirmed that constituent is not detected and is less than the water quality objective. In this case, the quantitation limit is not relevant and the Listing Policy quantitation limit guidance does not apply. Omitting this case from the assessment is not technically valid.</p> <p>The table below are the samples referenced by LOE 293338. The five results that are not detected with a method detection limit less than the water quality objective (“Result ND, MDL &lt; WQO”) should be included in the assessment.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p><i>criterion, or evaluation guideline, the result shall not be used in the analysis.</i></p> <p><i>The quantitation limit includes minimum level, practical quantitation limit, or reporting limit.”</i></p> <p>The five samples that were excluded from the assessment each had a quantitation limit above the numeric criteria for chrysene to protect the MUN beneficial use.</p>
012.10	<p>The Partnership requests that the chrysene impairment listing be reevaluated to remove qualified data and consider the larger dataset that was omitted where the MDL is below the water quality objective and the results are not detected.</p>	<p>See response to Comment 012.09.</p>

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012.11	<p>The Partnership requests that the State Water Board update their data dictionaries and assessment code to allow consideration of not detected values when the method detection limit is below the water quality objective or relevant threshold.</p>	<p>Comment noted.</p> <p>For many pollutants, laboratory methods are available that can quantify environmental data with the statistical rigor that would be appropriate for listing purposes. Furthermore, data from laboratories with quantitation limits that are greater than the evaluation guideline concentration are still useful because a pollutant detected by an analysis with quantitation limits greater than the impairment threshold is still an exceedance. State Water Board staff will consider the assessment of non-detect values when the method detection limit is below the water quality objective as part of a future Listing Policy amendment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
012.12	<p>Cyfluthrin (146234)</p> <p>The proposed cyfluthrin 2024 303(d) listing was based on two samples (LOE 293904 and 293614 for the Nimbus and Discovery Park American River sites, respectively) exceeding the narrative Basin Plan requirement that “No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses”. The State Water Board applied the Basin Plan cyfluthrin goal of 0.2 ng/L, rather than cyfluthrin goal utilizing the dissolved concentration calculation based on the organic carbon</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The amendment to Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the control of pyrethroid pesticide discharges (R5-2017-0057) allows for the use of dissolved pyrethroid concentrations but does not require it. Dissolved concentrations are prioritized for use in the assessment of pyrethroid pesticides but where dissolved concentrations are not available whole water concentrations are included in</p>

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	<p>concentration that is included in the Basin Plan. The calculation of the dissolved concentrations demonstrates that the sample complies with the cyfluthrin goal for dissolved concentration. The two LOEs exclude twenty six of thirty results because the quantification limit was greater than the water quality objective. Additionally, both of the results that were reported above the cyfluthrin goal were qualified as “estimated” and therefore were not quantified.</p> <p>The Partnership requests that the cyfluthrin proposed 2024 303(d) listing be removed because the data used as the basis for the listing is qualified and when considering organic carbon concentrations, the dissolved concentrations are below the cyfluthrin goal.</p>	<p>assessments. For more detail on this topic please see Principal Response 2.2 for Total and Dissolved Pyrethroids Data and Evaluation Guidelines.</p> <p>Under section 6.1.5.5 of the Listing Policy, it states that “When available data are less than or equal to the quantitation limit and the quantitation limit is less than or equal to the water quality standard, the value will be considered as meeting the water quality standard, objective, criterion, or evaluation guideline. When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis.”</p> <p>The twenty-six samples excluded from the assessment could not be quantified with the level of certainty required by section 6.1.5.5 of the Listing Policy due to quantitation limits above the established evaluation guideline of 0.2 ng/L. The two samples with results exceeding the evaluation guideline and forming the basis of the proposed listing were correctly included in the assessment. Concentrations receiving a QA Code of ‘Estimated Value’ are deemed to meet the data quality requirements established by the Listing Policy. These results had quantitation limits above the established evaluation guideline for cyfluthrin and measured concentrations above the quantitation limit (Note ResQualCode of ‘=’ for each sample).</p>

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		<p>Based on the information available, it cannot be established that dissolved concentrations are below the evaluation guideline for cyfluthrin, and, therefore, the data were not used to make listing recommendations</p> <p>The listing recommendation for this water body remains "List".</p>
012.13	<p>Cyhalothrin, Lambda (146236)</p> <p>The proposed lambda cyhalothrin 2024 303(d) listing was based on two LOEs (294727 and 190758). The State Water Board found that the Basin Plan requirement that "No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses" was exceeded. The State Water Board applied the Basin Plan lambda cyhalothrin goal of 0.3 ng/L (as dissolved). The two exceedances in LOE 294727 were reported as estimated and therefore the concentration was not quantified. There is just one exceedance in LOE 190758 from the dozens of data points evaluated in all the LOEs.</p> <p>The Partnership requests that the proposed lambda cyhalothrin 2024 303(d) listing be removed because the data used as the basis for the listing is qualified as an estimated (non-quantified) concentration.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 012.12 for more information regarding the inclusion of whole water concentrations in assessments for pyrethroid pesticides, inclusion of reported concentrations with a QA Code of 'Estimated Value,' and the relevance of quantitation limits in determining if data meets the requirements of Listing Policy Section 6.1.5.5.</p> <p>The listing recommendation for this water body remains List.</p>
012.14	Total Trihalomethane (TTHM) (134697) and Chloroform (134692)	Changes to listing recommendations were made in response to this comment.



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	<p>The proposed total trihalomethane and chloroform 2024 303(d) listings are based on LOEs that incorrectly represents a measure of total trihalomethane formation potential for trihalomethane constituent concentrations. The erroneous LOEs use MWQI data from 2010-10-04 to 2011-09-06 at the City of Sacramento water treatment facility (CALWR_WQX-A0714010). The State Water Board is erroneously assuming that these are measurements of constituent concentration when in fact they are measurements of formation potential (see example in Attachment A).</p> <p>The Partnership requests that the total trihalomethanes and chloroform proposed 2024 303(d) listing be removed as there are no data demonstrating the presence of trihalomethanes or chloroform.</p>	<p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
012.15	<p>SACRAMENTO RIVER (SACRAMENTO CITY MARINA TO SUISUN MARSH WETLANDS)</p> <p>The Partnership has the following comment and request for the proposed Sacramento River 2024 303(d) listings that are related to the erroneous use of THM formation potential instead of THM concentration data from the 2010-11 MWQI inter-laboratory study:</p>	<p>Changes listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>

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012.16	<p>Chlorodibromomethane (135382), Chloroform (135383), Dichlorobromomethane (150795), and Total Trihalomethane (TTHM) (135395)</p> <p>The proposed chlorodibromomethane, chloroform, dichlorobromomethane, and total trihalomethane 2024 303(d) listings are based on LOEs that incorrectly represents a measure of total trihalomethane formation potential for trihalomethane constituent concentrations. The erroneous LOEs use a subset of data (2010-10-05 to 2011-09-07) from the MWQI monitoring program at Hood (CALWR_WQX-B9D82211312). The State Water Board is erroneously assuming that these are measurements of constituent concentration when in fact they are measurements of formation potential (see example in Attachment A).</p> <p>The Partnership requests that the chlorodibromomethane, chloroform, dichlorobromomethane, and total trihalomethane proposed 2024 303(d) listings be removed as there are no data as there are no data demonstrating the presence of chlorodibromomethane, chloroform, dichlorobromomethane, and total trihalomethanes.</p>	<p>Changes listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
012.17	<p>WILLIAM POND (SACRAMENTO COUNTY)</p> <p>The Partnership had the following comment and request for the William Pond proposed 2024 303(d) listing:</p>	<p>Changes to listing recommendations were not made in response to this comment; however, the Waterbody Fact Sheet has been updated.</p> <p>The listing recommendation for mercury in William Pond is based on Listing Policy Section 3.11, which allows for a</p>

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	<p>Mercury (153037)</p> <p>The proposed mercury 2024 303(d) listing is based on two LOEs that use the same one annual data composite for data associated with one day (2019-06-25). The same composite fish tissue concentration was compared to two different Statewide Sport Fish Water Quality Objective for two different beneficial uses in each of the two LOEs. LOE 297202 evaluated the “Wildlife habitat” beneficial use with a comparison to “0.2 mg/Kg wet weight skinless fillet samples of trophic level 3, or trophic level 4 fish (whichever is highest in the water body) over a one year averaging period” objective. LOE 297212 evaluated the “Commercial or recreational collection of fish, shellfish, or organisms” beneficial use with a comparison to the “0.2 mg/Kg wet weight skinless fillet samples of trophic level 3, or trophic level 4 fish (whichever is highest in the water body) over a one year averaging period” objective. The proposed mercury 2024 303(d) listing is then based on only one data point for an annual average, which does not meet the minimum requirement of at least two samples in the Listing Policy for support of a beneficial use.</p> <p>Because there are insufficient unique data points used to justify the impairment decision to list William Pond for mercury, the Partnership requests that the proposed 2024 303(d) listing be removed.</p>	<p>situation-specific weight of evidence approach in evaluation water quality impairments when “all other Listing Factors do not result in the listing of a water segment but information indicates non-attainment of standards” and does not require the use of the binomial distribution as presented in Listing Policy Table 3.1.</p> <p>In 2022, OEHHA released Statewide Health Advisory and Guidelines for Eating Fish from California’s Rivers, Streams, and Creeks without Site-Specific Advice for mercury. Fishing occurs at William Pond Lake and the fish species (Largemouth Bass) used for the assessments are included in OEHHA’s advisory. Additionally, the data were collected for SWAMP’s Sportfish Contamination in Lakes and Reservoirs study.</p> <p>The commenter is correct that the tissue dataset available to assess mercury concentration in William Pond (Sacramento County) consists of one annual average; however, this annual average is comprised of tissue sample concentrations from ten trophic level 4 individual fish composites. A weight of evidence approach was used to list this waterbody for mercury based on the fact that all ten trophic level 4 fish samples from the 2019 annual average exceeded the mercury Statewide Sport Fish Water Quality Objective, which indicates a non-attainment of standards that can be reasonably inferred. Also see Principal Response 3.3: Qualitative Analysis and Methodologies.</p>

**Letter 13: Darin Seegmiller, City of Santa Clarita**

<b>No.</b>	<b>Comment</b>	<b>Response</b>
013.01	<p>The City of Santa Clarita (City) is submitting comments for the Santa Clara River; located in Los Angeles and Ventura Counties regarding the 2024 California Integrated Report 305(b) and 303(d) listing. The City also supports the comments made by CASQA.</p>	<p>Comment noted. For responses made to the letter submitted to the California Stormwater Quality Association, see response to Letter 6.</p>
013.02	<p>Omission of Non CEDEN Data Submitted to the State</p> <p>The City supports Los Angeles County Department of Public Works comment at the March 21, 2023, public workshop that non CEDEN data was omitted from this process and should be reconsidered and included. The Listing Policy clearly considers this type of data "readily available."</p> <p>In addition, watersheds within Los Angeles County report water quality data twice each year. These programs are expensive and time consuming. Programs include collecting water quality samples, reviewing lab data, performing quality assurance checks; and reporting the data twice each year to the Los Angeles Regional Water Quality Control Board. It is unclear why this process would not utilize that data as readily available submitted for state reporting. The upper Santa Clara River watershed recently analyzed of the data collected since 2015. It is clear this data would influence listing decisions for toxicity and other pollutants on the 303( d) list. The City respectfully requests that your staff review the storm water</p>	<p>Please see response to comment 021.01.</p>

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	<p>monitoring data submitted to the Los Angeles Regional Water Quality Control Board from the watershed groups, cities and Los Angeles County.</p>	
013.03	<p>Stormwater Outfall Data and Assignment</p> <p>There are multiple instances of using land use outfall data for determining a listing. Please be sure that the data sets in the Santa Clara River do not use outfall data. Also, please be sure all the readily available data is utilized, as there are instances where readily available data in CEDEN has not been utilized.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter does not provide a list of station names or affected decisions for which they are concerned. However, the stations "S03D_BARDS," "MO-SPA," and "Santa Paula 1," assigned to Santa Clara River Reach 3, have been identified as stations in the Santa Clara River that should not have been used for assessment. LOEs containing these stations have been removed and the decisions have been reevaluated. Please see Appendix S: List of Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions for a list of LOEs and listing recommendations revised as a result of removing data from stations not characteristic of surface water from Santa Clara River Reach 3 and other waterbodies. The listing recommendation for Methyl Parathion in Santa Clara River Reach 3 has been revised from "Do Not List" to "List."</p> <p>Please see response to comment 021.01 regarding data submitted by Los Angeles County to the Integrated Report upload portal.</p>

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013.04	<p>Pesticides</p> <p>Santa Clara River Reach 6 Decision ID 137156 Chlorpyrifos - However, specific to the consequences with the Los Angeles County non CEDEN data being omitted, the reviewers would have found that for this listing, the pollutant could now be delisted because there have been no exceedances in last 5 years.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The Los Angeles County non-CEDEN data, which was submitted to the Integrated Report upload portal, did not include data for chlorpyrifos in any waterbody. Please see response to comment 021.01 for discussion of omission of these data.</p> <p>Decision ID 137156 for chlorpyrifos in Santa Clara River Reach 6 includes data submitted during the 2024 California Integrated Report data solicitation. These data were collected from the Saugus Water Reclamation Plant at monitoring station 742401 (RSW-002D) and are contained in LOE ID 253836. Although a total of 38 samples were collected, none of the 38 samples were included in the assessment because the laboratory data quantitation limits were above the water quality threshold. Although chlorpyrifos was not detected in the samples, the quantitation limit used by the lab was 0.05 µg/L, signifying that the result was less than 0.05 µg/L. Because this amount is greater than the chlorpyrifos freshwater criterion of 0.015 µg/L, it cannot be determined in each sample whether or not the criterion is exceeded and the results could not be quantified with the level of certainty required by the Listing Policy section 6.1.5.5.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total</p>

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		sample count when the quantitation limits are greater than evaluation guideline concentrations.
013.05	<p>The pesticides in the Santa Clara River are known water quality problems that are being addressed by an action other than a TMDL and water quality standards are not yet met. This is consistent with section 2.2(2) of the 303(d) Listing Policy. "CATEGORY 4b- A .REGULATORY ALTERNATIVE TO TMDLs" which the EPA defines and allows regulatory alternatives to TMDLs. There are six criteria to consider, which I have outlined below.</p> <ol style="list-style-type: none"> <li>1. Identification of segment and statement of problem causing the impairment;</li> <li>2. Description of pollution controls and how they will achieve water quality standards; <ol style="list-style-type: none"> <li>a. Water quality target</li> <li>b. Point and nonpoint source loadings that when implemented will achieve water quality standards</li> <li>c. Controls that will achieve water quality standards</li> <li>d. Description of requirements under which pollution controls will be implemented</li> </ol> </li> <li>3. An estimate or projection of the time when water quality standards will be met;</li> <li>4. Schedule for implementing pollution controls;</li> <li>5. Monitoring plan to track effectiveness of pollution controls; and</li> </ol>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The commenter correctly identifies the criteria necessary to consider for a categorizing a waterbody as 4b.</p> <p>Categorizing an impaired waterbody in 4b (see Staff Report section 2.5: Integrated Report Condition Categories) requires the State to provide “sufficient demonstration that there are other pollution control requirements sufficiently stringent to achieve applicable WQS within a reasonable period of time.” (U.S. EPA Memorandum, Information concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions (Aug. 13, 2015), p. 7.) Depending on the sources contributing to the pesticides impairment of a waterbody and if the waterbody is part of a program or has an established plan that accounts for the management of all these sources, an approved pesticides management plan may be adequate to categorize a waterbody in 4b.</p> <p>However, the following information is lacking to support a 4b categorization at this time. The efficacy of implementation programs has not yet been demonstrated. The identification of segment and statement of problem causing the impairment (item 1) has not yet been demonstrated. The 303(d) list and 305(b) report do not</p>



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	<p>6. Commitment to revise pollution controls, as necessary.</p> <p>Item 1, 5 and 6 is addressed through the 303(d) and 305(b) listing process. Item 5 in particular will also be handled through various NPDES and WDR permits throughout California for water quality monitoring and adaptive management to address water quality standards. Items 2, 3 and 4 are being addressed through agreements between the California Environmental Protection Agency, California Department of Food and Agriculture, the State Water Resources Control Board and the nine Regional Water Quality Control Boards, Department of Pesticide Regulation and CASQA as described below.</p> <p>There is a Management Agency Agreement (MAA) between the State Water Resources Control Board and the nine Regional Water Quality Control Boards (Water Boards) and the Department of Pesticide Regulation (DPR) with an Implementation Plan. In addition, as part of that Implementation Plan, the California Environmental Protection Agency and California Department of Pesticide Regulation released the Accelerating Sustainable Pest Management (SPM). Also, the Our Water Our World program supports and help implement reduction of pesticides in surface waters. Together these pollution controls will work to achieve water quality standards better than any TMDL in the ever-evolving issue of pesticides where listings for chemicals that become banned or are repackaged in another version happen more quickly than the 303(d) and 305(b) process can address.</p>	<p>include a full source analysis sufficient to identify all sources quantitatively, and do not fulfill this requirement. A monitoring plan to track effectiveness of pollution controls (item 5) is also lacking. The 303(d) list and 305(b) report use data collected by monitoring programs and scientific studies as well as other sources of data, but do not ensure ongoing monitoring which would track effectiveness of pollution controls.</p> <p>The control measures and programs mentioned by the commenter and available to NPDES permittees may be expected to reduce pesticide loads to the levels needed to attain water quality standards, but their effectiveness has not been demonstrated for all potential sources (e.g., urban runoff). As a result, item 5 noted by commenter is not satisfied by existing permits that require monitoring to comply with water quality standards. In addition, state law prohibits local public entities, such as municipal separate storm sewer systems ("MS4s"), from regulating the sale or use of pesticide products, and thus they cannot directly limit the use of pesticides within their service area. As such, MS4 permittees may need a flexible time schedule to attain water quality standards related to pesticides as they determine the most effective management practices to reduce pesticide concentrations in urban runoff.</p> <p>Additionally, while a roadmap has been developed for Accelerating Sustainable Pest Management ("Roadmap"), which expresses a commitment to accelerate the transition away from high-risk pesticides toward adoption of safer, sustainable pest control practices, the efforts are</p>



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	<p>This is a long-term plan to eliminate Priority Pesticides for both urban and agricultural use. The pesticides deemed a Priority have active ingredients of greatest concern to human health and the environment and are prioritized for their usage reduction, replacement, and eventual elimination. The criteria for classifying pesticides as "Priority Pesticides" with hazardous and risk classifications gives special consideration for those that potentially cause severe or widespread adverse impacts includes pyrethrin that do not easily degrade, cannot be filtered, and cannot be diverted to a wastewater treatment facility. The SPM Plan has an anticipated outcome by 2050 with multiple step goals for advancing the plan to urban users, which are designed to increase the knowledge of urban pest management as well as pesticide alternatives by way of outreach and enhanced education.</p> <p>The SPM Plan will address Befinthrins, Cyfluthine, Cyhalothring Lambda, Fipronil, Chlorpyrifos and other pyrethroids which affect either Reach 5 or Reach 6 of the Santa Clara River. However, in all cases statewide, pesticides should be designated Category 4b. This category includes " ... Another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable specified time frame."</p>	<p>still in the early stages which includes lead agencies identifying funding, staffing, and mission. Therefore, it is speculative to assume that these programs and policies are sufficient to justify the reclassification of these pollutant-waterbody combinations.</p> <p>Finally, to qualify for a Category 4b approach to address an impairment, a 4b demonstration must be submitted and approved to U.S. EPA. The 4b demonstration must provide evidence of reasonable assurance that water quality standards will be attained within a reasonable time period, or that there is a plan in place to address the waterbody impairment. Once a 4b demonstration is approved by U.S. EPA, the waterbody-pollutant combination will be placed in Category 4b.</p> <p>The commenter may contact State Water Board staff to provide more detailed evidence for 4b categorization or to coordinate efforts to develop a 4b demonstration(s) for Santa Clara River pesticide impairments. This may be done by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p>
013.06	<p>Toxicity is not a pollutant, it's a result of a pollutant. As a result, this item should not be a Category 5, but Category 4C. For Santa Clara River Reach 6 (Decision ID 137189), aquatic toxicity was not confirmed during the 2021/22 Monitoring Year and almost every year since 2015. In fact, if Los Angeles</p>	<p>Changes to the listing recommendations were not made in response to this comment.</p> <p>Per Section 3.6 of the Listing Policy, waterbodies "may be placed on the section 303(d) list for toxicity alone. If the</p>

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	<p>County non CED EN data had not been omitted, toxicity for the Santa Clara River Reach 6 would be delisted.</p>	<p>pollutant causing or contributing to the toxicity is identified, the pollutant shall be included on the section 303(d) list as soon as possible (i.e., during the next listing cycle).”</p> <p>The non-CEDEN data submitted by Los Angeles County do not include data for toxicity in any waterbody, and monitoring reports from 2011 to 2020 from the Saugus Water Reclamation Plant also do not include data for toxicity.</p> <p>In the decision for toxicity in Santa Clara River Reach 6 (Decision ID 137189), LOE ID 244543 shows zero exceedances out of one sample. The data used in this LOE were submitted during the 2024 California Integrated Report data solicitation. However, LOEs are summed when they are assessing the same pollutant, matrix, fraction, and beneficial use, in accordance with Section 6.1.5.7 of the Listing Policy. For Decision ID 137189, the sum of all exceedances and samples is 5 of 46 samples exhibiting water toxicity. This exceeds the allowable frequency to support a delisting recommendation as provided in Table 4.1 of the Listing Policy.</p> <p>The commenter is encouraged to submit data for this waterbody-pollutant combination during the next data solicitation period in which the Los Angeles Region is on cycle. The commenter may also consider requesting that the Water Boards consider such data as a high-priority, off-cycle assessment.</p>

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		See principal response 3.4 for information on the use of older data in assessment.
013.07	<p>Santa Clara River Reach 5 Decision ID 137075. Iron items should be designated Category 4B - "Another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable specified time frame."</p> <ol style="list-style-type: none"> <li>1. Identification of segment and statement of problem causing the impairment;</li> <li>2. Description of pollution controls and how they will achieve water quality standards; <ol style="list-style-type: none"> <li>a. Water quality target</li> <li>b. Point and nonpoint source loadings that when implemented will achieve water quality standards</li> <li>c. Controls that will achieve water quality standards</li> <li>d. Description of requirements under which pollution controls will be implemented</li> </ol> </li> <li>3. An estimate or projection of the time when water quality standards will be met;</li> <li>4. Schedule for implementing pollution controls;</li> <li>5. Monitoring plan to track effectiveness of pollution controls; and</li> <li>6. Commitment to revise pollution controls, as necessary.</li> </ol> <p>Item 1, 5 and 6 is addressed through the 303(d) and 305(b) listing process. Item 5 in particular will also be handled</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The commenter correctly identifies the criteria necessary to consider for a categorizing a waterbody as 4b.</p> <p>Categorizing a waterbody as 4b (see Staff Report section 2.5: Integrated Report Condition Categories) requires evidence of reasonable assurance that water quality standards will be attained in a reasonable period of time or of an alternative restoration approach is being pursued that will address the impairment. Depending on the sources contributing to the iron impairment of a waterbody and if the waterbody is part of a program or has an established plan that accounts for the management of all these sources, an approved iron management plan may be adequate to categorize a waterbody in 4b.</p> <p>However, the following information is lacking to support a 4b categorization at this time. The identification of segment and statement of problem causing the impairment (item 1) has not yet been demonstrated. The 303(d) list and 305(b) report do not include a full source analysis sufficient to identify all sources quantitatively, and do not fulfill this requirement. A monitoring plan to track effectiveness of pollution controls (item 5) is also</p>

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	<p>through various NPDES and WDR permits throughout California for water quality monitoring and adaptive management to address water quality standards. Items 2, 3 and 4, 5, and 6 are being addressed through the NDPEs Permit and Watershed Management Plan for the Upper Santa Clara River. Iron is a priority pollutant listed in the Watershed Management Plan for the Upper Santa Clara River. This includes treatment projects, water quality monitoring and an adaptive management process for assessing improvement. The Los Angeles Regional Water Quality Control Board has approved the plan and the reasonable assurance analysis that the projects and program outlined will address iron, among other pollutants. The Watershed Management Plan efforts have a 2035 deadline for the water body pollutant combinations that are not TMDLs that will be addressed.</p>	<p>lacking. The 303(d) list and 305(b) report use data collected by monitoring programs and scientific studies as well as other sources of data, but do not ensure ongoing monitoring which would track effectiveness of pollution controls.</p> <p>Items 2, 3 and 4, 5, and 6 are not being fully addressed through the Regional Municipal Stormwater NDPEs Permit or the Watershed Management Plan for the Upper Santa Clara River. Significantly, the Watershed Management Plan referenced by the commenter includes reductions or pollution controls from municipal stormwater sources only; it does not include any reductions in pollutant discharge or pollution controls that might be necessary to address other sources such as construction or industrial stormwater, other NPDES discharges, or non-point sources.</p> <p>Finally, to qualify for a Category 4b approach to address an impairment, a 4b demonstration must be submitted and approved to U.S. EPA. The 4b demonstration must provide evidence of reasonable assurance that water quality standards will be attained within a reasonable time period, or that there is a plan in place to address the waterbody impairment. Once a 4b demonstration is approved by U.S. EPA, the waterbody-pollutant combination will be placed in Category 4b.</p> <p>The commenter may contact State Water Board staff to coordinate on or provide more detailed 4b categorization evidence regarding potential efforts to develop a 4b</p>

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		demonstration(s) for Santa Clara River iron impairments by sending an email to: wqassessment@waterboards.ca.gov.
013.08	<p>The City requests the following:</p> <ul style="list-style-type: none"> <li>• Incorporate the non CEDEN Los Angeles County water quality data for the affected reaches and watershed, and specifically the toxicity listings for the Santa Clara River</li> <li>• Revise pesticide listing from Category 5 TMDL to Category 4B Regulatory Alternative to TMDL</li> <li>• Revise the iron listing in the Santa Clara River Category 5 TMDL to Category 4B Regulatory Alternative to TMDL</li> </ul>	Please see response to comments 013.02, 013.05, and 013.07.

**Letter 14: Paul Bedore, City of Stockton**

No.	Comment	Response
014.01	We appreciate the opportunity to provide comments on the proposed Clean Water Act section 303(d) list for the 2024 California Integrated Report.	Comment noted.
014.02	Comment 1. Implementation of the 2018 National Ambient Water Quality Criterion (NAWQC) for Aluminum	Please see response to comment 008.05. If available, site-specific total hardness, DOC, and pH data were used to assess aluminum data using U.S. EPA's 2018 Aluminum Criteria. If data were insufficient or missing,

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	<p>There are two aspects to our comments on listing decisions for aluminum using the 2018 National Ambient Water Quality Criterion (NAWQC) for the protection of freshwater aquatic life.</p> <p>Insufficient Information</p> <p>There is insufficient information provided in the proposed decisions and their Lines of Evidence (LOEs) to identify which measurements are considered by the State Water Resources Control Board (State Water Board) to be exceedances of the NAWQC. This is because the NAWQC must be calculated using various water quality parameters and each LOE does not list the actual measurements or default values used to calculate the NAWQC, nor do they provide the actual value of the NAWQC that was compared to measurements.</p>	<p>total hardness, DOC, and pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default values were provided in the Draft Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion. Please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments for the calculated aluminum objective for each waterbody/station combination.</p>
014.03	<p>Decisions that rely on calculated evaluation guidelines, such as the aluminum NAWQC, need to be revised to explicitly provide the value of the evaluation guideline used in the LOEs. Otherwise, the evaluation guideline remains unpublished, preventing the public from fully reviewing the basis for decisions. Moreover, the values of the inputs to calculate the NAWQC also need to be provided with each LOE—default or sample-specific. Otherwise, the public cannot evaluate and comment on whether the appropriate evaluation guideline was used.</p>	<p>Please see response to comment 008.05. If available, site-specific total hardness, DOC, and pH data were used to assess aluminum data using U.S. EPA’s 2018 Aluminum Criteria. If data were insufficient or missing, total hardness, DOC, and pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default values were provided in the Draft Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion. Please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life</p>

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		<p>Assessments for the calculated aluminum criteria for each waterbody/station combination.</p> <p>The State Water Board also recognizes the value of providing detailed information when communicating quantitative analyses and assessment methodologies used during the compilation of the California Integrated Report to ensure replicable data analysis. A more detailed description of quantitative analysis and methodologies for all pollutants could be beneficial and staff continues to work to improve communication and transparency. See Principal Response 3.3 with more details.</p>
014.04	<p>Representative Measurements</p> <p>Total aluminum is not an appropriate measure of impairments to freshwater aquatic life when using the 2018 NAWQC, and the U.S. Environmental Protection Agency (USEPA) does not require the State Water Board to use total aluminum measurements in the 303(d) listing assessment.</p>	Please see response to comment 009.04 and 009.05.
014.05	<p>USEPA (2018)<sup>2</sup>, therefore, warns that waters could inappropriately be identified as not attaining water quality standards if the sample contains high amounts of particulates and the total recoverable analysis is applied to the samples.</p> <p>“In some circumstances, assessing waters using the analytical method for total recoverable aluminum could result in identification of some waters as not attaining water quality standards for aluminum criteria (i.e., being identified as</p>	Please see response to comment 009.04 and 009.05.

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	<p>impaired), where the bioavailable analytical method may not indicate impairment. For example, ambient waters with high amounts of total suspended solids may show elevated concentrations of aluminum based on analysis of the total recoverable fraction, yet these concentrations could actually represent only non-toxic forms of aluminum.”</p> <p>USEPA’s warning will be realized if the State Water Board uses the “total” fraction as the basis for comparison to the 2018 NAWQC. This is because across all 61 proposed decisions to “list” waterbodies for aluminum on the 2024 303(d) list, 38% of total aluminum measurements exceed the 2018 NAWQC (Figure 1), in contrast to a 1% exceedance rate for dissolved aluminum measurements. Hence, almost all 61 decisions to list waterbodies for aluminum using the 2018 NAWQC use measurements that incorporate aluminum in the particulate fraction, a fraction that is composed primarily of aluminum silicate minerals (Filella 20071) that are not toxic to aquatic life (USEPA 2018<sup>2</sup>).</p> <p>Footnote 2: U.S. EPA. 2018. Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum. U.S. EPA Office of Water. EPA- 800-D-21-001.</p>	
014.06	<p>The acid soluble and dissolved measurements demonstrate that the total recoverable method over-estimates the bioavailable fraction of aluminum many times over. Moreover, these samples were collected from the San Joaquin River, within-Delta waterways (southern) portion, which is proposed</p>	<p>Please see response to comments 009.04, 009.05, and 014.12.</p>



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	to be listed for aluminum using the NAWQC in Decision ID 135550.	
014.07	Though we cannot confidently determine the value of the evaluation guideline used for San Joaquin River LOEs for Decision 135550 (for the reasons described above), the guideline may be exceeded by some of the total aluminum measurements from the Manteca WER study. However, it is unlikely that the dissolved or acid soluble aluminum measurements exceeded the guideline, given they are many times lower than total measurements.	Please see response to comments 009.04, 009.05, 009.07, and 014.12.  Please see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments.
014.08	<p>However, USEPA (2018)<sup>2</sup> does not require the State Water Board to use measurements of “total” aluminum for comparison to the 2018 NAWQC in listing decisions.</p> <p>“A state or authorized tribe is not required to use all available data and information to make listing decisions, including total recoverable data, where it can provide a technical, science-based rationale for the exclusion of such data and information. 40 CFR 130.7(b)(6)(iii), For example, a state or authorized tribe may be able to demonstrate that total recoverable aluminum samples are not representative of water quality conditions because non-toxic forms of aluminum are leading to an exceedance above the criteria. In such cases, the state or authorized tribe may decline to rely on total recoverable data, or may assign a greater weight to bioavailable data if it is more representative of water quality for listing purposes.”</p>	Please see response to comment 009.04 and 009.05.

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	Footnote 2: U.S. EPA. 2018. Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum. U.S. EPA Office of Water. EPA- 800-D-21-001.	
014.09	Accordingly, the State Water Board should utilize their discretion to not “list” waterbodies for aluminum using the 2018 NAWQC without evidence that the bioavailable fraction of aluminum is the cause of the exceedance. At this juncture, dissolved aluminum measurements provide the better indication of bioavailable aluminum and thus are more accurately related to potential impairment. If the State Water Board continues to list waterbodies solely on the basis of total aluminum measurements, these listings will not lead to Total Maximum Daily Loads that enhance water quality; rather they will require time, attention, and resources from the Regional Water Quality Control Boards and other public agencies to demonstrate what we already know—the aluminum is from naturally occurring, aluminum-bearing suspended solids that are not toxic to aquatic life.	Please see response to comment 009.04 and 009.05, and 009.09.
014.10	Lastly, the State Water Board’s Integrated Report division should communicate to Board members the need for the State Water Board’s monitoring programs to monitor for bioavailable forms of aluminum, as recommended by USEPA, and the constituents needed to properly parameterize the 2018 NAWQC. Without this direction, State monitoring	Comment noted. The Integrated Report staff maintains a close collaborative relationship with the Water Board's Surface Water Ambient Monitoring Program (“SWAMP”) to offer constructive feedback and provide recommendations for enhancing regional water quality monitoring initiatives through regular meetings and discussions. It is recommended by State Water Board staff that the water quality parameters pH, total hardness,

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	<p>programs will not generate the data needed to implement the 2018 NAWQC in accordance with USEPA recommendations.</p>	<p>and dissolved organic carbon, be concurrently collected with aluminum samples to generate the data needed to calculate the aluminum criteria. Please see response to comment 009.05.</p>
014.11	<p>Comment 2. Decision ID 135550 (Aluminum), 135503 (Iron), 135526 (Zinc), and 135507 (Manganese). San Joaquin River (in Delta Waterways, Southern Portion).</p> <p>This waterbody is proposed to be listed for aluminum, iron, zinc, and manganese based on exceedances of the evaluation guidelines at station CALWR_WQX-B0D74831187. Exceedances at this station are indicated in the following LOEs.</p> <ul style="list-style-type: none"> <li>• Aluminum - LOE 314446</li> <li>• Iron - LOE 241611</li> <li>• Zinc - LOE 243617</li> <li>• Manganese - LOE 242294</li> </ul>	<p>Please see response to comment 014.12.</p>
014.12	<p>Data in the LOE references was collected by the California Department of Water Resources (DWR) for a study of stormwater runoff from the City of Lathrop. DWR's final report for this study<sup>5</sup> describes this location as the "Historic" stormwater runoff pump station that pumps stormwater from the City of Lathrop's historic municipal separate stormwater sewer system to the river (Figure 2). The latitude and longitude in the LOE data reference (37.8047, -121.132) place this station inland, not on the San Joaquin River.</p>	<p>Changes to the listing recommendations were made in response to this comment.</p> <p>Upon further review, it was determined that station CALWR_WQX-B0D74831187 is a stormwater pump station adjacent to the San Joaquin River and is not representative of the ambient water quality conditions on the river. 144 LOEs for the station were deleted and 81 decisions were revised. Exceedances from station CALWR_WQX-B0D74831187 resulted in proposed</p>

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	<p>Though the DWR report identifies that three river stations were monitored for this study (at Brandt Bridge, Lathrop, and Mossdale), none of these locations are in the vicinity of the “Historic” stormwater pump station referenced by this LOE (Figure 2).</p> <p>DWR’s Water Data Library (WDL)<sup>6</sup> is the original repository for the study data, though this data was transferred to the USEPA Water Quality Exchange (WQX) database, from which the State Water Board obtained this data for use in listing decisions. The WDL describes this station as a “River Pumping Station” and gives it the full name “River Station.” DWR’s latitude and longitude align with the LOE data reference (Figure 3). City of Lathrop staff confirmed that this is the location the City’s stormwater pump station, not the San Joaquin River (G. Gibson, personal communication to P. Bedore, March 29, 2023).</p> <p>Footnote 5: California Department of Water Resources. 2015 Lathrop Urban Runoff Study. Final Technical Report. February. State of California, The Resources Agency Department of Water Resources. Available at <a href="https://rtdf.info/public_docs/Miscellaneous%20RTDF%20Web%20Page%20Information/MWQI%20Misc/lathrop_report_final_04092015.pdf">https://rtdf.info/public_docs/Miscellaneous%20RTDF%20Web%20Page%20Information/MWQI%20Misc/lathrop_report_final_04092015.pdf</a>. Accessed March 13, 2023.</p> <p>Footnote 6: California Department of Water Resources. Water Data Library. <a href="https://wdl.water.ca.gov/waterdatalibrary/WaterQualityDataLib.aspx">https://wdl.water.ca.gov/waterdatalibrary/WaterQualityDataLib.aspx</a>. Accessed March 13, 2023.</p>	<p>listings on Decision IDs 135550 (Aluminum), 135503 (Iron), 135526 (Zinc), and 135507 (Manganese). All of these decisions were revised to “Do Not List”.</p> <p>Refer to Appendix S: List Decisions Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions for a list of LOEs, decisions and listing recommendations affected by this change.</p>

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014.13	<p>In summary, samples collected at this station are of Lathrop stormwater runoff, not ambient water from the San Joaquin River. Hence, all LOEs relying on data from station CALWR_WQX-B0D74831187 (for all proposed decisions throughout the entirety 2024 303(d) list) should be removed from the administrative record and the decisions referenced in this comment should be revised to “Do Not List.”</p>	<p>Please see response to comment 014.12.</p>
014.14	<p>Decision ID 135507, as referenced in Comment 2, would list the San Joaquin River as impaired for manganese due to exceedances of the Secondary Maximum Contaminant Level (SMCL). This decision inappropriately references the exceedance frequency of Table 3.1 of the Listing Policy, which provides the minimum number of measured exceedances needed to place a water segment on the 303(d) list for toxicants. The SMCL was promulgated by USEPA to address issues of aesthetics (discoloration in the case of manganese), not health concerns. Therefore, Table 3.2 of the Listing Policy should be used for decisions that implement SMCLs because this table provides the minimum number of measured exceedances needed to place a water segment on the 303(d) list for conventional or other pollutants. Decision ID 135507 and others that use a SMCL as the evaluation guideline should be re-evaluated using Table 3.2 of the Listing Policy.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The listing recommendations for SMCLs are made in accordance with the Listing Policy Section 3.1 – Numeric Water Quality Objectives and Criteria for Toxicants in Water, which applies to numeric water quality objectives for toxicant pollutants, including maximum contaminant levels where applicable. Additionally, the Listing Policy defines toxicants as: priority pollutants, metals, chlorine, and nutrients. Therefore, according to the Listing Policy's definition of toxicants, Table 3.1 is the applicable binomial table for manganese, which is a metal. An amendment to the Listing Policy would be required in order to change the binomial approach used to assess the SMCL for manganese and this issue will be considered during the scoping of a future Listing Policy amendment.</p> <p>Additionally, see response to comment 014.12 for specific information on Decision ID 135507.</p>

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014.15	Decisions that rely on a SMCL in Table 64449-A of the California Code of Regulations (CCR) for the evaluation guideline should also use the appropriate averaging period and minimum sample frequency specified in CCR section 64449”	<p>Changes to the listing recommendations were not made in response to this comment.</p> <p>The averaging period and sampling frequency described by commenter in California Code of Regulations (CCR) Title 22 Section 6449, requiring four quarterly sample events to determine an annual average, is a community water system’s obligation upon determining an a SMCL is exceeded in the community water system serving water. This requirement applies to community water system effluent and not the Water Boards’ evaluation of whether water quality standards in the receiving water are exceeded.</p> <p>Listing recommendations for the 303(d) list are based on receiving water data and do not include effluent data. Therefore, the annual averaging process described in the CCR for SMCLs (of the four quarterly samples) does not apply to how an annual average is calculated for the Integrated Report. Section 6.1.5.6 of the Listing Policy requires evaluating data in a consistent manner as specified in the applicable water quality standard. Regarding the San Joaquin River (in Delta Waterways, Southern Portion), Chapter 3 of the Central Valley Basin Plan specifies that an annual average is to be used with the SMCLs identified in Table 64449-A and 64449-B.</p>
014.16	Decisions implementing these SMCLs should only be made when there is at least four quarters of monitoring data	See response to comment 014.15.

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	available to determine an annual average, and the annual average should be used to compare with the SMCL. Section 6.1.5.6 of the 2015 Listing Policy supports this request.	
014.17	<p>Decision ID 135507 can be used as an example. Upon removing the stormwater samples contained in LOE 242294 from Decision ID 135507 (as explained in Comment 2), only LOE 202160 remains to support the decision. There are five measurements for this station-waterbody combination in the accompanying data reference and all are from Q1 2012. Since not enough measurements are available to calculate an annual average of quarterly samples, the data are insufficient to evaluate compliance with the SMCL in accordance with CCR section 64449. Notwithstanding, the Q1 2012 average does not exceed the 0.05 µg/L SMCL. Decisions implementing SMCLs, including Decision ID 135507, should be re-evaluated using averaging periods that CCR Title 22 requires when determining compliance with the SMCLs.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The listing recommendation for Decision ID 13550 for the San Joaquin River, Delta Waterways, southern portion was revised from “List” to “Do Not List” following the removal of data that were not representative of ambient conditions. See response to comment 014.15 and 014.12 for more information.</p>
014.18	<p>Comment 4. This comment pertains to the following Decision IDs.</p> <ul style="list-style-type: none"> <li>• San Joaquin River (in Delta Waterways, Southern Portion) – Decision ID 135488 (Chloroform), 135523 (Total Trihalomethanes), and 150815 (Dichlorobromomethane).</li> <li>• Delta Waterways (Southern Portion) – Decision ID 150362 (Chloroform) and 150364 (Total Trihalomethanes).</li> </ul>	<p>Please see response to comment 014.12. The removal of station CALWR_WQX-B0D74831187 addressed the duplicate LOEs.</p> <p>Decisions made on the Delta Waterways (southern portion) were revised to include language regarding the Delta Remapping Project. Data from the geographically broad subareas will be reassessed to waterbody specific segments in a future integrated report. See Staff Report section 6.1.1: Delta Remapping for more information.</p>

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	<p>There are several issues with the LOEs used to support the above Decision IDs.</p> <ol style="list-style-type: none"> <li>1. The monitoring station is not on the San Joaquin River.</li> <li>2. The data are not representative of actual concentrations for the pollutants.</li> <li>3. Duplicative listings.</li> </ol>	
014.19	<p>Monitoring Station</p> <p>All LOEs for these decisions are based on data collected from station CALWR_WQX-B0D74831187. This pertains to LOEs:</p> <ul style="list-style-type: none"> <li>• San Joaquin River (in Delta Waterways, Southern Portion) Decisions <ul style="list-style-type: none"> <li>○ Chloroform – LOEs 241834 and 241831</li> <li>○ Total Trihalomethanes – LOE 243648</li> <li>○ Dichlorobromomethane – LOEs 241195 and 241196</li> </ul> </li> <li>• Delta Waterways (Southern Portion) Decisions <ul style="list-style-type: none"> <li>○ Chloroform – LOEs 303661 &amp; 303612</li> <li>○ Total Trihalomethanes – LOE 303636</li> </ul> </li> </ul> <p>As described in Comment 2, samples collected at this station are of Lathrop stormwater runoff, not ambient water from the San Joaquin River. These decisions should be re-evaluated after omitting these LOEs and designated as “Do Not List.”</p>	Please see response to comment 014.12 and 014.18.



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014.20	<p data-bbox="283 261 638 293">Data Not Representative</p> <p data-bbox="283 334 1157 1317">These LOEs do not provide sufficient information to evaluate if the measurements are accurate and appropriately qualified—50% of the measurements for chloroform, dichlorobromomethane, and bromodichloromethane (these are trihalomethane (THM) compounds) do not specify an analytical method and 70% of the measurements do not specify a reporting limit (RL) (see Comment 5, as well). Since the data was collected for the DWR study discussed above, we know from the study report<sup>5</sup> that the data for these THMs referenced in the LOEs was generated with analytical method 5710B, titled “Formation of Trihalomethanes and Other Disinfection Byproducts.” For measurements in the LOE reference that specify a method, the method identified (5710B) comports with the DWR study report. Method 5710B does not measure THM concentrations in the sample as collected. Rather, the sample is subject to chlorine dosage at the analytical laboratory in order to generate these compounds in the sample and, thus, identify the potential for the THM compounds to be formed during the drinking water treatment chlorine-disinfection process. Therefore, THM compound measurements produced with this method do not represent their concentrations in the waterbody and should not be used to assess water quality impairments in the San Joaquin River. On this basis, the proposed listing decisions for the above THM compounds need to be re-evaluated.</p> <p data-bbox="283 1357 1150 1422">Footnote 5: California Department of Water Resources. 2015 Lathrop Urban Runoff Study. Final Technical Report.</p>	<p data-bbox="1186 261 1913 334">Changes to listing recommendations were made in response to this comment.</p> <p data-bbox="1186 407 2011 756">Data from trihalomethane formation potential analysis were removed from assessments. Please see principal response 5: Central Valley Regional Water Board Trihalomethane Principal Response. See Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>

No.	Comment	Response
	<p>February. State of California, The Resources Agency Department of Water Resources. Available at <a href="https://rtdf.info/public_docs/Miscellaneous%20RTDF%20Web%20Page%20Information/MWQI%20Misc/lathrop_report_final_04092015.pdf">https://rtdf.info/public_docs/Miscellaneous%20RTDF%20Web%20Page%20Information/MWQI%20Misc/lathrop_report_final_04092015.pdf</a>. Accessed March 13, 2023.</p>	
014.21	<p>This issue was brought forward in numerous written comments on the 2020-2022 report. Henceforth, all THM measurements utilized in listing decisions should undergo additional scrutiny before the draft 303(d) list is issued for public review to verify that an analytical method has been specified and that the reported THM measurements are actually from ambient samples and not measurements of THM formation potential.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5: Central Valley Regional Water Board Trihalomethane Principal Response. See Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
014.22	<p>Duplicative Listings</p> <p>Decisions for the Delta Waterways (Southern Portion) are duplicative of the listings for the San Joaquin River (in Delta Waterways, Southern Portion)—the decisions are based on the same measurements. The 2020-2022 Integrated Report indicated that in future listing cycles, listing decisions for the Sacramento River-San Joaquin River Delta would not be put forward by Delta sub-region. Rather, data for each individual waterbody within the Delta would be subject to its own review</p>	<p>Changes to the listing recommendations were made in response to this comment. Decisions 150362 and 150364, both trihalomethane decisions in the Delta sub-region, have been deleted. These decisions were associated with a monitoring station that was not representative of ambient conditions. Please see response to comment 014.12 for more information regarding the removal of the monitoring station data. Additionally, data from the geographically broad subareas will be being remapped and reassessed throughout</p>

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	<p>and decision. Hence, the State Water Board should remove Decisions 150362 and 150364 in their entirety and any other decisions for the waterbody “Delta Waterways (Southern Portion)” that are proposed this listing cycle.</p>	<p>multiple listing cycles to ensure that the California Integrated Report best reflects water quality conditions and current water quality objectives, and to ensure data are appropriately used to represent conditions in a mapped waterbody segment. See Staff Report section 6.1.1: Delta Remapping for more information.</p> <p>See principal response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
014.23	<p>Comment 5. Insufficient Analytical Information to Support Decisions</p> <p>Many proposed decisions rely on data from USEPA’s WQX database, a reference that contains 223,281 lines of data. This reference is lacking essential information needed for the public to evaluate basic elements of data quality.</p> <ul style="list-style-type: none"> <li>• Analytical Method – 13% (29,045) of these measurements do not specify an analytical method.</li> <li>• Reporting Limit (RL) – 76% (170,922) of these measurements do not provide an RL.</li> <li>• Method Detection Limit (MDL) – 94% (209,858) of these measurements do not provide an MDL.</li> </ul>	<p>See response to comment 14.24.</p>

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014.24	<p>These basic pieces of information identify if the purported constituent was tested with an appropriate analytical method (THM formation potential is a good example from Comment 4) and whether the measured result should be qualified because it was below the MDL or RL. The 2015 Listing Policy requires credible numeric data to be measured with an identifiable analytical method and the State Water Board must make a finding in Fact Sheets of the availability of information on analysis practices and the adequacy of the data verification process, including detection limits. Moreover, when the quantitation limit (i.e., RL) is not available, the public cannot determine if the data have been appropriately qualified according to section 6.1.5.5 of the Listing Policy. Data lacking an analytical method, MDL, and RL should not be used for listing decisions.</p>	<p>Analytical methods and quantitation limits, such as reporting limits and method detection limits, are important to accurately evaluate data quality and determine whether data attain standards. Analytical method and quantitation limit information is primarily available in QAPPs, QAPP-equivalent documentation, or in the data files (often Microsoft Excel spreadsheets) available in LOEs. Quantitation limits in the data files are reviewed during the data quality review process to determine if the data meet the quantitation limit requirements of Section 6.1.5.5 of the Listing Policy. Data that do not meet these requirements are not used for analysis. The analytical method field is not required to determine consistency with the Listing Policy requirements. The analytical method is reviewed for some data types as an additional check to identify the correct data for assessment. For example, total trihalomethane (“TTHM”) data are not used for assessment if the method field is blank because the data may represent trihalomethane formation potential, not actual concentrations, and are therefore not appropriate for assessments.</p> <p>However, the analytical method and quantitation limit fields are not required to be populated to submit data to the federal WQX database. Therefore, these fields may be blank for WQX data. In these instances, the data with blanks in the quantitation fields are used for assessment if there is confidence that the result is above the quantitation limit (e.g. the ResQualCode field is populated with an equal (=) sign, or a greater than sign (&gt;). If the</p>

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		<p>data are non-detects (“ND”) or detected not quantified (“DNQ”) and quantitation limits are also blank, it is not possible to determine if the data meet the Listing Policy section 6.1.5.5 requirements and the data are not used for assessment. The analytical method field is reviewed as described in the preceding paragraph.</p> <p>Analytical methods and quantitation limits should be available in monitoring reports prepared by USGS or other WQX data providers. It would take additional research to read reports from USGS or other providers to identify analytical methods and quantitation limits for some of these data.</p> <p><del>Data from the WQX database were used to make listing and delisting recommendations as data are deemed to be of adequate quality and credible and relevant for listing purposes. Per Listing Policy section 6.1.4, the data from major monitoring programs in California and published USGS reports are considered of adequate quality and do not necessitate the submission of a QAPP or QAPP-equivalent documentation for data to be used as primary line of evidence. The WQX database also contains data from other U.S. EPA data partners, such as tribes, which have historically been viewed as data from a major monitoring program. As such, analytical methods and quantitation limits were not further verified and the existence of an applicable QAPP or QAPP-equivalent documentation was not confirmed.</del></p>

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		<p>Moving forward, Water Board staff is working with WQX administrators to improve the reporting of analytical methods, quantitation limits, and other helpful metadata. Staff is also working to improve overall Integrated Report data quality and will be reconsidering the rationale that data from major monitoring programs, including data from the WQX database, are sufficient without the submission of QAPPs or QAPP-equivalent documentation. It will take time to complete data verification for such data. For the 2024 <a href="#">California</a> Integrated Report, data from the WQX database were used as there is some degree of confidence that the process of uploading data into WQX includes the minimum quality assurance/quality control requirements outlined in Section 6.1.4 of the Listing Policy. Moving forward, WQX data may not be used to make listing recommendations if analytical methods and quantitation limits are not available. <a href="#">See principal response 3.2 for more information on the Water Board's shift in interpretation and implementation of QAPP requirements per Listing Policy section 6.1.4.</a></p> <p>Additionally, thank you for other comments in which you identified specific waterbody-pollutant combinations with potential quality concerns, as was done for trihalomethane formation potential data comments.</p>

**Letter 15: Jeff Marasovich and Matt Zidar, City of Stockton and County of San Joaquin**

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015.01	The City of Stockton (City) and County of San Joaquin (County) (collectively “Permittees”) appreciate the opportunity to review and provide comments on the Draft 2024 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report).	Comment noted.
015.02	In reviewing the Draft 2024 Integrated Report and 303(d) listings, we do have some concerns with several of the proposed new listings and a previous listing in the Central Valley region. Our concerns and recommendations are provided below by waterbody.	Thank you for the comment. Responses to the specific comments provided in the comment letter can be found in response to comments 015.03 – 015.11.
015.03	<ol style="list-style-type: none"> <li>1. San Joaquin River (in Delta Waterways, southern portion) – Chloroform (Decision ID 135488<sup>2</sup>) and Delta Waterways (southern portion) – Chloroform (Decision ID 150362<sup>3</sup>)               <ol style="list-style-type: none"> <li>a. Multiple Listings for the Same Data – The data used in the line of evidence (LOE) 241834 for the San Joaquin River listing is the same data used in the Delta Waterways listing, LOE 303612. The samples that were used for both listing decisions come from one monitoring site (CALWR_WQX-B0D74831187) and the same reference data set (ref4948). The monitoring site coordinates are located in the vicinity of the rest of the San Joaquin River (in Delta Waterways, southern portion) sample</li> </ol> </li> </ol>	Please see response to comment 014.12 and 014.18.

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	<p>locations, in the portion of the river south of Lathrop. In contrast, the monitoring locations from other Delta waterways (southern portion) are located on the portion of the San Joaquin River that runs parallel to the area between Stockton and Lathrop.</p> <p>Recommendation: Remove the listing for chloroform in the Delta Waterways (southern portion) and review and update the station names assigned to this waterbody.</p> <p>Footnote 2:  <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2023_2024state_ir_reports_draft/apx-b-factsheets/04090.shtml#135488">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2023_2024state_ir_reports_draft/apx-b-factsheets/04090.shtml#135488</a></p> <p>Footnote 3:  <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2023_2024state_ir_reports_draft/apx-bfactsheets/00140.shtml#150362">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2023_2024state_ir_reports_draft/apx-bfactsheets/00140.shtml#150362</a></p>	
015.04	<p>2. French Camp Slough (confluence of Littlejohns and Lone Tree Creeks to San Joaquin River, San Joaquin Co; partly in Delta Waterways, eastern portion) - Bifenthrin (Decision ID 116581<sup>4</sup>) and Pyrethroids (Decision ID 116576<sup>5</sup>)</p> <p>a. Analysis Conducted – Without an understanding as to what specific data was used for this analysis and the details of the analysis (see comment #3), it is unclear if the pesticide data</p>	<p>For Decision ID 116576, the freely dissolved pyrethroids concentrations were used for the comparison of multiple pyrethroids in an additive manner with one concentration goal unit (“CGU”). The additive effects were assessed by calculating the summed ratios of the pyrethroid pesticides bifenthrin, cyfluthrin, cypermethrin, esfenvalerate, lambda-cyhalothrin, permethrin, and their respective chronic concentration goals. The additive chronic concentration goal is not to exceed one. For the equation</p>



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	<p>was assessed using the approach specified within the Pyrethroid Control Program. This comment was provided as a part of the Permittees July 16, 2021 comments on the Draft 2020-2022 California Integrated Report. In response to the comment State Water Board staff stated (in part)<sup>6</sup> that the data are provided in the references included as a part of the LOEs, the QA/QC procedures were run, and that the BPA includes the analysis procedures. While we appreciate the previous response, it does not fundamentally address the request that was made and we still do not have the analyses that were conducted (showing the work). Thus, the Permittees are making the same recommendation made in 2021.</p> <p>Recommendation: Identify the specific data used in the analyses and the actual analyses conducted for this listing decision.</p> <p>Footnote 4:  <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_draft/apx_b/01245.shtml#1">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_draft/apx_b/01245.shtml#1</a> 16581</p> <p>Footnote 5:  <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_draft/apx_b/01245.shtml#1">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_draft/apx_b/01245.shtml#1</a> 16576</p> <p>Footnote 6: Revised Summary of Comments and Responses, Statewide Clean Water Act Section 303(d) List Portion of the</p>	<p>used to calculate the CGU and additional information on pyrethroid pesticide assessments, see Staff Report section 3.2.1.1: Pesticides.</p> <p>For Decision ID 11658, the freely dissolved concentrations of bifenthrin were used to compare against the chronic concentration goal for bifenthrin which is 0.1 ng/L expressed as a 4-day average.</p> <p>Additionally, see pyrethroids principal response 2.2 for Total and Dissolved Pyrethroids Data and Evaluation Guidelines. Also, see principal response 3.3 for Quantitative Analyses and Methodologies regarding the inclusion of calculations and methodology transparency.</p>

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	2020-2022 California Integrated Report, Response 21.07. February 16, 2022.	
015.05	<p>Listing Decision – The listing decision that is identified for pyrethroids and bifenthrin in French Camp Slough is “List on the 303(d) List (TMDL required list)”. However, in June 2017, the Central Valley Regional Water Quality Control Board adopted a Basin Plan Amendment for the Control of Pyrethroid Pesticide Discharges, which established pyrethroid concentration goals and a program of implementation for surface waters in the Sacramento and San Joaquin River watersheds of the Central Valley.</p> <p>Since there is already a comprehensive regional, regulatory program in place that explicitly addresses pyrethroid pesticides, any potential new listings (including the one for French Camp Slough) should be listed in a more representative category such as:</p> <ul style="list-style-type: none"> <li>• Category 4B – Another regulatory program is expected to address the impairment;</li> <li>• Category 5C – Being addressed by action other than a TMDL; or</li> <li>• Category 5ALT - Being addressed by USEPA approved TMDL alternative</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The amendment to Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the control of pyrethroid pesticide discharges (R5-2017-0057) established a TMDL for nine (9) waterbodies impacted by six (6) named pyrethroid pesticides as well as the additive toxic effects individual pyrethroid pesticides. The amendment also identifies five (5) waterbodies receiving agricultural discharges with known pyrethroid impairments and describes an approach whereby these waterbodies and other impaired waterbodies receiving agricultural discharge may be placed in Integrated Report Category 4b because there is reasonable assurance that impairments are being addressed by a regulatory program other than a TMDL. However, neither the Basin Plan amendment nor the Staff Report establish that all new and existing pyrethroid impairments should be exempt from the requirement to develop a TMDL to address impaired water quality.</p> <p>Categorizing a waterbody as 4b requires evidence of reasonable assurance that water quality standards will be attained in a reasonable period of time or of a plan to address the impairment and a TMDL is not required. Categorizing a waterbody as 5r (formerly 5alt) requires a</p>

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		<p>non-TMDL restoration project or action that may result in attainment of standards, and the TMDL requirement remains.</p> <p>Additionally, the 2024 California Integrated Report does not contain an Integrated Report Condition Category “5B.” See Staff Report, Figure 2-3. As described in that figure, the category used to identify an impaired waterbody as being addressed by a TMDL is Category “4a.” Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. A <i>TMDL requirement status</i> within the Integrated Report Condition Category 5 is applied for each waterbody-pollutant combination as an internal tracking mechanism.</p> <p>In an effort to improve clarity surrounding the status of a waterbody’s condition category, State Water Board staff are working to reconcile references to waterbody condition categories and waterbody-pollutant combination TMDL statuses.</p> <p>The Basin Plan amendment does not ensure the meeting of water quality standards in every water body impaired by pyrethroid pesticides. For instance, urban storm water management entities (e.g., municipal separate storm sewer systems [“MS4s”]) do not have direct control of the multiple sources of pesticides that may be utilized throughout their service areas and released into their conveyance systems. There are control measures available to MS4s that are expected to reduce pesticide loads to the levels needed to attain water quality</p>

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		<p>standards, but their effectiveness has not been demonstrated as they have been for agricultural dischargers. In addition, state law prohibits local public entities, such as MS4s, from regulating the sale or use of pesticide products, and thus they cannot directly limit the use of pyrethroids within their service area. MS4s may need a more flexible time schedule to attain water quality standards related to pyrethroids as they determine the most effective management practices to reduce pesticide concentrations.</p>
015.06	<p>This comment was provided as a part of the Permittees July 16, 2021 comments on the Draft 2020-2022 California Integrated Report. In response to the comment State Water Board staff stated (in part)<sup>8</sup>:</p> <p>“Categorizing a waterbody as 4b or 5alt requires evidence of reasonable assurance that water quality standards will be attained in a reasonable period of time or of a plan to address the impairment. Depending on the sources contributing to the pyrethroids impairment of a waterbody and if the waterbody is part of a program or has an established plan that accounts for the management of all these sources (e.g., the irrigated lands regulatory program [“ILRP”]), an approved pyrethroids management plan may be adequate to categorize a waterbody in 4b or 5alt. Future categorization of pyrethroids-impaired waterbodies into Category 4b or 5alt shall be considered in future Integrated Report cycles as</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The information presented in Principal Response 2.4 of the <a href="https://www.waterboards.ca.gov/water_issues/programs/mdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf">Revised Summary of Comments and Responses for the Statewide Clean Water Act Section 303(d) List Portion of the 2020-2022 California Integrated Report</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/mdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf">https://www.waterboards.ca.gov/water_issues/programs/mdl/2020_2022state_ir_reports_revised_final/2020-2022-ir-final-revised-summary-of-responses-and-comments.pdf</a>) is consistent with the stated Primary Objectives from the Staff Report for the Pyrethroid Pesticide TMDL and Control Program. The second Primary Objective from the staff report states that impairments from pyrethroid pesticides will be assessed through TMDLs or other means.</p> <p>Addressing impairments outside of the framework of a TMDL requires reasonable assurance that water quality standards will be attained in a reasonable period of time</p>

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	<p>additional information is provided. The Water Board recognizes the value of non-TMDL programs to address impaired waterbodies and acknowledges that the development of a TMDL may be unnecessary or duplicative in certain cases.”</p> <p>The response provided above and the listing of any new waterbody – pollutant combinations within the Sacramento River and San Joaquin River basins for pyrethroids (or individual pyrethroid compounds) seems to contradict the basis of and goals set forth within the Central Valley Pyrethroid Control Program.</p> <p>Footnote 8: Revised Summary of Comments and Responses, Statewide Clean Water Act Section 303(d) List Portion of the 2020-2022 California Integrated Report, Principal Response 2.4. February 16, 2022.</p>	<p>(which would allow for a Category 4b placement) or there to be a plan to address the impairment (which would allow for a Category 5r placement).</p> <p>U.S. EPA has provided guidance that, “In order to meet the requirements to place these waters into Category 4B, the State must demonstrate that ‘other pollution control requirements (e.g., best management practices) required by local, State or Federal authority’ (see 40 C.F.R. § 130.7(b)(1)(iii)) are expected to address all water-pollutant combinations and attain all WQs in a reasonable period of time. EPA expects that States will provide adequate documentation that the required control mechanisms will address all major pollutant sources and establish a clear link between the control mechanisms and WQs.” (U.S. EPA, Office of Water, <i>Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act</i> (July 21, 2003) (footnote omitted).)</p> <p>The response provided during the 2020-2022 listing cycle to which commenter quotes is not inconsistent with the goals of the Central Valley Pyrethroid Program. The existence of a conditional prohibition of discharge for pyrethroid pesticides is a significant step towards reducing pyrethroid discharges; however, there is not yet evidence to ensure it is sufficient to attain water quality standards. From the Staff Report for the Pyrethroid Pesticide TMDL and Control Program:</p>

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		<p data-bbox="1283 261 2003 375"><i>Discharge above concentration triggers would be prohibited unless management practices to reduce discharges of pyrethroids are being implemented.</i></p> <p data-bbox="1188 412 1995 602">Implementation of management practices may meet the requirements of the conditional prohibition of discharge; however, those same management practices may not be sufficient to ensure that water quality standards will be met as described in the response to comment 15.05.</p> <p data-bbox="1188 643 2007 1343">Additionally, since the adoption of the Basin Plan Amendment that established the conditional prohibition (R5-2017-0057) and subsequent implementation of pyrethroid management plans for waterbodies not meeting pyrethroid triggers, management activities have not yet yielded expected reductions in receiving water pyrethroid water column concentrations. Pyrethroid research regarding science-based pyrethroid management activities is currently being gathered and reviewed. This research will inform a reconsideration of pyrethroid management practices in order to help meet pyrethroid water concentration targets. Irrigated Lands Regulatory Program coalition groups are an active and integral component of this effort to address gaps in understanding. With this approach to improving pyrethroid management practices to protect beneficial uses, there is the potential that in the future the Central Valley Pyrethroid Control Program will provide the assurance</p>

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		needed to place pyrethroid impaired ILRP waterbodies into Category 4b.
015.07	Thus, if there is a comprehensive program to control the discharges of pesticides that pose a risk to surface water quality in the Sacramento River and San Joaquin River basins, which includes a current conditional prohibition to all water bodies with aquatic life beneficial uses, then it is unclear why future water body-pollutant combinations would not be placed in Category 4B, 5C or 5ALT.	<p>Changes to listing recommendations were not made in response to this comment. See response to comments 015. 06 and 015.07.</p> <p>The Pyrethroid TMDL and Control Program establishes a TMDL for nine water bodies with known pyrethroid impairments and describes an approach whereby impaired water bodies receiving agricultural discharge may be categorized as impairments being addressed by a regulatory program other than a TMDL. However, neither the Basin Plan Amendment nor Staff Report establish that all new and existing pyrethroid impairments meet the requirements to be exempt from the requirement to develop a TMDL to address impaired water quality.</p>
015.08	Recommendation: Any new listings for pyrethroids or pyrethroid constituents within the Sacramento and San Joaquin River watersheds should be listed in another, more representative category such as Category 4B, Category 5C, or Category 5ALT.	Comment noted. See response to comments 15.05 and 15.06.
015.09	Data and Analysis Transparency – In order to conduct a thorough review of the Draft 2024 Integrated Report, it is critical to have a fully transparent process so that the public understands what specific data was used, what guidelines/water quality objectives were used, what analyses	Comment noted. See principal response 3.3 for Quantitative Analyses and Methodologies regarding the inclusion of calculations and methodology transparency.

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	<p>were conducted, and the conclusions of the analyses. While the waterbody fact sheets communicate much of this information, the key elements that are missing for full transparency are the specific data used for the analysis (not just a reference to the type of data and a massive spreadsheet) and the actual analysis (showing the work). Without this level of detail in the waterbody fact sheets and/or the accompanying spreadsheets, each person reviewing the Draft Report is required to sift through thousands of lines of data attempting to recreate the analysis that was conducted by State Water Board or Regional Water Board staff.</p>	
015.10	<p>In fact, while the State Water Board and Regional Water Board staff had many months to complete these analyses, the public was only provided the time period from February 17 to April 3 to complete this work. Since this is work that was completed in order to develop the Draft Report, the information should be provided as a part of the documentation so that the analysis is fully transparent and able to be reviewed by the public.</p>	<p>Comment noted. The State Water Board recognizes the large volume of data received for the 2024 California Integrated Report and will consider a longer public comment period in future listing cycles. However, the State Water Board will not be re-releasing the 2024 California Integrated Report out for an additional public comment period. Please see principal response 3.3 for Quantitative Analyses and Methodologies regarding the inclusion of calculations and methodology transparency and principal response 3.5 for Data Submission Timeline and the Public Process.</p>
015.11	<p>While we appreciate the various tools that have been provided during the review process and the narrative descriptions, we are requesting that the specific data used</p>	<p>Comment noted. See principal response 3.3 for Quantitative Analyses and Methodologies.</p>



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	<p>and the quantitative analyses that were conducted in order to make these determinations are provided for full public review.</p> <p>Recommendation: Provide the specific data used in the analyses and the actual, quantitative analyses conducted for each listing to allow for a full review of the Draft 2024 Integrated Report.</p>	

**Letter 16: Paul Bedore, City of Turlock**

No.	Comment	Response
016.01	<p>We appreciate the opportunity to provide comments on the proposed Clean Water Act section 303(d) list for the 2024 California Integrated Report.</p>	<p>Comment noted.</p>
016.02	<p>Comment 1. Decision IDs 150406 (Dichlorobromomethane), 150409 (Total Trihalomethane), 150404 (Chlorodibromomethane), and 150405 (Chloroform).</p> <p>These listing decisions are supported by the Lines of Evidence (LOEs) described in Table 1 and utilize data from the U.S. Environmental Protection Agency (USEPA) Water Quality Exchange (WQX) database, though the data were originally collected by the California Department of Water Resources (DWR). Data from the data reference are compiled in Table 2 (at the end of the comment). The reference contains numerous results for these constituents tested with an analytical method that measures trihalomethane (THM)</p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5 for a more thorough response to this comment and see Staff Report Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>

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	<p>formation potential (Standard Method 5710 B). Appropriately so, these measurements are not used for the listing decisions because this method does not measure THMs in the ambient sample as it was collected. Rather, it measures THMs after the sample is chlorinated to simulate the drinking water treatment disinfection process.</p>	
016.03	<p>[Table 1. Summary of samples and exceedances for Decision IDs 150404, 150405, 150406, and 150409 is available in Appendix A Tables Associated with Public Comments.]</p> <p>The 12 remaining measurements for each constituent in the reference file correspond to the sample count of the LOEs (Table 1, Table 2). Hence, these measurements appear to be the basis of the listing decisions. As shown in Table 2, the reference does not provide the analytical method, method detection limit (MDL), or reporting limit (RL) associated with these 12 samples.</p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from the DWR MWQI program that did not meet the requirements of section 6.1.5.5 of the Listing Policy were removed from assessments. Please see principal response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
016.04	<p>Section 6.1.4 of the Listing Policy requires a Quality Assurance Project Plan (QAPP) or equivalent document to support numeric data used in decisions. The DWR is not listed in section 6.1.4 as one of the major monitoring programs in California that are considered of adequate quality to be exempt from QAPP requirements. Hence, the “QAPP Information Reference(s)” section of these LOEs is not correct when it states that this reference is exempt from the QAPP</p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from the DWR MWQI program that did not meet the requirements of section 6.1.4 of the Listing Policy were removed from assessments. Please see principal response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this</p>

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	requirement. The need for a QAPP is demonstrated by the lack of analytical method, MDL, and RL for these samples.	comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.
016.05	It is not appropriate for the State Water Board to find these data adequate for listing purposes when, contrary to the requirement above, the data reference provides no information on the analytical method and detection limits (i.e., on the “analysis practices”). Since so many of the THM measurements in the WQX data reference are associated with Standard Method 5710 B, the State Water Board should not use data in this reference if the analytical method cannot be determined. Further, the THM measurements for the 12 samples are similar in concentration to measurements made on the same date using the method for THM formation potential (Standard Method 5710 B; Table 2). This indicates that the 12 samples were likely chlorinated using Standard Method 5710 B before analysis of the THMs. If so, these data are not representative of ambient THM concentrations in the San Joaquin River.	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see principal response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
016.06	Lastly, since no RL was provided for these measurements, it is not possible to determine if the measured values are quantifiable, an evaluation that is required for listing decisions according to section 6.1.5.5 of the Listing Policy.	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from the DWR MWQI program that did not meet the requirements of section 6.1.5.5 of the Listing Policy were removed from assessments. Please see principal</p>

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		<p>response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
016.07	<p>It is the responsibility of the State Water Board to ensure that only data of known and verifiable quality are used for listing decisions. However, data supporting these decisions cannot be verified for the reasons described above. Until the analytical method, MDL, and RL can all be determined for the referenced data, it is not appropriate to use the data for listing decisions. Until then, the City requests that these decisions be removed from the proposed 303(d) list.</p>	<p>Changes to assessments and listing recommendations were made in response to this comment.</p> <p>Data from the DWR MWQI program that did not meet the requirements of section 6.1.5.5 of the Listing Policy were removed from assessments. Please see principal response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>

**Letter 17: James Fortuna, County of Orange and Orange County Flood Control District**

No.	Comment	Response
017.01	<p>The County of Orange and the Orange County Flood Control District (collectively “County”) appreciate the opportunity to review and provide comments on the Draft 2024 California Clean Water Act Section 303(d) List comprising a Staff Report, Appendices, and Fact Sheets. The County also supports the comments provided by the California Stormwater Quality Association.</p> <p>The County recognizes that it is a significant effort for the Regional Water Quality Control Boards and State Water Resources Control Board (State Water Board) staff to compile and analyze the large amount of water quality data during each listing cycle and prepare this assessment according to the State Water Board Listing Policy<sup>1</sup>.</p> <p>The County also appreciates the improved clarity on data and evaluation methodology over the past cycles that has made the reviewing process more streamlined and comprehensible.</p> <p>Footnote 1: State Water Resources Control Board. Water Quality Control Policy for Developing California’s Clean Water Action Section 303(d) List. Adopted September 30, 2004 Amended February 3, 2015.  <a href="http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf">http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf</a></p>	<p>Comment noted. For responses to comments submitted by the California Stormwater Association, see responses to comment letter 6.</p>

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017.02	<p><b>Recommendation: Delist or do not list for fecal indicator bacteria (FIBs) solely based on Shellfish Harvesting (“SHEL”) standards as described in the Ocean Plan. Recategorize these listings from Category 5 to Category 2 or 3.</b> Applicable Decision IDs: 149134, 149141, 149149, 149150, 149164, 149180, 149153</p> <p>The current SHEL standard and beneficial use in the Ocean Plan has been widely recognized as inappropriate and in need of revision as a high priority project by the State Water Board pursuant to the Ocean Plan Triennial Review process<sup>2</sup>.</p> <p>This is acknowledged multiple times in the Staff Report:</p> <ul style="list-style-type: none"> <li>• Pg. 68 of the adopted 2020-2022 Staff Report: The use of total coliform as an indicator of impairment likely does not accurately characterize risk of illness from consumption of shellfish. Due to the inaccuracy of the current threshold, this waterbody-pollutant combination is the lowest priority in the San Diego Region for developing TMDLs</li> <li>• Pg. 63 and applicable listing Fact Sheets of the proposed 2024 Staff Report: Stakeholders and staff at the San Diego Regional Water Board have also expressed concerns regarding the unattainability of the water quality objectives, as research has shown a high incidence of exceedances of the objectives in coastal waters throughout California that are considered reference with little to no anthropogenic bacteria sources, including at State Water Quality Protected Areas (2020-2022 California Integrated Report Final Staff Report, Figure 6-1).</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The State Water Board prioritized, as a high priority, a future project to consider revising the SHEL use to distinguish between recreational, commercial, or tribal types of harvesting, and to consider revising the bacterial objectives applied to areas where shellfish are harvested. Should the total coliform objectives be revised in the future, previously assessed data will be reassessed and compared to the new objectives in a subsequent listing cycle. (SWRCB 2022, finding 13.) As stated in Resolution No. 2022-0006, which is the adopting resolution for the 303(d) portion of the 2020-2022 California Integrated Report, the State Water Board expects that any ocean waterbody segment listed as impaired by indicator bacteria for the protection of shellfish harvesting would not be scheduled for TMDL development until after the State Water Board completes the planning project. The expectation remains for any ocean waterbody segment listed on the 303(d) portion of the 2024 Integrated Report.</p> <p>In addition, the State Water Board encourages the Regional Water Boards to use their discretion where appropriate in establishing permitting, monitoring, and other data collection requirements.</p>

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	Footnote 2: Issue H: Shellfish Harvesting Beneficial Uses and Water Quality Objectives. Final Staff Report and Work Plan for 2019 Review of the Water Quality Control Plan for Ocean Waters of California, December 3, 2019.	
017.03	<p>In addition, there are no current or historical commercial shellfish fisheries in Orange County, and the recreational shellfish fishery is very limited to non-existent because of limited populations and habitat for edible bivalve shellfish or designated Marine Protected Areas (MPA) restrictions under state legislation (Decision IDs: 149134, 149141, 149163). Within MPAs, all shellfish harvesting activities are strictly prohibited under state law and local ordinance, including intertidal zones. The existence of the SHEL beneficial use needs to be re-evaluated based on additional shellfish population surveys and these legal prohibitions.</p>	<p>Currently, the shellfish harvesting beneficial use encompasses both recreational and commercial harvesting. Issue H in the 2019 Ocean Plan Review notes that the State Water Board is considering amending the Ocean Plan to separate the shellfish harvesting beneficial use into recreational shellfish harvesting and commercial shellfish harvesting beneficial uses. Since harvesting for recreational use is defined in part by the method of collection (i.e., by hand), this method of shellfish harvesting is typically near shore where the rate of ocean waters mixing is lower. In contrast, commercial shellfish harvesting is typically done by boat in deeper open water or bays where the rate of mixing is greater. This difference in rates of mixing impacts bacteria concentrations in the water; for example, higher rates of mixing in deeper waters dilute bacteria levels faster.</p> <p>The California Integrated Report is not the appropriate venue to revise uses or objectives. The appropriate venue is a quasi-legislative rulemaking action to amend the Ocean Plan or a regional basin plan. The State Water Board expects that any Ocean waterbody segment listed as impaired by indicator bacteria for the protection of shellfish harvesting would not be scheduled for TMDL</p>

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		<p>development until after the State Water Board completes the planning project.</p> <p>In a future project to amend the Ocean Plan, the State Water Board plans to assess alternative pathogen indicators to best account for risk to human health as related to shellfish harvesting and consumption, commercial, or sport purposes in addition to separating the beneficial uses. Should the beneficial uses be revised in the future, previously assessed data will be reassessed and compared to the new objectives.</p> <p>Additionally, see response to comment 017.02.</p>
017.04	<p>The County appreciates that State Water Board staff recognize that a TMDL would not be scheduled (pg. 63 of the Staff Report) until the SHEL standard is evaluated, but discretion of individual staff remains when permitting, monitoring, and other data collection requirements are being established. Not delisting or continuing to list water bodies that have already met the updated REC-1 standards but may or may not have met an inappropriate SHEL standard could result in additional monitoring obligations for municipal stormwater permittees purely based on a having “listed” status. This type of monitoring would provide limited environmental benefit, and resources would be better prioritized on the re-evaluation of the SHEL standard. The State Water Board has also recognized that the SHEL</p>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comments 017.02 and 017.03.</p>



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	<p>standard should be revised, and the SHEL beneficial use designation should be amended.</p> <p>Given the known issues on the SHEL standard and the absence of evidence showing that other beneficial uses are impaired (e.g., REC-1), the County recommends re-categorizing these listings to Category 2 or 3.</p>	
017.05	<p><b>Recommendation: Recategorize the existing benthic community effects water bodies from Category 5 to Category 3.</b> Applicable Decision IDs: 97710, 153775, 153773, 153829, 152851</p> <p>As stated in our comment letters submitted during the 2016 and 2020-2022 listing cycles, there is an overarching concern that listing water bodies on the 303(d) list for benthic community effects based on existing California Stream Condition Index (CSCI) is premature. Placement of water bodies on the 303(d) list should be deferred, until the scientific tool has been fully vetted, and a clear policy framework has been developed.</p> <p>The County supports the 2024 Integrated Report in recognizing the uncertainty of the evaluation methodology for impacts to benthic communities and the decision to place newly evaluated waterbodies under Category 3 as stated below in page 56 of the Staff Report and applicable listing Fact Sheets:</p> <ul style="list-style-type: none"> <li>In previous integrated report cycles, a new waterbody-pollutant combination was placed on the 303(d) list</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Benthic community effects listings from previous integrated reports remain in Category 5 for the 2024 California Integrated Report. Once the methodology is developed to associate degraded biological populations with pollutant concentrations under Listing Policy section 3.9, the benthic community effects listings placed in Category 5 from previous listing cycles will be reassessed and the listing recommendation revised, if appropriate.</p> <p>Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p>

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	<p>when the waterbody exhibited significant degraded biology and there was at least one pollutant impairment of an aquatic life beneficial use, without always evaluating whether the pollutant was a potential cause of the degraded biology. Section 3.9 of the Listing Policy does not explain how to determine if the degraded biology is associated with the pollutant impairment. There is a need to clarify the appropriate approach for associating pollutant impairments with degraded biological populations under section 3.9, including the consideration of site-specific data and information, when determining biological community effects impairments. Doing so will help ensure section 3.9 is applied uniformly.</p> <ul style="list-style-type: none"> <li>• For the 2024 California Integrated Report, there are 44 waterbodies where new data and information indicate degraded benthic macroinvertebrate communities and the waterbody has at least one pollutant impairment (not involving sedimentation). However, because the methodology to associate the pollutant impairment with the degraded biology is not yet developed, the waterbodies are recommended for placement in Category 3 on an interim basis.</li> </ul>	
017.06	<p>However, listings for Benthic Community Effect (Category 5) that were made pursuant to the 2016 listing cycle were not re-categorized to Category 3 in the same manner as in the 2024 listings. The County recommend re-categorizing these water bodies to Category 3 so that all benthic community effect</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Benthic community effects listings from previous integrated reports remain in Category 5 for the 2024 California Integrated Report. Once the methodology is</p>

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	<p>analysis for all water bodies across the State are treated in a consistent manner.</p>	<p>developed to associate degraded biological populations with pollutant concentrations under Listing Policy section 3.9, the benthic community effects listings placed in Category 5 from previous listing cycles will be reassessed and the listing recommendation revised, if appropriate.</p> <p>Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p>
017.07	<p>the County asks the State Board to consider the following factors:</p> <p>i. The State Water Board is considering statewide water quality objectives for nutrients, other biostimulatory substances, and cyanotoxins, and a program of implementation under the Biostimulation, Cyanotoxins, and Biological Condition Provisions<sup>3</sup>. Biological integrity and biostimulatory projects were merged in 2016 under this provision development process. Therefore, significant research outcomes and policy discussions that could affect how biostimulatory and biological objectives would be implemented and interpreted are still under development. Evolving science such as the new algal stream condition index to complement the existing CSCI (Theroux et al. 2020) and additional biological integrity stressor studies (Beck et al., 2020) are yet to be considered in the policy making process. These decisions could result in a direct conflict with the processes currently contemplated and/or implemented under the 303(d) listing.</p>	<p>Comment noted. The commenter is correct that the Biostimulation, Cyanotoxins, and Biological Condition Provisions are in development. Should the provisions include a numeric water quality objective, process, or policy for the CSCI or benthic community parameters, including methods for urban flood or engineered channels, that metric will be used to reassess data and information in a future integrated report.</p> <p>Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p>

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	<p>ii. A CSCI score of 0.79 has been applied to many urban flood control channels. Other than water quality, many other factors such as heat island effect, engineered concrete channels, and/or disconnection from flood plains due to urban development can also lead to a lower CSCI score. The CSCI score is rarely, if ever, achieved in those engineered channels and may not be achievable given that tradeoffs between ecological health and flood protection may be unavoidable. In recognizing the limitation of current CSCI score, the State, in cooperation with the research community, is also conducting studies on modified channels under the Biological Integrity/Biostimulatory project as mentioned above. The research outcome could potentially affect the current threshold used in the 303(d) listing process.</p> <p>Footnote 3:  <a href="https://www.waterboards.ca.gov/water_issues/programs/biostimulatory_substances_biointegrity/">https://www.waterboards.ca.gov/water_issues/programs/biostimulatory_substances_biointegrity/</a></p>	
017.08	<p><b>Recommendation: Recategorize proposed 303(d) listings with severely limited spatial and temporal resolution to Category 2 or 3.</b> Applicable Decision IDs: 132659, 149268, 132426, 153009, 152863, 149164, 152863</p> <p>Due to the material impact of the 303(d) list and the subsequent, specific requirements that are triggered within stormwater permits, it is critical that the list include pollutant-waterbody combinations where the dataset has adequate</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The language for Decision ID 149164 was updated in the Waterbody Fact Sheet to reflect that the REC-1 beneficial use is met and the sample exceedances do not exceed the allowable frequency in Table 3-2 of the Listing Policy. See response to comment 017.04 for additional information on this change.</p> <p><del>No e</del>Changes to listing recommendations were made for Decision IDs 132659, 149268, <u>and</u> 132674. <u>No changes</u></p>

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	<p>spatial and temporal resolution such that it provides an accurate assessment of water quality standards attainment.</p> <p>To this end, the California 303(d) Listing Policy states the following regarding spatial and temporal representation:</p> <ul style="list-style-type: none"> <li>• Spatial Representation (6.1.5.2) – Samples should be representative of the water body segment. To the extent possible, samples should represent statistically or in a consistent targeted manner the segment of the water body.</li> <li>• Temporal Representation (6.1.5.3) - Samples should be representative of the critical timing that the pollutant is expected to impact the water body. Samples used in the assessment must be temporally independent. If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.</li> </ul> <p>For the decision IDs below, the dataset is extremely limited with inadequate spatial or temporal representation to reasonably conclude that the water quality standards are consistently not being met within the entire reach or waterbody area. The County recommends “do not list” or recategorizing these pollutant-waterbody combinations to Category 2 or 3 and reassess in the future with data from additional monitoring locations and sampling dates so that the listing is a reasonable and valid representation of the water quality within the entire water body.</p>	<p><u>to listing recommendations were made for Decision IDs 132426<sub>x</sub> and 149151.</u></p> <p>See responses to comments 017.09-017.14 for each individual Decision ID.</p>

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017.09	<p>A. Santa Ana-Delhi Channel – Chlordane (Decision ID 132659) - The new listing for Santa Ana-Delhi Channel for Chlordane is being proposed based on an extremely limited dataset that does not have adequate spatial or temporal resolution in order to justify a 303(d) listing.</p> <p>This proposed listing is based on two samples that were collected on the same day from one station 7 years ago. The three Line of Evidence (LOE) that were considered for this decision are summarized below. This proposed new listing is only based on two samples that were collected on a single day from a single location and is the only and primary basis for the listing.</p> <p>Additionally, according to Table 3-1 of the Santa Ana Region’s Basin Plan, there is no “Commercial or recreational collection of fish, shellfish, or organisms” beneficial use associated with Santa Ana-Delhi Channel. Therefore, the criteria used in LOE 238383 based on California Office of Environmental Health Hazard Assessment (OEHHA) fish contaminant goal and advisory tissue levels for sport fish that resulted in the listing does not apply.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p>Changes to listing recommendations were <del>not</del> made in response to this comment.</p> <p><u>The commenter is correct that the COMM beneficial use is not designated to the Santa Ana Delhi Channel in the Santa Ana Regional Water Board’s Basin Plan. Additionally, the Santa Ana Regional Water Board de-designated the Water Contact Recreation (“REC-1”) beneficial use for Santa Ana Delhi Channel through a Use Attainability Analysis as an official rulemaking (Santa Ana Regional Water Quality Control Board, 2013). REC-1 includes fishing where incidental ingestion of water is reasonably possible. The net-fishing method by which the fish were caught is consistent with the REC-1 beneficial use. The removal of the REC-1 beneficial use indicates that activities such as net fishing are not prevalent or feasible in the waterbody. There is no other readily available information to suggest the waterbody is or has been used for the commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes. As a result, there is insufficient information to conclude the COMM beneficial use is existing at the Santa Ana Delhi Channel, and the composite fish samples should not be evaluated for the COMM beneficial use. Therefore, the following 11 lines of evidence (“LOE”), which include data assessed for the COMM beneficial use in the Santa Ana Delhi Channel, were removed.</u></p>

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		<p>a. <u>Removed LOE 238277 for heptachlor epoxide. The listing decision remains “Do Not List.”</u></p> <p>b. <u>Removed LOE 238283 for dieldrin. The listing decision remains “Do Not List.”</u></p> <p>c. <u>Removed LOE 238274 for endrin. The listing decision remains “Do Not List.”</u></p> <p>d. <u>Removed LOE 238402 for endosulfan. The listing decision remains “Do Not List.”</u></p> <p>e. <u>Removed LOE 238378 for lindane/gamma hexachlorocyclohexane (gamma-HCH). The listing decision remains “Do Not List.”</u></p> <p>f. <u>Removed LOE 238531 for dichlorodiphenyltrichloroethane (DDT). The listing decision changed from “List” to “Do not List.”</u></p> <p>g. <u>Removed LOE 238597 for polychlorinated biphenyls. The listing decision changed from “List” to “Do not List.”</u></p> <p>h. <u>Removed LOE 238383 for chlordane. The listing decision changed from “List” to “Do not List.”</u></p> <p>i. <u>Removed LOE 238368 and Decision 132666 for hexachlorobenzene/HCB.</u></p> <p>j. <u>Removed LOE 238535 and Decision 132670 for mirex.</u></p> <p>k. <u>Removed LOE 238570 and Decision 149194 for polycyclic aromatic hydrocarbons (PAHs).</u></p> <p><del>The listing recommendation for chlordane in Santa Ana Delhi Channel is based on Listing Policy section 3.11, which allows for a situation-specific weight of evidence approach in evaluation water quality impairments when “all other Listing Factors do not result in the listing of a</del></p>

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		<p><del>water segment but information indicates non-attainment of standards.”</del></p> <p><u>The COMM beneficial use LOE ID 238383 was removed from Decision ID 132659; however, LOE ID 238372 (which evaluates fish tissue data) remains for the WARM beneficial use which is a designated beneficial use in the Santa Ana Delhi Channel.</u> The two fish tissue samples were collected from two different fish species on the same day at the same station (801SARSAD), <del>and both samples exceeded the evaluation guideline (LOE ID 238383).</del></p> <p>Listing Policy section 6.1.5.3 states that, “Samples should be representative of the critical timing that the pollutant is exceeded to impact the waterbody. Samples used in the assessment must be temporally independent. If the majority of the samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.”</p> <p>Using the fish tissue data collected on single day is appropriate because, due to the nature of pollutant bioaccumulation in fish tissue, the data do not represent water quality on a single day or a single short-term event. The data used for this assessment were considered to be temporally independent because fish are not static; they move throughout a waterbody and accumulate pollutants over time. The fact that tissue concentrations also represent the accumulation of pollutants over a period of years, and each fish is of a different age and likely have moved through the environment spatially in different</p>



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		<p>ways, indicates the tissue samples are independent (Bhavsar et al., 2010; Azim et al., 2011; Greenfield et al., 2013; Drouillard et al., 2016). In contrast, it is critical to have more than one day's worth of data for considering the impact of chemicals in the water column as water column conditions can vary greatly due to short-term events such as a storm, flood, or wildfire. Additionally, U.S. EPA allows options to meet the objectives of a state's monitoring and risk assessment programs as long as the methodology is scientifically defensible (U.S. EPA, 2000)</p> <p><del>The commenter is correct that the COMM beneficial use is not designated in the Santa Ana Regional Water Board's Basin Plan. However, fish tissue data used for this assessment were collected from Santa Ana-Delhi Channel and provided through the Newport Bay Watershed Watershed Evaluation, Technical Report 815 (April 2014) and the Southern California Coastal Water Research Project (<a href="https://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/815-NewportWatershedMonitoring.pdf">https://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/815-NewportWatershedMonitoring.pdf</a>). This technical report outlines that waterbodies in the Newport Bay Watershed are valuable human resources for fishing, swimming, and non-contact recreation. Data collected from waterbodies in the Newport Bay Watershed are used to answer management questions and make decisions for the waterbodies, including to answer the question is it safe to eat fish. Therefore, it is appropriate to infer that the use is occurring and an existing beneficial use, even if it is not designated in the</del></p>

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		<p><del>Basin Plan. The Listing Policy does not provide a definition for an existing use, and when evaluating an existing use for consideration of the integrated report, consideration is only given as to whether the use is occurring. See Section 3.11 of the Staff Report for additional information on assessing data for waters that are not designated with the COMM beneficial use.</del></p> <p>Azim ME, Kumarappah A, Bhavsar SP, Backus SM, Arhonditsis G. Detection of the spatiotemporal trends of mercury in Lake Erie fish communities: a Bayesian approach. Environ Sci Technol. 2011 Mar 15;45(6):2217-26. <a href="https://doi.org/10.1021/es103054q">DOI: 10.1021/es103054q</a>. Epub 2011 Feb 17. PMID: 21329342.</p> <p>Ben K. Greenfield, Aroon R. Melwani, Rachel M. Allen, Darell G. Slotton, Shaun M. Ayers, Katherine H. Harrold, Katherine Ridolfi, Andrew Jahn, J. Letitia Grenier, Mark B. Sandheinrich. Seasonal and annual trends in forage fish mercury concentrations, San Francisco Bay. Science of The Total Environment, Volume 444, 2013, ISSN 0048-9697, <a href="https://doi.org/10.1016/j.scitotenv.2012.12.009">https://doi.org/10.1016/j.scitotenv.2012.12.009</a>.</p> <p>Drouillard, Ken G.; Gandhi, Nilima; Bhavsar, Satyendra P.; Gewurtz, Sarah B.; Arhonditsis, George B.; and Petro, Steve. (2016). Is it appropriate to composite fish samples for mercury trend monitoring and consumption advisories? Environmental Science and Technology. <a href="https://scholar.uwindsor.ca/glierpub/17">https://scholar.uwindsor.ca/glierpub/17</a></p> <p><u><a href="#">Santa Ana Region Water Quality Control Board. 2013. Use Attainability Analysis Santa Ana-Delhi Channel –</a></u></p>

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		<p><u><a href="https://citeseerx.ist.psu.edu/document?repid=rep1&amp;type=pdf&amp;doi=94c9f37ef9f1a8e862dbd6202fde63d314cd7c63">Reaches 1 and 2. Available online at (https://citeseerx.ist.psu.edu/document?repid=rep1&amp;type=pdf&amp;doi=94c9f37ef9f1a8e862dbd6202fde63d314cd7c63)</a></u></p> <p>Satyendra P. Bhavsar, Sarah B. Gewurtz, Daryl J. McGoldrick, Michael J. Keir, and Sean M. Backus. Changes in Mercury Levels in Great Lakes Fish Between 1970s and 2007. Environmental Science &amp; Technology 2010 44 (9), 3273-3279. <a href="https://doi.org/10.1021/es903874x">DOI: 10.1021/es903874x</a></p> <p>U.S. EPA. 2000. Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories, Volume 1: Fish Sampling and Analysis. 3rd Edition. U.S. EPA Office of Water: Washington, D.C. <a href="https://www.epa.gov/water/guidance-for-assessing-chemical-contaminant-data-for-use-in-fish-advisories-volume-1">EPA-823-B-00-007</a>.</p>
017.10	<p>B. Santa Ana-Delhi Channel – DDT (Dichlorodiphenyltrichloroethane) (Decision ID 149268) - The new listing for Santa Ana Delhi Channel for DDT is being proposed based on an extremely limited dataset that does not have adequate spatial or temporal resolution in order to justify a 303(d) listing.</p> <p>This proposed listing is based on two samples that were collected on the same day from one station 7 years ago. The four LOE that were considered for this decision are summarized below. This proposed new listing is only based on two samples that were collected on a single day from a single location and is the only and primary basis for the listing.</p> <p>Additionally, according to Table 3-1 of the Santa Ana Region’s Basin Plan, there is no “Commercial or recreational</p>	<p>Changes to listing recommendations were <del>not</del> made in response to this comment.</p> <p>The listing recommendation for DDT in Santa Ana Delhi Channel <u><a href="#">changed from “List” to “Do not List”. LOE 238531 was removed based on the conclusion that the COMM beneficial use is likely not an existing use for the Santa Ana Delhi Channel, see response to comment 017.09 for more information.</a></u> <del>is based on Listing Policy Section 3.11 which allows for a situation-specific weight of evidence approach in evaluation water quality impairments when “all other Listing Factors do not result in the listing of a water segment but information indicates non-attainment of standards.”</del></p>

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	<p>collection of fish, shellfish, or organisms” beneficial use associated with Santa Ana-Delhi Channel. Therefore, the criteria used in LOE 238531 based on OEHHA fish contaminant goal and advisory tissue levels for sport fish that resulted in the listing does not apply.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p><u>See response to comment 17.09 for the appropriateness of using two fish tissue samples collected from two different fish species on the same day, and at the same station for the remaining WARM beneficial use LOE ID 238474.</u></p> <p><del>The two fish tissue samples were collected from two different fish species on the same day at the same station (801SARSAD), and both samples exceeded the evaluation guideline (LOE ID 238531). Listing Policy Section 6.1.5.3 states that samples should be representative of the critical timing that the pollutant is exceeded to impact the waterbody. The data used for this assessment was considered to be temporally independent because fish are not static; they move throughout a waterbody and accumulate pollutants over time. The fact that tissue concentrations also represent the accumulation of pollutants over a period of years, and each fish is of a different age and likely have moved through the environment spatially in different ways, indicates the tissue samples are independent.</del></p> <p><del>See response to comment 017.09 pertaining to the COMM beneficial use.</del></p>
017.11	<p>C. Santa Ana Delhi Channel – PCBs (Polychlorinated biphenyls) (Decision ID 132674) - The new listing for Santa Ana-Delhi Channel for PCBs is being proposed based on an extremely limited dataset that does not have adequate spatial or temporal resolution in order to justify a 303(d) listing.</p>	<p>Changes to listing recommendations were <del>not</del> made in response to this comment.</p> <p>The listing recommendation for PCBs (Polychlorinated biphenyls) in Santa Ana Delhi Channel <u>changed from “List” to “Do not List”</u>. <u>LOE 238597 was removed based</u></p>

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	<p>This proposed listing is based on two samples that were collected on the same day from one station 7 years ago. The three LOE that were considered for this decision are summarized below. This proposed new listing is only based on two samples that were collected on a single day from a single location and is the only and primary basis for the listing.</p> <p>Additionally, according to Table 3-1 of the Santa Ana Region’s Basin Plan, there is no “Commercial or recreational collection of fish, shellfish, or organisms” beneficial use associated with Santa Ana-Delhi Channel. Therefore, the criteria used in LOE 238597 based on OEHHA fish contaminant goal and advisory tissue levels for sport fish that resulted in the listing does not apply.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p><del>on the conclusion that the COMM beneficial use is likely not an existing use for the Santa Ana Delhi Channel, see response to comment 017.09 for more information. is based on Listing Policy Section 3.11 which allows for a situation-specific weight of evidence approach in evaluation water quality impairments when “all other Listing Factors do not result in the listing of a water segment but information indicates non-attainment of standards.”</del></p> <p><u>See response to comment 17.09 for the appropriateness of using two fish tissue samples collected from two different fish species on the same day, and at the same station for the remaining WARM beneficial use LOE ID 238458.</u></p> <p><del>The two fish tissue samples were collected from two different fish species on the same day at the same station (801SARSAD), and both samples exceeded the evaluation guideline (LOE ID 238597). Listing Policy Section 6.1.5.3 states that samples should be representative of the critical timing that the pollutant is exceeded to impact the waterbody. The data used for this assessment were considered to be temporally independent because fish are not static; they move throughout a waterbody and accumulate pollutants over time. The fact that tissue concentrations also represent the accumulation of pollutants over a period of years, and each fish is of a different age and likely have moved</del></p>

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		<p><del>through the environment spatially in different ways, indicates the tissue samples are independent.</del></p> <p><del>See response to comment 017.09 pertaining to the COMM beneficial use.</del></p>
017.12	<p>D. Lower Newport Bay – Dieldrin (Decision ID 132426) - The new listing for Lower Newport Bay for Dieldrin is being proposed based on an extremely limited dataset that does not have adequate spatial or temporal resolution in order to justify a 303(d) listing that will materially impact the regulated entities within the entire Lower Newport Bay.</p> <p>This proposed listing is based on four samples that were collected on the same two days from one single station within the entire area of Lower Newport Bay 8-12 years ago. The nine LOE that were considered for this decision are summarized below. In addition, it is unclear why the large amount of other historical data that demonstrated no exceedances did not appear to be included in the attainment assessment.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p>Changes to listing recommendations were not made in response to this comment. The listing recommendation for Decision ID 132426 dieldrin in Lower Newport Bay, remains “List on 303(d) list.”</p> <p>Two of the two shellfish samples exceeded the evaluation guidelines for both the COMM beneficial use in shellfish tissue and the SHEL beneficial use. Data were collected on two different dates (3/28/2011 and 2/18/2015), and both samples exceeded the evaluation guideline for shellfish. The samples meet the conditions outlined in Listing Policy section 6.1.5.3 for temporal representation that requires samples used in the assessment to be temporally independent. As well, Listing Policy section 6.1.5.4 states that data must be measured at one or more sites in the waterbody segment in order to place a waterbody segment on the section 303(d) list. The LOEs in Decision ID 132426 meet the spatial requirements of the Listing Policy. Additionally, see response to comment 017.09 pertaining to the representation of fish.</p> <p>Previously, in the 2006 California Integrated Report, the “Do not List” recommendation was based on total fish tissue data for the COMM beneficial use and total sediment data for the MAR beneficial use. There were no</p>

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		<p>exceedances for either one of the beneficial uses. For the 2024 California Integrated Report, new data were assessed specifically for shellfish tissue. The 2024 listing recommendation was based on the exceedances in shellfish tissue. Combining the different fractions of tissue (i.e., combining the fish tissue data and the shellfish tissue data) would not be appropriate given the different evaluation guidelines applicable. The different evaluation guidelines are based on cancer risks for human consumption of either fish species or shellfish species. The risk equations that support the separate evaluation guidelines are unique to the type of organism. Therefore, each fraction was considered independently (i.e. shellfish tissue or fish tissue) to determine beneficial use support. The shellfish tissue data was used to determine beneficial use support for SHEL and COMM.</p> <p>The historical data pertaining to tissue (LOE ID 267) (2000-2002) were reported as the total fraction of fish tissue. The historical data were assessed against a different evaluation guideline (Brodberg and Pollock, 1999) than the evaluation guideline used for the 2024 Integrated Report (Brodberg and Pollock, 2008), and would need to be reassessed against the updated evaluation guideline. Water Board staff intends to reassess the historical data as part of a statewide reassessment process in a future integrated report cycle, although there may be some limitations to future use of the LOE as the raw data files may no longer be available. The historical data were not reassessed during the development of the 2024 Integrated Report in part</p>

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		<p>because the listing recommendation would not change if the historical data were used to make a listing recommendation. The historical fish tissue data would not be combined with the shellfish tissue data for the reasons stated above, and the shellfish tissue data on their own indicate beneficial uses are not supported. LOE ID 267 was updated to reflect that the data were not included in the final use rating, which does not change the listing recommendation.</p> <p>Water Board staff welcomes further information if available on this dataset.</p> <p>For additional information on historical data use, please see principal response 3.4 for Inclusion of Older Data.</p>
017.13	<p>E. Irvine Lake &amp; Veeh Reservoir (Orange County)– Mercury (Decision ID 153009 &amp; 52863) - The new listings for both Irvine Lake and Veeh Reservoir are being proposed based on an extremely limited dataset that does not have adequate spatial or temporal resolution in order to justify a 303(d) listing.</p> <p>Both proposed listings are based on one annual average value calculated based on samples that were collected on the same day from one single station within the entire water body.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p>Changes to the listing recommendations were not made in response to this comment.</p> <p>The Listing Policy allows for a situation-specific weight of evidence approach in evaluation water quality impairments when “<i>all other Listing Factors do not result in the listing of a water segment but information indicates non-attainment of standards</i>” (see Listing Policy section 3.11). The commenter is correct that the tissue datasets available to assess mercury concentrations in Irvine Lake and Veeh Reservoir (Orange County) consist of one annual average per waterbody; however, the annual average for Irvine Lake is comprised of tissue sample concentrations from eight trophic level 4 individual fish composites. The annual average for Veeh Reservoir</p>



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		<p>(Orange County) is for 20 prey fish (50 to 150 mm in length) aggregated into one annual average.</p> <p>Regarding Irvine Lake (Decision ID 153009), a weight of evidence approach was used to list this waterbody for mercury based on the fact that all eight trophic level 4 fish samples from the 2007 annual average exceeded the mercury Statewide Sport Fish Water Quality Objective which indicates a non-attainment of standards that can be reasonably inferred.</p> <p>Regarding Veeh Reservoir (Orange County) (Decision ID 152863), a weight of evidence approach was used to list this waterbody for mercury based on the fact that the twenty fish composite sample from June 2016 exceeded the mercury Statewide Prey Fish Water Quality Objective which indicates a non-attainment of standards that can be reasonably inferred.</p> <p>In addition, while the Listing Policy requires that samples be spatially and temporally independent, fish are not static; they move throughout a waterbody and accumulate pollutants in tissue over time. Therefore, the data are, by their nature, spatially and temporally independent. Lastly, the fact that tissue concentrations represent the accumulation of pollutants over a time period of years, and each fish is a different age and will have moved differently through the environment, provides independence of the tissue sample.</p>

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017.14	<p>F. Newport Beach and Huntington Harbour – Indicator Bacteria (Decision ID 149164 &amp; 149151) - The continued listings for Huntington Harbour and new listing for Newport Beach are being proposed based on inadequate spatial resolution (i.e., a single station out of 5 stations for Newport Beach and 3 out of 13 stations for Huntington Harbour) to justify a 303(d) listing. All stations should be aggregated in sample counts in order to represent the water quality condition across the entire water body.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Decision ID 149164 – Indicator bacteria – Newport Beach: This decision was revised, although changes to the overall waterbody impairment recommend were not made in response to this comment. As noted in the Waterbody Fact Sheet, one station, SAR-S, exceeds bacteria water quality objectives for the protection of REC-1 beneficial uses and formed the basis for the REC-1 beneficial use impairment. The data that were assessed for this station were only available through June 2012, and this station is no longer monitored. However, the aggregated sample counts for the entire waterbody, comprised of four additional stations (3S, 6S, 9S, and 15S) that are currently monitored, do not exceed the bacteria water quality objectives for protection of REC-1 beneficial uses. Therefore, the Waterbody Fact Sheet was revised to reflect that the REC-1 beneficial use is supported and the sample exceedances do not exceed the allowable frequency in Table 3-2 of the Listing Policy.</p> <p>However, because the water quality objectives applicable to the SHELL beneficial use exceed the allowable frequency in Table 3-2 of the Listing Policy, the listing recommendation for the Newport Beach and Huntington Harbour waterbody remains for this decision. Despite the listing recommendation, the State Water Board expects that any ocean waterbody segment listed as impaired by indicator bacteria for the protection of SHELL would not</p>

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		<p>be scheduled for TMDL development until after the State Water Board completes a planning project to revise the SHELL beneficial use. For additional information on the planning project, please see response to comments 017.02 and 017.03.</p> <p>Decision ID 149151–Indicator bacteria –Huntington Harbour. Three stations (MHH07 (Sunset Aquatic Marina), MHH14 (Anderson Street Marina), and BHH15 (Mother’s Beach) exceed the bacteria water quality objectives for the protection of REC-1 beneficial uses and formed the basis for the continued listing recommendation for the Newport Beach and Huntington Harbour waterbody in accordance with section 4.3 of the Listing Policy.</p> <p>As noted in the comment letter, the three stations are grouped together in one area of Huntington Harbour. These areas are located within the marinas, and within the sandy beach of Seabridge Park where the public, especially children, recreate. Moreover, 62 percent of all sampling stations (8 of 13) failed to meet the STV objectives during the monitoring period considered for the 2024 Integrated Report.</p> <p>Just as postings of ocean and bay water areas that exceed state bacteriological samples are location specific, section 6.1.5.4 of the Listing Policy notes that the Regional Water Boards should identify stream reaches or lake/estuary areas that may have different pollutant levels based on significant differences in land use, tributary</p>

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		inflow, or discharge input. Data must be measured at one or more sites in the water segment in order to place a water segment on the section 303(d) list.
017.15	<p><b>Recommendation: Include any listings for pyrethroids or bifenthrin in Category 4B or Category 5ALT and recognize the development of the statewide Urban Pesticides Amendment.</b> Applicable Decision IDs: 132635, 132636, 132714, 132715</p> <p>The proposed, new listings include the following:</p> <ul style="list-style-type: none"> <li>• San Diego Creek, Reach 1 <ul style="list-style-type: none"> <li>○ Pyrethroids (Decision ID 132635)</li> <li>○ Bifenthrin (Decision ID 132636)</li> </ul> </li> <li>• Peters Canyon Wash <ul style="list-style-type: none"> <li>○ Pyrethroids (Decision ID 132714)</li> <li>○ Bifenthrin (Decision ID 132715)</li> </ul> </li> </ul> <p>Given that these compounds are obtained and applied legally within the watersheds, the typical types of controls implemented by public agencies to mitigate their effects generally include:</p> <ul style="list-style-type: none"> <li>• E=Public education activities such as residential and business outreach and point-of-purchase outreach;</li> <li>• Pesticide pollution prevention activities such as reduction of pesticide use through integrated pest management (IPM) programs, policies, and procedures; and</li> </ul>	<p>Changes to the listing recommendations were not made in response to this comment.</p> <p>Categorizing a waterbody as 4b (see Staff Report section 2.5: Integrated Report Condition Categories) requires evidence of reasonable assurance that water quality standards will be attained in a reasonable period of time. Categorizing a waterbody in 5r (previously known as 5ALT) requires an alternative restoration approach that is being pursued to address the impairment.</p> <p>The current efforts listed by the commenter do not provide sufficient certainty to support a 4b or 5r categorization at this time for Decision IDs 132635, 132636, 132714, and 132715. The control measures mentioned by the commenter may be expected to reduce pesticide loads and mitigate pesticide effects, but the effectiveness of these control measures to attain water quality standards have not been demonstrated for urban runoff as they have been for agricultural discharges. In addition, California law (Chapter 1386, Statutes of 1984, section 11501.1) states that no local government “may prohibit or in any way attempt to regulate any matter relating to the registration, sale, transportation, or use of pesticides, and any of these [local] ordinances, laws, or regulations are void and of no force or effect.” Therefore,</p>

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	<ul style="list-style-type: none"> <li>Participation in the pesticide regulatory process such as tracking pesticide evaluation and registration activities and requesting that urban water quality concerns be considered.</li> </ul>	<p>local public entities, such as municipal separate storm sewer systems (“MS4s”), cannot directly limit the use of pyrethroids within their service area.</p> <p>Depending on the sources contributing to the pyrethroids impairment of a waterbody and if the waterbody is part of a program or has an established plan that accounts for the management of all these sources, an approved pyrethroids management plan may be adequate to categorize a waterbody in 4b or 5r. As more information is provided and considered, the categorization may be changed.</p>
017.16	<p>To this end, the stormwater management agencies and programs within Orange County already have comprehensive education and outreach programs that specifically target pesticide use, have adopted and implemented pesticide reduction activities, and actively participate in the tracking and commenting of pesticide regulatory process through their involvement in the California Stormwater Quality Association (CASQA).</p> <p>In addition, the State of California, through the Strategy to Optimize Resource Management of Storm Water (STORMS) effort, is working on developing a statewide framework for urban pesticides reduction (Urban Pesticides Amendments). When adopted, the UPA will, amongst other things, provide for coordinated pesticides and toxicity monitoring and data</p>	<p>See Principal Response 2.3 in response to Statewide Urban Pesticides Provision Project. Also, please see response to comment 017.15 regarding a 4b or 5r categorization. Finally, the education and outreach programs and other efforts to reduce pesticides impacts to water quality and ecosystems are greatly appreciated.</p>

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	<p>sharing, and establish consistent minimum pesticides control efforts for municipal storm water permittees.</p> <p>Based on the current regulatory requirements and implementation programs, and the additional efforts that are underway, these pollutant-waterbody combinations should be recategorized to recognize that another regulatory program or restoration approach is reasonably expected to result in attainment.</p>	
017.17	<p>In addition, the County requests that the Staff Report and adopting resolution for the 2024 Integrated Report discuss the upcoming Urban Pesticides Amendments and note that no new TMDLs to address the pyrethroid listings will be developed until the Urban Pesticides Amendments become effective. At that point, the waterbodies should be reassessed to determine if they should be categorized in Category 4b or 5-ALT as being addressed by a program other than a TMDL.</p>	<p>See principal response 2.3 regarding the Statewide Urban Pesticides Provisions project.</p>
017.18	<p><b>Recommendation: Re-evaluate the listings where additional data is available but was not analyzed.</b>  Applicable Decision IDs: 132708, 98198, 149253, 68189, 99316, 149257, 73784, 132412, 132557, 99614</p> <p>The County dedicated extensive effort and staff time to compile its available monitoring record during the 2020 Data Solicitation Period and submitted data collected from 2014 to 2020 monitoring years. However, multiple listings were not re-evaluated or not thoroughly examined using the data provided</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Upon evaluating the data for the MS4 Mass Emission Program currently available in CEDEN, many data points were not useable for assessment because of various data quality issues. For example, some data were inconsistent with the notation required by CEDEN, were missing the sample type, were missing the station location, or did not include the range of sample dates. Additionally, the data set was incomplete, as other constituents are known to</p>

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	<p>by the County during this listing cycle. Based on evaluation, the following issues were noted:</p> <ul style="list-style-type: none"> <li>• Data submitted is not included in the LOE references and not evaluated.</li> <li>• Data submitted is included in the LOE reference dataset but not evaluated under the appropriate Decision ID.</li> <li>• Data prior to 2010 is aggregated in the final sample counts even when sufficient recent records suggest the condition has improved.</li> <li>• Incorrect sampling stations are identified for Peters Canyon Channel.</li> </ul> <p>The affected listing decisions are summarized below</p>	<p>be sampled and analyzed by the data provider in these waters. Finally, some of the data and information submitted in the various files were submitted after the data solicitation cutoff date for the 2024 Integrated Report outlined in the June 29, 2020 data solicitation notice.</p> <p>Some data and information associated with the MS4 Mass Emission Program were provided in several different files. Further evaluation is needed in order to prevent the creation of duplicate LOEs. Staff at the Santa Ana Regional Water Board corresponded with CEDEN and Orange County Public Works staff to try and resolve additional issues associated with the data that resulted from the data being submitted in several files; however, the issues could not be resolved in time to include the data in the 2024 Integrated Report. <del>The County is encouraged to send an email to <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a> staff to request assistance in correcting data quality issues.</del> <u>In accordance with State Water Board Resolution No. 2024-0007, Water Board staff is directed to work with the County of Orange to resolve these outstanding data quality issues in future listing cycles (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/rs2024-0007.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/rs2024-0007.pdf</a>).</u></p> <p>Also, see principal response 3 for Data and Analysis Transparency, and Readily Available Data. Regarding the</p>

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		<p>use of older data please see principal response 3.4 for Inclusion of Older Data.</p> <p>For discussion on sampling stations in Peters Canyon Wash, please see response to comment 017.21.</p> <p>Additionally, in responding to this comment and comment 017.27, it was found that the malathion evaluation guidelines for saltwater and freshwater aquatic life used in previous integrated reports were inadvertently excluded from the integrated report's automated system. This error has been rectified, and the malathion evaluation guidelines were used to assess all readily available data that passed quality assurance checks. As a result of rectifying this error, a listing recommendation for malathion in Temescal Creek Reach 1a to "List" was added. Prior to this assessment, there was no listing recommendation for malathion in Temescal Creek Reach 1a in the Draft 2024 Integrated Report. See below for a list of revised malathion assessments due to the inclusion of malathion data submitted for the 2024 California Integrated Report:</p> <ul style="list-style-type: none"> <li>• Newport Bay, Lower (Decision ID 154745): Listing recommendation <u>changed from "Do not List" to "Delist" remains "Do not List". Additional data were included in this decision, see response to comment 017.27 for more information.</u></li> <li>• Newport Bay, Upper (Decision ID 154746): Listing recommendation changed from "List" to "Do not Delist"</li> </ul>



No.	Comment	Response
		<ul style="list-style-type: none"> <li>• Perris Valley Storm Drain (Decision ID 154748): No previous listing recommendation. Revised listing recommendation is “Do not List”</li> <li>• Temescal Creek, Reach 1a (Decision ID 154749): No previous listing recommendation. Revised listing recommendation is “List”</li> <li>• Santa Ana River, Reach 4 (Decision ID 154747): No previous listing recommendation. Revised listing recommendation is “Do not List”</li> </ul>
017.19	<p>Decision ID: 132708</p> <p>Waterbody: Peters Canyon Channel</p> <p>Pollutant: pH</p> <p>Matrix: Water</p> <p>Station: BARSED</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Include additional data collected under the MS4 Mass Emission Program</li> <li>• Exclude data prior to 2010</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 53/203</li> <li>• After Action: 8/58 (Delist)</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 017.18 regarding data collected under the MSR Mass Emission Program. See Principal Response 3.4 for Inclusion of Older Data.</p>

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017.20	<p>Decision ID: 98198</p> <p>Waterbody: Peters Canyon Channel</p> <p>Pollutant: Malathion</p> <p>Matrix: Water</p> <p>Station: BARSED</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Evaluate more recent water and sediment data (2014 to 2019) submitted by the County</li> <li>• Exclude data prior to 2010</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 6/67</li> <li>• After Action: 0/75 (Delist)</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The malathion evaluation guideline used in previous integrated reports were inadvertently excluded from the integrated report's automated system. This error has been rectified, and the malathion evaluation guidelines were used to assess all readily available data that passed quality assurance checks.</p> <p>Neither malathion sediment nor water matrix data for Peters Canyon Wash (Orange County) were submitted for the 2024 Integrated Report. See response to comment 017.18 pertaining to MS4 Mass Emission Program data.</p> <p>However, in responding to this comment, it was found that the Peters Canyon Wash malathion data assessed for the 2016 California Integrated Report (LOE ID 82067) were not assessed with the UC Davis Aquatic Life Criteria for Malathion. These data were reassessed with the UC Davis Criteria for Malathion in LOE ID 316374. Forty-six of the 67 samples were not included in the assessment because the results were unquantified and not able to be interpreted. See response to comment 017.27. Because the malathion evaluation guideline is based on a 4-day average concentration of malathion, any of the remaining 21 samples that were collected within 4 days of another sample were averaged and then compared to the evaluation guideline. Averaging resulted in a malathion</p>

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		<p>(fraction not recorded) sample count of thirteen with eleven samples exceeding the evaluation guideline.</p> <p>The malathion listing recommendation for Peters Canyon Wash (Orange County (Decision ID 154751) remains "List".</p> <p>See Principal Response 3.4 for Inclusion of Older Data.</p>
017.21	<p>Decision ID: 149253</p> <p>Waterbody: Peters Canyon Channel</p> <p>Pollutant: DDT</p> <p>Matrix: Tissue</p> <p>Station: BARSED</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Evaluate more recent tissue data (2014 to 2019) submitted by the County</li> <li>• Exclude data prior to 2010</li> <li>• Correct LOE 239517: location 801SDCALT (San Diego Creek at Alton Parkway) do not belong to Peters Canyon Channel, it belongs to San Diego Creek Reach 1.</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 3/14</li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>See response to comments 017.18 pertaining to MS4 Mass Emission Program data. See principal response 3.4 for Inclusion of Older Data.</p> <p>Upon review of LOE ID 239517, the commenter is correct in that station 801SDCALT belongs to San Diego Creek Reach 1. This LOE was removed from Peters Canyon Wash (Decision ID 149253) and the data were reassessed in San Diego Creek Reach 1 (Decision ID 149257; LOE ID 315723). The listing recommendations for DDT in Peters Canyon Wash and for DDT in San Diego Creek Reach 1 both remain "Do Not Delist." LOEs utilizing data from station 801SDCALT have been rewritten and associated to San Diego Creek Reach 1. Other applicable decisions have been updated to reflect the correct location of the station and there are no changes in listing recommendations for San Diego Creek Reach 1.</p>

No.	Comment	Response
	<ul style="list-style-type: none"> <li>After Action: 0/66 (Delist)</li> </ul>	<p>Regarding listing recommendation changes to Peters Canyon Wash decisions as a result of the station correction</p> <ul style="list-style-type: none"> <li>Pyrethroids (Decision ID 132714): LOE ID 239621 was removed from the Pyrethroids decision. No pyrethroid data remained for the waterbody. Therefore, the listing recommendation to “List” was removed.</li> <li>Bifenthrin (Decision ID 132175): LOE IDs 238723 and 238164 were removed from the Bifenthrin decision. Based on the remaining bifenthrin LOEs there is insufficient information to recommend placing Peters Canyon wash on the 303(d) list. Therefore, the listing recommendation for bifenthrin at Peters Canyon Wash (Orange County) has been changed from “List” to “Do not List.”</li> </ul> <p>For a complete list of revisions made due to mapping changes, please see Appendix P: List of Decisions Revised Due to Corrections to Mis-Mapped Stations.</p>
017.22	<p>Decision ID: 68189</p> <p>Waterbody: Peters Canyon Channel</p> <p>Pollutant: Toxaphene</p> <p>Matrix: Tissue</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 017.18 pertaining to MS4 Mass Emission Program data. See Principal Response 3.4 for Inclusion of Older Data.</p>

No.	Comment	Response
	<p>Station: BARSED</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Evaluate more recent tissue data (2014 to 2019) submitted by the County</li> <li>• Exclude data prior to 2010</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 9/14</li> <li>• After Action: 4/68 (Delist)</li> </ul>	
017.23	<p>Decision ID: 149257</p> <p>Waterbody: San Diego Creek Reach 1</p> <p>Pollutant: Malathion</p> <p>Matrix: Water</p> <p>Station: SDMF05 and WYLSED</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Evaluate more recent tissue data (2014 to 2019) submitted by the County</li> <li>• Exclude data prior to 2010</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 6/67</li> </ul>	<p><i>Decision ID: 149257 is for San Diego Creek Reach 1 and pollutant DDT. This response assumes that the commenter meant to reference Decision ID 99316 for San Diego Creek Reach 1 and pollutant Malathion.</i></p> <p>The malathion evaluation guideline used for the water matrix in previous integrated reports was inadvertently excluded from the integrated report's automated system for the 2024 California Integrated Report. This error has been rectified, and the malathion evaluation guideline was used to assess all readily available data that passed quality assurance checks.</p> <p>Neither malathion tissue data nor malathion water matrix data for San Diego Creek Reach 1 were submitted during the 2024 Integrated Report. See response to comment 017.18 pertaining to MS4 Mass Emission Program data.</p>

No.	Comment	Response
	<ul style="list-style-type: none"> <li>After Action: 1/156 (Delist)</li> </ul>	<p>However, in responding to this comment, it was found that the San Diego Creek Reach 1 malathion data assessed for the 2016 California Integrated Report (LOE ID 82201) were not assessed with the UC Davis Aquatic Life Criteria for Malathion which is currently used in the Santa Ana Region to assess malathion for the Warm Freshwater Habitat beneficial use. These data were reassessed with the UC Davis Criteria for Malathion in LOE ID 316373. Forty-four of the 67 samples were not included in the assessment because the results were unquantified and not able to be interpreted. See response to comment 017.27. Because the malathion evaluation guideline is based on a 4-day average concentration of malathion, any of the remaining nine samples that were collected within 4 days of another sample were averaged and then compared to the evaluation guideline. Averaging resulted in a malathion (fraction not recorded) sample count of thirteen with eleven samples exceeding the evaluation guideline.</p> <p>The listing recommendation for San Diego Creek Reach 1 (Decision ID 154750) remains "List."</p> <p>See principal response 3.4 for Inclusion of Older Data.</p>
017.24	<p>Decision ID: 73784</p> <p>Waterbody: San Diego Creek Reach 1</p> <p>Pollutant: Toxaphene</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>Matrix: Tissue</p> <p>Station: SDC_IRWD</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Evaluate more recent water and sediment data (2015 to 2019) submitted by the County</li> <li>• Exclude data prior to 2010</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 4/13</li> <li>• After Action: 0/58 (Delist)</li> </ul>	<p>See response to comment 017.18 pertaining to MS4 Mass Emission Program data. See principal response 3.4 for Inclusion of Older Data.</p>
017.25	<p>Decision ID: 132412</p> <p>Waterbody: Huntington Harbour</p> <p>Pollutant: Lead</p> <p>Matrix: Water &amp; Sediment</p> <p>Station: HUNBCC, HUNCRB</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Evaluate more recent water and sediment data (2014 to 2020) submitted by the County</li> <li>• Exclude data prior to 2010</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>All readily available data were assessed. Additional data may be submitted to be assessed in a future Integrated Report cycle.</p> <p>Zero of the 45 water samples exceed the lead evaluation guideline for the MAR beneficial use. Seven of the 61 sediment samples exceed the lead evaluation guideline for the MAR beneficial use and associated sediment samples exhibited sediment toxicity. The seven of the 61 sediment samples and associated sediment toxicity continue to exceed the allowable frequency in Table 4.1 of the Listing Policy. Therefore, the listing</p>

No.	Comment	Response
	<p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 0/45 (water), 47/60 (Sed, all prior to 2005)</li> <li>• After Action: 0/70 (water), 0/35 (Sed) (Delist)</li> </ul>	<p>recommendation for dieldrin in Huntington Harbour remains “Do not Delist.”</p> <p>See response to comments 017.18 pertaining to MS4 Mass Emission Program data. See principal response 3.4 for Inclusion of Older Data.</p>
017.26	<p>Decision ID: 132557</p> <p>Waterbody: Coyote Creek</p> <p>Pollutant: Malathion</p> <p>Matrix: Water</p> <p>Station: CCBA01</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Include additional MS4 data in “Ref 5232”</li> <li>• Remove duplicate LOEs</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 2/19</li> <li>• After Action: 2/58 (Delist)</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment. However, Waterbody Fact Sheets were revised in response to this comment.</p> <p>The commenter is correct that duplicate LOEs for total malathion were assessed (LOE IDs 240312 and 298296). LOE ID 240312 was removed from Decision ID 132557 while LOE ID 298296 was retained.</p> <p>Malathion data associated with Coyote Creek were evaluated for the 2024 Integrated Report; however, some of the data did not meet requirements outline in Listing Policy section 6.1.4 data Quality Assessment Process. See Principal Response 3.2 Data Not Used for Assessments. See Principal Response 3.2 Data Not Used for Assessments.</p> <p>2024 California Integrated Report Reference 5232 contains 30 total malathion records for station CCBA01. Of those records one is a laboratory quality control record (matrix spike sample) and was not included in the assessment. The sample type for two records collected on 4/6/2020 and 4/10/2020 was not identifiable for integrated report assessment purposes; however, the</p>



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		<p>remaining 27 total malathion records were used in the assessment. Because the malathion evaluation guideline (University of California Davis Aquatic Life Criteria) is based on a four-day average concentration of malathion, any remaining samples that were collected within four days of another sample were averaged and then compared to the evaluation guideline. This averaging resulted in a total malathion sample count of 19 with two of those samples exceeding the evaluation guideline.</p> <p>Additionally, in responding to this comment, it was found that the Coyote Creek malathion data assessed for the 2016 California Integrated Report (LOE ID 83858) were not assessed with the UC Davis Aquatic Life Criteria for Malathion. These data were reassessed with the UC Davis Criteria for Malathion in LOE ID 316367. Seventeen of these samples were not included in the assessment because the results were unquantified and not able to be interpreted. See response to comment 017.27. Because the malathion evaluation guideline is based on a four-day average concentration of malathion, any of the remaining nine samples that were collected within four days of another sample were averaged and then compared to the evaluation guideline. Averaging resulted in a malathion (fraction not recorded) sample count of five with all five samples exceeding the evaluation guideline.</p> <p>The listing recommendation for Coyote Creek remains "Do not Delist."</p>

No.	Comment	Response
017.27	<p>Decision ID: 99614</p> <p>Waterbody: Newport Bay, Upper</p> <p>Pollutant: Malathion</p> <p>Matrix: Water</p> <p>Station: UNBCHB, UNBJAM, UNBNSB, UNBSDC</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Include additional MS4 data in “Ref 5450”</li> <li>• Exclude data prior to 2010</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 10/91</li> <li>• After Action: 0/160 (Delist)</li> </ul>	<p>Changes to listing recommendations were <del>not</del> made in response to this comment.</p> <p>This decision was from a previous listing cycle. MS4 data associated with Ref 5450 were evaluated for the 2024 California Integrated Report; <del>however, the data did not meet requirements outline in Listing Policy section 6.1.4 data Quality Assessment Process. See Principal Response 3.2 Data Not Used for Assessments.</del></p> <p><u>Malathion data from Newport Bay, Upper (Ecological Reserve) were originally excluded due to unresolved data quality issues. The County of Orange corrected the data quality issues for some malathion data, which provided the necessary information to revise the listing recommendation for Newport Bay, Upper (Ecological Reserve) from “Do not Delist” to “Delist” (Decision ID 154746). It is likely that other data in the Santa Ana Region submitted by the County of Orange were not used because of challenges with identifying the method by which samples were collected, the lack of station location information, or the lack of sample date information.</u> See also responses to comment 017.18 for more information on the inclusion of additional MS4 data.</p> <p>Data from ref 5450 were reassessed as part of the inclusion of the malathion evaluation guidelines. See response to comment 017.18 for more information on malathion evaluation guidelines. The assessment for malathion in Newport Bay, Upper (Decision ID 154746) included four new LOEs (LOE IDs <u>316413, 316412,</u></p>

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		<p><del>316414, and 316415 316265, 316264, 316260, and 316261). Each LOE have zero exceedances of four samples. Several other records were present but not included in the assessment for either not passing data quality checks or not reporting the sample type code.</del> The revised assessment for malathion in Newport Bay, Upper identifies that 10 of 91 samples exceeded for the “Total Dissolved” fraction (LOE ID 81978), and 0 of <u>103 46</u> samples exceeded for the “Total” fraction (LOE IDs <u>316413, 316412, 316414, and 316415 316265, 316264, 316260, and 316261).</u> <u>The number of exceedances is insufficient to indicate the waterbody is impaired per Table 4-1 of the Listing Policy and the listing recommendation was revised from “List” to “Delist”.</u> <del>The results reported as “Total Dissolved” continue to exceed the allowable frequency specified in Table 4.1 of the Listing Policy, and the listing recommendation was revised from “List” to “Do not Delist.”</del></p> <p>During the investigation of comments 017.20, 017.23, 017.26, and 017.27, it was discovered the data from ref 3871 contained unquantified results that could not be interpreted given the data quality assurance requirements in section 6.1.5.5 of the Listing Policy. LOE ID 81978 uses data from ref 3871. Data from ref 3871 will be reevaluated to ensure the data used for assessments meet current quantitation requirements and where data do not meet requirements of section 6.1.5.5 of the Listing Policy these waterbody-pollutant combinations will be reassessed. <u>In accordance with State Water Board Resolution No. 2024-0007, Water Board staff is directed</u></p>

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		<p><del>to work with the County of Orange to resolve these outstanding data quality issues in future listing cycles. (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/rs2024-0007.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/rs2024-0007.pdf</a>). This work will be completed in a future listing cycle. It is anticipated that no new “Do Not List” or “Do Not Delist” listing recommendations will result from these reassessments.</del></p> <p><del>The County is encouraged to send an email to <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a> staff to request assistance in correcting data quality issues.</del></p>
017.28	<p>Decision ID: 132695</p> <p>Waterbody: Peters Canyon Wash</p> <p>Pollutant: Copper</p> <p>Matrix: Water</p> <p>Station: BARSED</p> <p>Recommending Action:</p> <ul style="list-style-type: none"> <li>• Exclude data prior to 2010</li> <li>• Correct LOE 82029: location BPF06 does not belong to Peters Canyon Wash</li> </ul> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 10/73</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 3.4 for Inclusion of Older Data. According to Ref 3871, station code BPF06 (coordinates 33.69161, -117.82323) is located on Peters Canyon Wash. LOE 82029 was not revised. The commenter may submit additional information to correct the location information for this station and the LOE may be updated in a future integrated report, if appropriate.</p>

No.	Comment	Response
	<ul style="list-style-type: none"> <li>• After Action: 0/1 (Do not list)</li> </ul>	
017.29	<p>Decision ID: 132754</p> <p>Waterbody: Santa Ana River, Reach 2</p> <p>Pollutant: Cadmium</p> <p>Matrix: Water</p> <p>Station: Multiple</p> <p>Recommending Action: Exclude data prior to 2010: The only LOE 31363 drives the listing is based on data collected prior to 1985. All exceedance values were equal or even below the minimum detection limit indicating potential methodology and QA/QC concern.</p> <p>Exceedances/Sample Count</p> <ul style="list-style-type: none"> <li>• Current: 4/35</li> <li>• After Action: 0/0 (Do not list)</li> </ul>	<p>Changes listing recommendations were made in response to this comment.</p> <p>In review of Decision ID 132754 and LOE ID 31363, it was discovered that LOE 31363 utilizes data from station 801SARBPD (Santa Ana River below Prado Dam). Per chapter 4, page 27 of the Santa Ana Region Basin Plan, below Prado Dam is an ideal location to monitor water quality for Santa Ana River, Reach 3. Therefore, station 801SARBPD was associated to Santa Ana River, Reach 3. LOE ID 31363 uses station 801SARBPD but was incorrectly associated with Santa Ana River, Reach 2 in a previous Integrated Report. The data from LOE ID 31363 were reassessed in LOE ID 305527 and correctly associated with Santa Ana River, Reach 3 and Decision ID 132766. LOE ID 31363 was retired.</p> <p>The remaining LOEs do not exceed the allowable frequency per table 3.1 of the Listing Policy. As a result, the listing recommendation for Santa Ana River, Reach 2 for cadmium (Decision ID 132754) was revised from “List” to “Do not List.”</p> <p>See principal response 3.4 for Inclusion of Older Data.</p>
017.30	<p><b>Recommendation: Do not list water bodies that are man-made flood control channels constructed as part of a municipal separate storm sewer system (MS4).</b> Such</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>listings are inappropriate. Applicable Decision IDs: 149132, 73788, 77494, 76724</p> <p>The Bolsa Chica and East Garden Grove-Wintersburg Channels were listed as impaired by ammonia, and the Bolsa Chica Channel was additionally listed for indicator bacteria and pH during the 2016 listing cycle; and these water bodies remain listed under the 2024 listing cycle. As noted in County written comments submitted during the 2016 listing cycle, the listings of these waterbodies as impaired under section 303(d) of the Clean Water Act (CWA) is inappropriate because the Bolsa Chica and East Garden Grove-Wintersburg Channels ("Channels") are man-made flood channels constructed as part of a MS4 used to collect and transport stormwater. They did not exist prior to urban development as shown in the photos below. Notably, the CWA presumptive uses (fishable/swimmable) do not apply, and these water bodies have no designated beneficial uses and no applicable water quality objectives within the Santa Ana Regional Board Basin Plan. Neither the Staff Report nor any of the Appendices provides sufficient basis upon which jurisdiction under the CWA can be exercised over the Channels given these factors. As an MS4, these Channels are not traditional navigable waters, and they cannot be classified as tributaries to traditional navigable waters subject to CWA jurisdiction.</p> <p>NPDES regulations define an MS4 as "a conveyance or system of conveyances (including roads with drainage systems, municipal streets ... ditches, man-made channels or storm drains) ... designed or used for collecting or conveying storm water." 40 C.F.R. 122.26(b)(8). As indicated above, the</p>	<p>See response to comment 006.02 for a discussion on the approach to including waters of the U.S. on 303(d) list. Waterbodies associated with Decision IDs 149132, 73788, and 77494, were reviewed and relevant information does not exist that makes it absolutely clear that Bolsa Chica Channel is not a WOTUS. Therefore, changes were not made to the 2024 California Integrated Report listing recommendations for Bolsa Chica Channel.</p> <p>Additionally, for Decision ID 149132, the listing recommendation for indicator bacteria in Bolsa Chica Channel, the U.S. EPA, in the final approval letter from 2011, had added Bolsa Chica Channel to the list of water quality limited segments requiring a TMDL for indicator bacteria. Contrary to commenter's assertion, this waterbody is designated as a Water Contact Recreation ("REC-1") waterbody via the tributary rule as tributaries to other REC-1 designated segments (RWQCB Santa Ana Region, 2008, Table 3-1, pp.3-23 - 3-35).</p> <p>Decision ID 76724, the listing recommendation for Ammonia in East Garden Grove Wintersburg Channel, was reviewed and it was unable to be determined with certainty that the channel is not a WOTUS. Therefore, changes were not made to the 2024 California Integrated Report listing recommendations for East Garden Grove Wintersburg Channel.</p>

No.	Comment	Response
	<p>Channels are man-made infrastructure used to collect and convey stormwater. For the Channels to be subject to section 303(d) listing would mean that a single waterbody can be both an MS4 and a jurisdictional receiving water. This pretense that an MS4 and a receiving water body can be one in the same is illogical and contrary to the NPDES regulations. Under NPDES regulation 122.26(b)(9), an MS4 outfall is defined as the point at which an MS4 discharges to waters of the United States. 40 C.F.R. 122.26(b)(9). Thus, there is clear distinction between the MS4 used to collect, convey, and discharge stormwater, and waters of the United States, into which point source discharges from MS4s are regulated. An MS4 cannot be a receiving water because a receiving water cannot discharge into itself<sup>4</sup>.</p> <p>Footnote 4: See Los Angeles County Flood Control District v. Natural Resources Defense Council, Inc., et al., ---U.S.--, 133 S.Ct. 710, 712-13 (2013) (holding that the flow of polluted water from one portion of a river, through a concrete channel or other engineered improvement in the river, to a lower portion of the same river, does not constitute a discharge of pollutants); see also So. Fla. Water Management. Dist. v. Miccosukee Tribe of Indians, 541 U.S. 95, 112 (2004) (holding that where a canal and an adjacent wetland are not meaningfully distinct water bodies (i.e., two parts of the same water body), then the transfer of polluted water from the former into the latter would not need an NPDES permit, as it would not constitute a discharge of pollutants into waters of the United States).</p>	<p>Please see response to comments 006.02 - 006.05 for further information regarding WOTUS, MS4s, and data assessment in the 2024 California Integrated Report.</p>

No.	Comment	Response
017.31	<p>The County supports a related comment (Comment #1) provided in the CASQA comment letter submitted during the 2020-2022 listing cycle and urges the State Water Board to reconsider such listings and their associated implications for MS4s.</p>	<p>Comment noted. For responses to comments submitted by the California Stormwater Quality Association, see response to Letter 6.</p>
017.32	<p><b>Recommendation: Investigate the Decision IDs that potentially contain duplicate LOEs and correct the total sample count and exceedance count accordingly.</b></p> <p>Identical LOEs were identified for Decision IDs associated with Coyote Creek. These LOEs have distinct LOE IDs but contains content that appeared to be identical (i.e., same sample station, time frame, water quality criteria, fraction etc.). In addition, the total sample counts were aggregated based on the duplicate LOEs in the Decision ID summary. The listings that appear to have duplicate LOEs are summarized below:</p> <ul style="list-style-type: none"> <li>• 132554, 132557, 150432, 132530, 132541, 132566, 132570</li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that duplicate LOEs were included in these Coyote Creek Assessments. Please see response to comment 025.10.</p> <p>Summaries of decision revisions are:</p> <ul style="list-style-type: none"> <li>• Decision ID 132554 (Iron in Coyote Creek) <ul style="list-style-type: none"> <li>○ Fifteen LOEs were duplicates in this decision and were removed. The listing status remains “Do Not Delist.” For the LOEs affected, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</li> </ul> </li> <li>• Decision ID 132557 (Malathion in Coyote Creek) <ul style="list-style-type: none"> <li>○ LOE ID 240312 is a duplicate of LOE ID 298296 and was removed from the assessment. The listing status remains “Do Not Delist.”</li> </ul> </li> <li>• Decision ID 150432 (Ammonia in Coyote Creek)</li> </ul>



No.	Comment	Response
		<ul style="list-style-type: none"> <li>○ Five LOEs were duplicates in this decision and were removed. The listing status was revised from “List” to “Delist.” For the LOEs affected, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</li> <li>○ Additionally, all ammonia decisions in the Los Angeles Region were originally evaluated using the wrong water quality objective. See response to comment 025.17 for more information on the objectives used for assessments for ammonia, and Appendix W: List of Los Angeles and Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.</li> <li>● Decision ID 132530 (Profenofos in Coyote Creek) <ul style="list-style-type: none"> <li>○ LOE ID 240373 is a duplicate of LOE ID 298138 and was removed from the assessment. The listing status remains “Do Not Delist.”</li> </ul> </li> <li>● Decision ID 132541 (Chlorine in Coyote Creek) <ul style="list-style-type: none"> <li>○ LOE IDs 240428 and 240435 are duplicates of LOE IDs 298175 and 298174 and were removed from the assessment. The listing status remains “List.”</li> </ul> </li> <li>● Decision ID 132566 (pH in Coyote Creek) <ul style="list-style-type: none"> <li>○ Five LOEs were duplicates in this decision and were removed. The listing status remains “Do Not Delist.” For the LOEs</li> </ul> </li> </ul>

No.	Comment	Response
		<p>affected, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p> <ul style="list-style-type: none"> <li>• Decision ID 132570 (Temperature in Coyote Creek) <ul style="list-style-type: none"> <li>○ Five LOEs were duplicates in this decision and were removed. For the LOEs affected, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</li> <li>○ The listing recommendation was revised due to a change in the interpretation of Warm Freshwater Habitat water quality objective from “List” to “Do Not List.” Please see response to comment 026.10 for more information.</li> </ul> </li> </ul>
017.33	<p><b>Recommendation: Aluminum listing solely based on “Total” fraction should be re-categorized to Category 3 or 2.</b></p> <p>Aluminum includes both dissolved and particulate forms of aluminum. Based on the County’s review, most aluminum listings are based on data solely in “total fraction” (dissolved + particulate). Dissolved aluminum is typically the form that is bioavailable to aquatic organisms and is therefore the actual cause of concern for toxicity. Total aluminum does not distinguish between dissolved and particulate aluminum, which can lead to overestimating both the potential for toxicity</p>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comments 009.04, and 009.05.</p>

No.	Comment	Response
	<p>and severity of water body impairment (Sørensen et al., 2016). Therefore, it is inappropriate to list a water body based on the “total fraction” when the “dissolved fraction” shows no exceedance. Therefore, the County recommends re-evaluating and removing the following Coyote Creek listing since there are no exceedances of the dissolved fraction. For water bodies without dissolved aluminum records, the County recommends re-categorizing the water body to Category 3 or 2 until sufficient dissolved data is collected.</p> <ul style="list-style-type: none"> <li>• Decision ID: 153901</li> <li>• Waterbody: Coyote Creek</li> <li>• Exceedance/Sample Count: <ul style="list-style-type: none"> <li>○ Dissolved fraction 0/22 (Do not List)</li> <li>○ Total fraction 15/27</li> </ul> </li> </ul>	
017.34	Please see Attachment A to this letter for a cross reference of all comments provided above with the relevant listing decisions.	Comment noted. The Attachment A was used to inform responses to comments in this letter. Thank you for providing.

**Letter 18: Chelsea McGimpsey, San Diego Region Copermittees**

No.	Comment	Response
018.01	<p>Benthic Community Effects</p> <p>RECOMMENDATION</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Benthic community effects listings from previous integrated reports remain as Category 5 listing</p>

No.	Comment	Response
	<p>It is recommended that waterbodies currently included on the 303(d) List for benthic community effects, including 50 waterbodies in Region 9, are also placed in Category 3 on an interim basis until listing methodology is revised.</p>	<p>recommendations for the 2024 California Integrated Report. Once the methodology is developed to associate degraded biological populations with pollutant concentrations under Listing Policy section 3.9, the benthic community effects listings placed in Category 5 from previous listing cycles will be reassessed and the listing recommendation revised, if appropriate.</p> <p>Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p>
018.02	<p>Selenium</p> <p>In May 2014, the County of San Diego submitted five comment letters related to the 2010 §303(d) listings for selenium in five creeks. Additional data were collected by the County of San Diego for use in the de-listing evaluation and compared to the California Toxics Rule (CTR) Freshwater Criterion of 0.005 mg/L. The results were as follows:</p> <ul style="list-style-type: none"> <li>• Keys Creek: 0 of 28 samples exceeded the criterion</li> <li>• San Marcos Creek: 0 of 31 samples exceeded the criterion</li> <li>• Escondido Creek: 0 of 32 samples exceeded the criterion</li> <li>• Los Coches Creek: 0 of 31 samples exceeded the criterion</li> <li>• Lower Sweetwater River: 0 of 31 samples exceeded the criterion</li> </ul>	<p>The coordinates in CEDEN were corrected. However, the coordinate correction was completed in October 2022, which was during the data solicitation period for the 2026 Integrated Report and after the majority of data were assessed for the 2024 California Integrated Report. The correction was made as part of the 2026 California Integrated Report, and the data will be evaluated and assessed during the 2026 California Integrated Report as an high priority “off-cycle” assessment. The 2024 California Integrated Report data solicitation period ended October 16, 2020</p> <p><a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf</a>).</p>

No.	Comment	Response
	<p>The data used as the basis of the de-listing evaluations are included in each letter. The original letters were included as an attachment to the Draft 2014/2016 §303(d) List comment letter dated August 3, 2016 and the Draft 2020/2022 §303(d) List comment letter dated July 16, 2021. These data were not included as LOEs in the approved 2014/2016 or 2020/2022 §303(d) Lists. The State Water Board response to comment 5.03 on the Draft 2014/2016 §303(d) List stated "Data submitted after the August 30, 2010, deadline is not evaluated for the 2014/2016 listing cycle. These data (if submitted in CEDEN) will be included as high priority data in the next cycle." However, the data were not included as LOEs in the Draft 2020-2022 §303(d) List. The State Water Board's response to comments on the Draft 2020-2022 §303(d) List stated that the Water Board found the data referenced in the comment, but changes to listing recommendations were not made because the selenium data were entered into CEDEN without accurate coordinates. In October 2022, the coordinates were updated in CEDEN.</p> <p><b>RECOMMENDATION</b></p> <p>It is recommended that the State Water Board re-assess Keys Creek, San Marcos Creek, Escondido Creek, and Los Coches Creek for potential de-listing for selenium, as the coordinates in CEDEN have been corrected since the previous decision.</p>	
018.03	Addition of Associated Beneficial Uses to 303(d) List	Comment noted. Appendix A: Recommended 2024 303(d) List of Impaired Waters was updated to include a

No.	Comment	Response
	<p>The Proposed Final California 2024 303(d) List provides the complete recommended revisions for the 2024 303(d) List of Impaired Waters. The summary list indicates all new/ revised and original listings but does not include a column for the associated beneficial use that ties into the described listing.</p> <p><b>RECOMMENDATION</b></p> <p>It is recommended that an additional column indicating the impaired beneficial use associated with the listing be included for clarity.</p>	<p>'Beneficial Use' column in the Proposed Final 2024 California Integrated Report.</p>
018.04	<p><b>Waterbody Fact Sheets</b></p> <p>For several Pacific Ocean Shoreline segments included on the Draft 2024 §303(d) List for indicator bacteria, the online Waterbody Fact Sheets (Appendix B) state "Based on the readily available data and information, the weight of evidence indicates that there is sufficient justification against placing this water segment-pollutant combination on the CWA section 303(d) List for impairment of REC-1. However, there is sufficient justification for placing this water segment-pollutant combination on the CWA section 303(d) List for impairment of SHELL." However, the excel Waterbody Fact Sheets (Appendix B.1) do not make this distinction.</p> <p><b>RECOMMENDATION</b></p> <p>It is recommended that the following Decisions in Appendix B.1 be clarified to align with the those presented in Appendix B. The Regional Board decision for listing or not delisting the</p>	<p>During the release of the Draft 2024 California Integrated Report, Appendix B1: Statewide Waterbody Fact Sheets – Excel Version was inadvertently missing a column for 'Regional Board Conclusions,' which provides specific language on decision relationships. However, despite the missing column, Appendix B1 did contain the final listing recommendations and the Regional Water Board and State Water Board decision language. The 'Regional Board Conclusions' for each decision were available for public review in the Waterbody Fact Sheets and will be provided in Appendix B1 with the Proposed Final 2024 California Integrated Report. Additionally, see principal response 3.3 for Quantitative Analyses and Methodologies.</p>

No.	Comment	Response
	<p>waterbody segments below are applicable only to the Beneficial Use SHELL and should not be included for the lines of evidence presented in Appendix B.1 for beneficial use REC-1.</p> <ul style="list-style-type: none"> <li>• Decision 127945: Pacific Ocean Shoreline, Imperial Beach Pier</li> <li>• Decision 127951: Pacific Ocean Shoreline, Loma Alta HSA, at Loma Alta Creek Mouth</li> <li>• Decision 127970: Pacific Ocean Shoreline, Otay Valley HA, at Carnation Ave and Camp Surf Jetty</li> <li>• Decision 127972: Pacific Ocean Shoreline, Point Loma HA, at Bermuda Ave</li> <li>• Decision 128018: Pacific Ocean Shoreline, Tijuana HU, at 3/4 mile North of Tijuana River</li> <li>• Decision 128021: Pacific Ocean Shoreline, Tijuana HU, at Border</li> <li>• Decision 127915: Pacific Ocean Shoreline, Batiquitos HSA, at Moonlight State Beach (Cottonwood Creek outlet)</li> <li>• Decision 127985: Pacific Ocean Shoreline, San Diego HU, at Stub Jetty, south of the San Diego River outlet, near Cape May Avenue</li> <li>• Decision 127987: Pacific Ocean Shoreline, San Dieguito HU, at San Dieguito Lagoon Mouth at San Dieguito River Beach</li> <li>• Decision 128081: Pacific Ocean Shoreline, San Luis Rey HU, at San Luis Rey river outlet</li> <li>• Decision 128006: Pacific Ocean Shoreline, Scripps HA, at Childrens Pool</li> </ul>	

No.	Comment	Response
	<ul style="list-style-type: none"> <li>• Decision 128011: Pacific Ocean Shoreline, Scripps HA, at Pacific Beach Point , PacificBeach</li> <li>• Decision 127923: Pacific Ocean Shoreline, Coronado HA, at Avenida del Sol</li> <li>• Decision 127928: Pacific Ocean Shoreline, Coronado HA, at Silver Strand (north end,Oceanside)</li> <li>• Decision 127968: Pacific Ocean Shoreline, Mission San Diego HSA, at Newport Ave</li> <li>• Decision 127976: Pacific Ocean Shoreline, Rancho Santa Fe HSA, at Fletcher CoveBeach</li> <li>• Decision 127989: Pacific Ocean Shoreline, San Elijo HSA, at Cardiff State Beach atChart House parking</li> <li>• Decision 145399: Pacific Ocean Shoreline, San Luis Rey HU, at Tyson Way</li> <li>• Decision 151072: Pacific Ocean Shoreline, Scripps HA, Vista de la Playa to NicholsonPoint</li> <li>• Decision 145401: Pacific Ocean Shoreline, Scripps HA, at Avenida de la Playa at LaJolla Shores Beach</li> <li>• Decision 145402: Pacific Ocean Shoreline, Scripps HA, at La Jolla Cove</li> <li>• Decision 145403: Pacific Ocean Shoreline, Scripps HA, at South Casa Beach</li> </ul>	



**Letter 19: Dan Medina, Gardena Valley Democratic Club**

No.	Comment	Response
019.01	<p>The 2024 303(d) list for Dominguez Channel reaches 1 and 2 apparently have not changed. There were no additional listings or de-listings. But this cannot be sure. GVDC is concerned that the Los Angeles regional water board did not inform the public of the revised 303(d) list. It was not made available on the regional board’s website. We understand that initially the board proposed doing a presentation on the revised list, but chose not to. GVDC would have liked to know from the regional board what monitoring data it submitted to the State Board. In particular, would have liked to know how many “lines of data evidence” were submitted that resulted in no changes to the 303(d). We understand that the neighboring Santa Ana regional board submitted lines of data to the State Board. In fact, according to the Santa Ana board, all water boards are required to submit such data based on a court decision. The question is why didn’t the L.A. board do the same thing?</p>	<p>Waterbody Fact Sheets describe the data used and include links to the data sets.</p> <p>The Draft Waterbody Fact Sheets for waterbodies in the Los Angeles Region, including Dominguez Channel Estuary (unlined portion below Vermont Ave) and Dominguez Channel (lined portion above Vermont Ave), were distributed to the public with the Draft Staff Report on February 16, 2023, and can be found in Appendix B: Statewide Waterbody Fact Sheets under the “Notices and Draft Staff Report” heading of the 2024 California Integrated Report webpage (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html</a>). Proposed Final Waterbody Fact Sheets for the California 2024 Integrated Report will be distributed with the Proposed Final Staff Report and can be found in Appendix B: Statewide Waterbody Fact Sheets under the “Notices and Proposed Final Integrated Report, Staff Report, and Response to Comments” heading of the 2024 California Integrated Report webpage. With the exception of permit monitoring data from the Municipal Separate Storm Sewer System (“MS4”) and National Pollutant Discharge Elimination System (“NPDES”) permit holder monitoring reports, all considered data were submitted to the State Water Board, not the Los Angeles Regional Water Board. See section 8.2 of the Staff</p>

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		<p>Report for efforts the Los Angeles Regional Water Board made to evaluate and assess new sources of data.</p> <p>The data used to assess Dominguez Channel in the 2024 California Integrated Report were from MS4 permittees and the Southern California Stormwater Monitoring Coalition (“SCSMC”). Data were checked for quality and completeness before being processed into LOEs for review. The MS4 data for Dominguez Channel (lined portion above Vermont Ave) were not usable because the spatial data and information provided for the monitoring stations lacked the datum metadata component required by section 6.1.2.1 of the Listing Policy. Data submitted by SCSMC for this waterbody included records for the following parameters: allenthrin; bifenthrin; chlorpyrifos; cinerin; cyfluthrin; cyhalothrin, lambda; cypermethrin; deltamethrin; diazinon; esfenvalerate/fenvalerate; fenpropathrin; fipronil; fipronil desulfinyl; fipronil sulfide; fipronil sulfone; imidacloprid; jasmolin; dissolved oxygen; permethrin; pH; piperonyl butoxide; pyrethrin; temperature; tetramethrin; T-fluvalinate; and turbidity. In the SCSMC dataset records were not submitted for Dominguez Channel for copper, cadmium, chromium, lead, mercury, PAHs, or PCBs. Stakeholders may contact State Water Board staff to request assistance in correcting data quality issues by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p> <p>Additionally, the SCSMC data reference (reference 5228) that contained monitoring data from station 411R4S076 (Dominguez Channel at Jack Northrop Field Hawthorn</p>

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		<p>Municipal Airport) on Dominguez Channel (lined portion above Vermont Ave) was inadvertently truncated in the Draft 2024 California Integrated Report. No LOE sample or exceedance counts were affected by this issue as the dataset used to develop these LOEs was complete. Reference 5228 has been revised to include the full dataset and is now available for viewing in associated Waterbody Fact Sheets. It can also be downloaded from <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2020/ref5228.xlsx">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2020/ref5228.xlsx</a>.</p> <p>For the 2024 California Integrated Report, the State Water Board has administered the listing process for all waters assessed during the 2024 California Integrated Report listing cycle, in accordance with section 6.2 of the Listing Policy. The Regional Water Boards do not submit data to the State Water Board, data are submitted via CEDEN or the Integrated Report Upload Portal from various sources. In developing the Draft 2024 California Integrated Report, all readily available data submitted per the requirements of the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">June 29, 2020 Data Solicitation Notice</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf</a>) were assembled and evaluated to ascertain adequacy for water quality assessments per the Listing Policy. For additional guidance on data solicitation and the data submittal process, please refer to principal response 3.1 for Readily Available Data Requirements. Regarding notification of the availability of the Draft 2024 California Integrated Report, the Regional Water Boards</p>

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		<p>for which there are listing recommendations this cycle distributed notices on the 2024 California Integrated Report through their specific e-mail distribution lists. In the Los Angeles Region, this included the Integrated Report 303(d)/305(b) email list. This notification included links to Integrated Report documentation that was posted on the State Water Board’s website. Please see principal response 3.5 for Data Submission Timeline and the Public Process for information on how to subscribe to the Integrated Report 303(d)/305(b) email list.</p>
019.02	<p>Our concern is that the data may not have been properly used or interpreted, which could result in the de-listing of certain pollutants from on the 303(d) list. Also, it would have been helpful to know what numeric water quality standards were used to determine placement on the 303(d) TMDL list. It is our understanding that before a pollutant is placed on the list – or even removed from it – a certain number of numeric water quality standards exceedances, based on water samples, must be determined (per the State’s TMDL Listing Policy). However, we do not know what the standards are for the pollutants that appear on the current and proposed list for 2024.</p> <p>We would like to know this because the regional board has adopted an amendment to the Basin Plan that could tie Carson, Gardena, and others to the Dominguez Channel Harbors Toxics TMDL. According to the regional board, this TMDL requires remediation of toxics, including DDT, various pesticides, and PCBs. The regional board denies that cities</p>	<p>The water quality numeric thresholds used to determine listing recommendations are provided in each LOE in the Waterbody Fact Sheets under the headings “Water Quality Criteria/Objective” and “Evaluation Guideline.” The reference documents that are the source of each threshold can be accessed by clicking on the links after the headings “Objective/Criterion Reference” and “Guideline Reference” in the Waterbody Fact Sheets.</p> <p>The procedure for developing the section 303(d) list (i.e., “listing” a waterbody-pollutant combination) is detailed in section 3 of the Listing Policy, California Listing Factors. The 303(d) list is a list of impaired waters, specifically water quality limited segments and water quality limited segments being addressed. It is not a list of TMDLs and it is the waterbody, not the TMDL or pollutant, that is placed on the 303(d) when water quality standards are not met.</p>

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	<p>will be required to pay for the remediation of parts of the Dominguez Channel and the Los Angeles harbor. The regional board's revised Dominguez Channel Harbors Toxics TMDL staff report says otherwise. Responsible parties (includes Dominguez Channel cities), are required to comply with Task 5 of this TMDL, which says that by January 31, 2023:</p> <p>“Submit a revised CSMP (contaminated sediment plan) to include milestones with specific plans and associated completion dates for remediating identified hot spots (including but not limited to Dominguez Channel Estuary, Consolidated Slip, and Fish Harbor). A Cleanup and Abatement Order may be issued if responsible parties for identified hot spots submit an insufficient CSMP for remediation of the hot spots.”</p>	<p>The Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters (“Harbor Toxics TMDL”) identifies the Cities of Gardena and Carson as Dominguez Channel responsible parties, whose responsibilities include but are not limited to monitoring and attaining load and wasteload allocations. TMDL implementation requirements for responsible parties are beyond the scope of the California Integrated Report.</p> <p>For questions and concerns about TMDLs, the commenter may contact the Los Angeles Regional Water Board’s <a href="#">Total Maximum Daily Loads Program</a>. Program information and a list of contacts can be found at the program’s webpage (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p> <p>Meeting announcements and technical information for the Harbor Toxics TMDL, including the TMDL Reconsideration, are posted at the webpage for the <a href="#">Dominguez Channel and Greater Los Angeles and Long Beach Waters Toxic Pollutants TMDL</a> (<a href="https://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/bpa_128_RXX-XXX_td.html">https://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/bpa_128_RXX-XXX_td.html</a>).</p>
019.03	GVDC requests the State Board to direct the regional board to take the following actions:	Decision information for each waterbody-pollutant combination can be found by clicking on the Decision ID in Appendix B: Statewide Waterbody Fact Sheets. LOEs

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	Provide lines of data evidence for the pollutants listed below which are on the current and proposed 303(d) list to verify their accuracy.	<p>are provided below the decision on the Waterbody Fact Sheets. Please see response to comment 019.01 for instructions on how to access Appendix B.</p> <p>Additionally, please see response to comment 019.06 for a list of decisions and listing recommendations associated with the list provided by the commenter.</p>
019.04	Identify water quality standards for each of these pollutants listed below for each Dominguez Channel reach.	Water quality objectives, criteria and guidelines used in the California Integrated Report vary by pollutant and come from several sources, including but not limited to the Regional Water Quality Control Board Basin Plan. Water quality objectives, criteria, and guidelines applied for a specific waterbody-pollutant combination can be accessed in the LOEs by looking at the row heading “Water Quality Objective/Criterion” and/or “Evaluation Guideline.”
019.05	Schedule a workshop to present changes to the 303(d) and an explanation of the State’s Listing Policy.	See principal response 3.5 for Data Submission Timeline and the Public Process.
019.06	<p>Post on its website the proposed 2024 303(d) list.</p> <p>[The table included with this comment is available in Appendix A Tables Associated with Public Comments.]</p>	The Waterbody Fact Sheets for all assessed waterbody-pollutant combinations, including those provided by the commenter, may be found in Appendix B: Statewide Waterbody Fact Sheets. Please see response to comment 019.01 for instructions on how to access Appendix B. There were no new data assessed for the pollutants listed in the provided table in Dominguez Channel (lined portion above Vermont Ave). The listing

No.	Comment	Response
		<p>decisions approved during the 2016 California Integrated Report are the most recent. The previously adopted listing decisions are posted at the link above and are summarized as follows below:</p> <ul style="list-style-type: none"> <li>• Copper <ul style="list-style-type: none"> <li>○ Decision ID: 72474</li> <li>○ Listing Recommendation: Do Not Delist from 303(d) list (being addressed with U.S. EPA approved TMDL)</li> </ul> </li> <li>• Lead <ul style="list-style-type: none"> <li>○ Decision ID: 98867</li> <li>○ Listing Recommendation: Do Not Delist from 303(d) list (being addressed with U.S. EPA approved TMDL)</li> </ul> </li> <li>• Zinc <ul style="list-style-type: none"> <li>○ Decision ID: 68450</li> <li>○ Listing Recommendation: Do Not Delist from 303(d) list (being addressed with U.S. EPA approved TMDL)</li> </ul> </li> <li>• Mercury <ul style="list-style-type: none"> <li>○ Decision ID: 68573</li> <li>○ Listing Recommendation: Do Not List on 303(d) list (TMDL required)</li> </ul> </li> <li>• Cadmium <ul style="list-style-type: none"> <li>○ Decision ID: 68905</li> <li>○ Listing Recommendation: Do Not List on 303(d) list (TMDL required)</li> </ul> </li> <li>• Chromium <ul style="list-style-type: none"> <li>○ Decision ID: 69439</li> </ul> </li> </ul>

No.	Comment	Response
		<ul style="list-style-type: none"> <li>○ Listing Recommendation: Delist from 303(d) list (TMDL required)</li> <li>• DDT (Dichlorodiphenyltrichloroethane) <ul style="list-style-type: none"> <li>○ Decision ID: 72233</li> <li>○ Listing Recommendation: Delist from 303(d) list (TMDL required)</li> </ul> </li> <li>• PAHs (Polycyclic Aromatic Hydrocarbons) <ul style="list-style-type: none"> <li>○ Decision ID: 69440</li> <li>○ Listing Recommendation: Delist from 303(d) list (TMDL required)</li> </ul> </li> <li>• PCBs (Polychlorinated biphenyls) <ul style="list-style-type: none"> <li>○ Decision ID: 69438</li> <li>○ Listing Recommendation: Delist from 303(d) list (TMDL required)</li> </ul> </li> </ul> <p>Additionally, there were no new data assessed for DDT in Dominguez Channel Estuary during the 2024 California Integrated Report. The listing decision approved during the 2016 California Integrated Report is the most recent and is “Do Not Delist.”</p> <p>New listing recommendations in Dominguez Channel Estuary (unlined portion below Vermont Ave) have been made for copper (Decision ID 136171), lead (Decision ID 136173), zinc (Decision ID 136179), mercury (Decision ID 149525), cadmium (Decision ID 136168), chromium (Decision ID 136180), PAHs (Decision ID 149526) and PCBs (Decision ID 136175) using new data submitted for the 2024 California Integrated Report. Information about these listing recommendations can be found on the</p>



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		<p>appropriate Waterbody Fact Sheets in Appendix B: Statewide Waterbody Fact Sheets.</p> <p>If more recent data are submitted to CEDEN or for consideration in the California Integrated Report in accordance with a data solicitation notice, they will be evaluated in a future cycle to inform waterbody assessments.</p>

**Letter 20: Hillary Hauser, Heal the Ocean**

No.	Comment	Response
020.01	<p>Heal the Ocean is grateful for the opportunity to submit this brief public comment on the 2024 Integrated Report on the 303(d) list of Impaired Waterbodies. First and foremost, we want to thank the Staff for their time and energy put into this integrated report process.</p>	<p>Comment noted.</p>
020.02	<p>However, we agree with other commenters that more time is needed to review the voluminous data before making decisions on the 303(d) list. Much of the material needs checking and cross-checking, and believe that allowing more time for public review will help the State Board make informed decisions About the 303d list – a very important document to guide public policy and access to funding for remediation.</p>	<p>Comment noted. The State Water Board will not be re-releasing the 2024 California Integrated Report out for an additional public comment period. Please see principal response 3.5 for Data Submission Timeline and the Public Process.</p>

No.	Comment	Response
020.03	<p>Additionally, we urge the State Board to schedule a second meeting in the Winter to give the public more time to review a revised draft of the report, along with the first round of public comments and staff responses. We believe that this will provide the public with an opportunity to participate in a more meaningful way and offer constructive feedback to the Board.</p>	<p>Comment noted. The Proposed Final 2024 California Integrated Report will be made available at least 30-days prior to the State Water Board meeting to consider adoption to provide time for the public to see changes made in response to comments received. Additionally, see principal response 3.5 for Data Submission Timeline and the Public Process.</p>
020.04	<p>We support LA Waterkeeper's point on the uncertainty of "off-cycle" processes and updates. We understand that every region gets updated every six years, and only three regions are updated during the "on-cycle." The current system can create a ten-year lag between when data can be submitted and when it is integrated into the report. We believe that this time lag is far too long, and the lag automatically creates outdated information on which the State Board is supposed to make informed decisions.</p> <p>We ask that the State Board provide clearer guidance on the criteria for determining when and what might qualify an off-cycle assessment, so that the public can have greater confidence in the process.</p>	<p>Comment noted. See principal response 3.5 for Data Submission Timeline and the Public Process.</p>
020.05	<p>We appreciate that the 2024 Integrated Report now includes Ocean Acidification and Microplastics. We believe that these are significant impairments that have far-reaching consequences for California's waterbodies.</p>	<p>Comment noted.</p>

No.	Comment	Response
020.06	In addition, we agree with other groups asking that underwater noise pollution be treated as a "pollutant," particularly in coastal areas. It is proven that noise pollution impacts marine behavior, as well as life, and negatively alters their physical aquatic environment.	Comment noted. Please see response to comment 023.19.
020.07	In conclusion, we believe that the 2024 Integrated Report is an important document that will shape the future of California's waterbodies. We appreciate the Board's efforts to ensure the health and wellbeing of these waterbodies and we urge the Board please add time to the process so that all data can be thoroughly reviewed.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process.

**Letter 21: Mark Pestrella and Mark A. Lombos, LA County Public Works and LA County Flood Control District**

No.	Comment	Response
021.01	<p>Comment No. 1: Data submitted during the 2020 Public Solicitation of Water Quality Data and Information for the 2024 California Integrated Report was not used in the draft listing analysis.</p> <p>On October 15, 2020, the County of Los Angeles (County) and the Los Angeles County Flood Control District (District) submitted a letter (included as Attachment to these comments) and data in response to the State Water Resources Control Board's (State Water Board) June 29, 2020, Water Quality Data and Information Solicitation for</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The analysis present in Attachment A (Summary of Analysis Results for Supporting Delisting of Waterbody-Pollutant Combinations) submitted by the commenter was not used for assessment. The quality and source of these data, some of which were collected as long ago as 1995, is unknown. The data used for the analysis seemed to</p>

No.	Comment	Response
	<p>2024 California Integrated Report Clean Water Act Sections 303(D) and 305(B). The County and District letter provided a summary of analyses of the submitted data, supporting findings that some of the existing listed waterbodies have attained the required water quality standards and have met the delisting criteria in Section 4 of the State Water Board's Water Quality Control Policy for Developing Clean Water Act Section 303(d) List. However, the data submitted by the County and District were not included as part of the data used in the draft 2024 303(d) listing analysis. While the submitted data were not available in a California Environmental Data Exchange Network (CEDEN) format, the data were uploaded as non-CEDEN compatible data following the instructions given in the State Water Board's June 29, 2020, solicitation notice. Data and analysis for the following water body pollutant combinations were provided to the State Water Board:</p> <ol style="list-style-type: none"> <li>1. Los Angeles River Reach 1 (Estuary to Carson Street) – Cadmium</li> <li>2. Los Angeles River Reach 1 (Estuary to Carson Street) – Copper</li> <li>3. Los Angeles River Reach 1 (Estuary to Carson Street) – Lead</li> <li>4. Los Angeles River Reach 2 (Carson to Figueroa Street) – Copper</li> <li>5. Los Angeles River Reach 2 (Carson to Figueroa Street) – Lead</li> <li>6. Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.) – Copper</li> </ol>	<p>roughly correspond to the spreadsheets submitted by the commenter.</p> <p>The chemistry data in the spreadsheets were examined for suitability according to section 6.1.4 of the Listing Policy. <del>In accordance with section 6.1.4, data supported by a QAPP, QAPP-equivalent documentation, or from major monitoring programs in California are considered of adequate quality and acceptable for use in developing the 303(d) list, which states that data must be supported by a Quality Assurance Project Plan (“QAPP”) pursuant to the requirements of 40 C.F.R. § 31.45 to be acceptable for use in developing the section 303(d) list.</del> No such QAPP or QAPP-equivalent documentation was submitted. <del>The reports submitted with the spreadsheets, “Toxicity Identification Evaluation of Sediment (Sediment TIE) in Ballona Creek Estuary” and “Marina del Rey Harbor Sediment Stressor Identification Study” did not fulfill the requirements of Listing Policy section 6.1.4.</del></p> <p>The data provided by the commenter and used in their independent analysis were not further reviewed for quality purposes, and there is no assurance that the stations and sampling dates were spatially and temporally representative and independent, as required by Listing Policy sections 6.1.5.2 and 6.1.5.3, respectively.</p> <p>Additionally, the data set was incomplete, selected out of larger data sets to represent only those waterbody-pollutant combinations recommended for delisting in the analysis provided in Attachment A and in comment</p>

No.	Comment	Response
	<ul style="list-style-type: none"> <li>7. Los Angeles River Reach 5 (within Sepulveda Basin) – Lead</li> <li>8. Los Angeles River Reach 6 (above Sepulveda Flood Control Basin) – Copper</li> <li>9. Aliso Canyon Wash – Copper</li> <li>10. Burbank Western Channel – Copper</li> <li>11. Burbank Western Channel – Lead</li> <li>12. Burbank Western Channel – Cyanide</li> <li>13. Compton Creek – Copper</li> <li>14. Compton Creek – Lead</li> <li>15. Rio Hondo Reach 1 (Confl. LA River to Santa Ana Fwy) – Copper</li> <li>16. Rio Hondo Reach 1 (Confl. LA River to Santa Ana Fwy) – Lead</li> <li>17. Tujunga Wash (LA River to Hansen Dam) – Copper</li> <li>18. Verdugo Wash Reach 1 (LA River to Verdugo Rd.) – Copper</li> <li>19. Legg Lake – Ammonia</li> <li>20. Ballona Creek – Lead</li> <li>21. Sepulveda Canyon – Lead</li> <li>22. Sepulveda Canyon – Selenium</li> <li>23. Ballona Creek Estuary - PAHs (Polycyclic Aromatic Hydrocarbons)</li> <li>24. Marina del Rey Harbor - Back Basins – Dissolved Oxygen</li> <li>25. Marina del Rey Harbor - Back Basins – Chlordane</li> <li>26. Marina del Rey Harbor - Back Basins – Copper</li> <li>27. Marina del Rey Harbor - Back Basins - DDT (Dichlorodiphenyltrichloroethane)</li> <li>28. Marina del Rey Harbor - Back Basins – Dieldrin</li> <li>29. Marina del Rey Harbor - Back Basins – Lead</li> </ul>	<p>021.01. Many stations have only data collected before 2010 and that may have been included in a past assessment. The spreadsheets provided by the commenter included data for cyanide, copper, malathion, cadmium, ammonia as nitrogen, selenium, dissolved oxygen, and hardness. The commenter provided no data for any other pollutants, including PAHs in water in Ballona Creek Estuary, or for chlordane, copper, DDT, dieldrin, lead, PCBs, or zinc in water in Marina del Rey Harbor, to support the proposed delistings.</p> <p>Significantly, the data submitted have project codes and stations corresponding to TMDL monitoring projects and monitoring data collected by NPDES permittees, namely municipal stormwater and publicly owned treatment works. These are datasets that were pulled from CEDEN, the California Integrated Water Quality System (“CIWQS”) and the Los Angeles Regional Water Board Municipal Stormwater (“MS4”) program and used to create LOEs for assessment. The data submitted by the commenter for monitoring before 2010, particularly those data corresponding to TMDL monitoring projects, may have been submitted to CEDEN during the data solicitation period for a previous California Integrated Report. Assessing these particular data could create duplicative LOEs and present an inaccurate assessment of water quality.</p> <p>Similarly, receiving water monitoring datasets submitted to the MS4 program and to CIWQS were processed into a CEDEN-compatible format and used for creating LOEs for</p>

No.	Comment	Response
	<p>30. Marina del Rey Harbor - Back Basins - PCBs (Polychlorinated biphenyls)</p> <p>31. Marina del Rey Harbor - Back Basins – Zinc</p> <p>32. San Gabriel River Reach 2 (Firestone to Whittier Narrows Dam) – Lead</p> <p>33. Coyote Creek – Malathion</p> <p>34. Dominguez Channel (lined portion above Vermont Ave) – Lead</p> <p>35. Torrance Carson Channel – Lead</p> <p>36. Santa Monica Canyon – Lead</p> <p>37. Topanga Canyon Creek – Lead</p> <p>38. Triunfo Canyon Creek Reach 1 – Lead</p> <p>39. Triunfo Canyon Creek Reach 2 – Lead</p> <p>40. Los Cerritos Channel – Lead</p> <p>41. Los Cerritos Channel – Ammonia</p>	<p>the California Integrated Report. Evaluating the data submitted by the commenter would have created LOEs that were duplicative of LOEs from the MS4 and CIWQS data, which were datasets of known sources and quality, included data for all pollutants required by permits, and were supported by QAPPs. Where the commenter’s data were not a duplicate, such as their submitted stormwater data collected before 2015 or NPDES permit monitoring data collected before 2011, there were more recent data available from the same data providers that better represent water quality.</p> <p>The exceptions to this are data pertaining to dissolved oxygen in Marina del Rey Harbor. There were no new data assessed for this waterbody-pollutant combination during the 2024 California Integrated Report cycle, and therefore no new decision. The most recent decision for dissolved oxygen in Marina del Rey Harbor is Decision ID 94258 from 2018. The decision is “List on 303(d) list (TMDL required list).” The dissolved oxygen data submitted by the commenter were collected in the field and not included with the laboratory chemistry datasets retrieved from the MS4 program. The data for dissolved oxygen in Marina del Rey Harbor will be more closely examined to determine if they meet the formatting and quality assurance requirements detailed in section 6.1.4 of the Listing Policy. If they do, these data will be used to create LOEs and a listing recommendation will be made for dissolved oxygen in Marina del Rey Harbor during an off-cycle assessment. The commenter may provide quality assurance documentation for these data by</p>

No.	Comment	Response
		<p>sending an email to:  <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p> <p>In comparing the commenter’s list of omitted data to data that were used in the 2024 California Integrated Report, it was discovered that although data were available, LOEs and decisions were not created for waterbody-pollutant combinations that should be evaluated using the copper and lead site-specific objectives (“SSOs”) in the Basin Plan. Data for the waterbody-pollutant combinations listed below will be considered a high priority and will be used to create LOEs for use in an off-cycle assessment. The waterbody-pollutant combinations covered by the SSOs and potentially affected are as follows:</p> <p><u>Copper:</u></p> <ul style="list-style-type: none"> <li>• Calleguas Creek Reach 1 (Mugu Lagoon)</li> <li>• Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</li> <li>• Los Angeles River Reach 1 (Estuary to Carson Street)</li> <li>• Los Angeles River Reach 2 (Carson to Figueroa Street)</li> <li>• Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.)</li> <li>• Los Angeles River Reach 4 (Sepulveda Dr. to Sepulveda Dam)</li> <li>• Tujunga Wash (LA River to Hansen Dam)</li> <li>• Verdugo Wash Reach 1 (LA River to Verdugo Rd.)</li> <li>• Verdugo Wash Reach 2 (Above Verdugo Road)</li> <li>• Burbank Western Channel</li> </ul>

No.	Comment	Response
		<ul style="list-style-type: none"> <li>• Arroyo Seco Reach 1 (LA River to West Holly Ave.)</li> <li>• Arroyo Seco Reach 2 (West Holly Ave to Devils Gate Dam)</li> <li>• Compton Creek</li> <li>• Rio Hondo Reach 1 (Confl. LA River to Snt Ana Fwy)</li> <li>• Rio Hondo Reach 2 (At Spreading Grounds)</li> </ul> <p><u>Lead:</u></p> <ul style="list-style-type: none"> <li>• Los Angeles River Reach 1 (Estuary to Carson Street)</li> <li>• Los Angeles River Reach 2 (Carson to Figueroa Street)</li> <li>• Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.)</li> <li>• Los Angeles River Reach 4 (Sepulveda Dr. to Sepulveda Dam)</li> <li>• Los Angeles River Reach 5 (within Sepulveda Basin)</li> <li>• Los Angeles River Reach 6 (Above Sepulveda Flood Control Basin)</li> <li>• Tujunga Wash (LA River to Hansen Dam)</li> <li>• Verdugo Wash Reach 1 (LA River to Verdugo Rd.)</li> <li>• Verdugo Wash Reach 2 (Above Verdugo Road)</li> <li>• Burbank Western Channel</li> <li>• Arroyo Seco Reach 1 (LA River to West Holly Ave.)</li> </ul>



No.	Comment	Response
		<ul style="list-style-type: none"> <li>• Arroyo Seco Reach 2 (West Holly Ave to Devils Gate Dam)</li> <li>• Compton Creek</li> <li>• Rio Hondo Reach 1 (Confl. LA River to Snt Ana Fwy)</li> </ul> <p>This is a list of potentially affected decisions only, and not a list of decisions that are confirmed as missing. This list of waterbodies and their SSOs for copper and lead can also be found in Chapter 3 of the Basin Plan, on pages 3-42 and 3-43  <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf</a>.</p>
021.02	<p>Table 1 presents examples of how the unused data would affect the listing and delisting analyses and decisions. A summary of the analysis of the results supporting the delisting of each water-body pollutant combinations identified above is presented in Attachment A to the 2020 letter (which is also attached to this letter).</p> <p>[Table 1: Examples of water body pollutant combinations where the unused data would impact the 303(d) listing and/or delisting decisions is available in Appendix A Tables Associated with Public Comments.]</p>	Please see response to comment 021.01.
021.03	<p><u>Recommendation</u>: Incorporate the complete data provided in the County and District's 2020 data submittal in response to the State Water Board's Data and Information Solicitation for</p>	Changes to listing recommendations were not made in response to this comment. Please see response to comment 021.01.

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	2024 California Integrated Report and update the listing decisions.	
021.04	<p>Comment No. 2: The 2024 California Integrated Report 303(d) List should not include waterbodies not in the current Los Angeles Region Basin Plan, including those that are ponds created as park features and stormwater Best Management Practice (BMP) projects.</p> <p>Waterbodies not included in the Los Angeles Region Water Quality Control Plan (Basin Plan) should not be included on the 303(d) list. These waterbodies do not have designated beneficial uses that can be threatened or impaired, and thus cannot be recommended for addition to the 303(d) List. The Draft 2024 303(d) List includes a number of waterbodies that are not designated in the Basin Plan. These waterbodies should not be included.</p> <p>Additionally, some of these "waterbodies" are small ponds created as park features that are not connected to Basin Plan listed waterbodies, BMP facilities constructed to treat stormwater, or flood control detention basins. The water quality data for these projects was collected for the purpose of evaluating the performance of the projects not for other purposes, including data collected to meet grant requirements [e.g., Proposition 84, Proposition 1 Integrated Regional Water Management (IRWM), and the Safe, Clean Water Program]. Thus, these ponds, BMP facilities, and detention basins are not waterbodies appropriate for listing and the data collected was not intended to be used as a basis for listing. Examples</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The waterbodies named by the commenter in Table 2 of their comment letter, while not specifically listed in the beneficial use tables in the Los Angeles Region Basin Plan ("Basin Plan"), are designated with the beneficial uses of their downstream waters in accordance with the tributary rule and are appropriately included in the 2024 California Integrated Report. The Basin Plan states that, "[t]hose waters not specifically listed (generally smaller tributaries) are designated with the same beneficial uses as the streams, lakes, or reservoirs to which they are tributary. This is commonly referred to as the 'tributary rule.'" (Basin Plan Chapter 2, pg. 2-10, <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf</a>)</p> <p>Earvin Magic Johnson Park Lakes (Los Angeles County) are tributary to Compton Creek in the Los Angeles River watershed. Rainwater and stormwater are stored in the lakes and released into Compton Creek, creating flow that can move pollutants between the two waterbodies. Therefore, the beneficial uses of Compton Creek were applied to the Earvin Magic Johnson Park Lakes (Los</p>

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	<p>include the Earvin Magic Johnson Park Lakes and the Oxford Retention Basin, which is a flood control facility operated by the District with the objective to improve water quality, flood protection, and ecological health.</p>	<p>Angeles County) and assessing data from this waterbody pursuant to CWA section 303(d) is appropriate.</p> <p>Fish tissue data collected from Earvin Magic Johnson Park Lakes (Los Angeles County) were assessed for mercury in accordance with Listing Policy section 3.4 which states that, “A water segment shall be placed on the section 303(d) list if a health advisory against the consumption of edible resident organisms, or a shellfish harvesting ban has been issued by the Office of Environmental Health Hazard Assessment (“OEHHA”), or the Department of Health Services and there is a designated or existing fish consumption use for the segment.” Section 3.4 of the Listing Policy was used to assess fish tissue data for the COMM beneficial use as Compton Creek nor Earvin Magic Johnson Park Lakes are designated with the COMM beneficial use in the Basin Plan. The Listing Policy does not provide a definition for an existing use. When evaluating an existing use for consideration of the integrated report, consideration is only given as to whether the use is occurring. See Section 3.11 of the Staff Report for additional information on assessing data for waters that are not designated with the COMM beneficial use.</p> <p>In 2010, OEHHA issued Health Advisory and Safe Eating Guidelines for Fish from Earvin Magic Johnson Park Lakes for mercury or PCBs. Fishing takes place at Earvin Magic Johnson Park Lakes, which are stocked regularly by the California Department of Fish and Wildlife. The health advisory includes the black bass species, like the</p>

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		<p>largemouth bass, for which data are included in LOE ID 245061. The data were also collected for SWAMP's Bioaccumulation Monitoring Program focused on sportfish contamination in lakes and reservoirs. For the waterbody, 1 out of 1 sample exceeded (a total of seven largemouth bass were composited together into one sample) exceeded the Statewide Sport Fish Water Quality Objective for Mercury. The identification of water quality impairments contributing to fish exceeding the OEHHA fish contaminant goals, as well as the Mercury Statewide Sport Fish Water Quality Objective, is important for the protection of human health, and it is appropriate to identify these impairments on the 303(d) list.</p> <p>Oxford Retention Basin (also known as Oxford Lagoon or Oxford Marina Sanctuary) is a 10.7-acre wetland and wildlife conservation area. It is more appropriate to refer to the Oxford Retention Basin as a restored wetland instead of a created best management practices project. The Basin is a remnant of the Ballona Estuary and wetlands, an area that historically included the land currently occupied by the Oxford Retention Basin. The wetlands were largely destroyed by the construction of Marina del Rey Harbor, leaving Oxford Retention Basin one of the last remaining intertidal mud flat habitats in Los Angeles County. Prior to the restoration, a 2010 study by Fiesler for Hamilton Biological found the environment at the Oxford Retention Basin to be relatively healthy, with a variety of marine organisms and an abundance of amphipods, an assemblage capable of attracting and</p>

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		<p>feeding a variety of wildlife  <a href="http://dx.doi.org/10.13140/RG.2.1.5145.1281">http://dx.doi.org/10.13140/RG.2.1.5145.1281</a>.</p> <p>The Oxford Retention Basin is hydrologically connected to Marina del Rey Harbor through two tide gates at Basin E and is a tributary of the marina. It is appropriate to identify impairments on the 303(d) list to protect the Marine Habitat beneficial use of the Oxford Retention Basin, as well as the beneficial uses of Marina del Rey Harbor, to which it is tributary.</p>
021.05	<p>Table 2 lists the waterbody names, Decision IDs, and pollutants inappropriately included on the Draft 2024 303(d) List and notes those that are specifically associated with stormwater projects.</p> <p>[Table 2. Waterbodies Inappropriately Included on the Draft 2024 303(d) List is available in Appendix A Tables Associated with Public Comments.]</p> <p><u>Recommendation:</u> Remove the waterbody-pollutant combinations that are not included in the Basin Plan, including those for stormwater projects, set forth in Table 2.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>A Municipal Separate Storm Sewer System (“MS4”) is defined in the federal regulations as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), owned or operated by a permittee, and designed or used for collecting or conveying runoff. Natural drainages and urban streams are frequently modified and used by municipalities to collect and convey runoff away from development within their jurisdiction. The Water Boards consider many altered natural drainages that are used to convey runoff to be both part of the MS4 and as receiving waters. (See, e.g., Natural Resources Defense Council, Inc. v. County of Los Angeles (9<sup>th</sup> Cir. 2013) 725 F.3d 1194, 1200, fn. 12.)</p>

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		<p>The commenter identifies in Table 2 “Human Made Water Features,” which are often natural waterbodies altered, lined, walled, or channelized. In terms of the specific waterbodies in Table 2:</p> <p>Artesia-Norwalk Drain is a 2.5-mile-long tributary to Coyote Creek and the San Gabriel River. While the Artesia Norwalk Drain is not specifically listed in Table 2-1 of the Basin Plan (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Table_2-1/Chapter_2_-_Table_2-1.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Table_2-1/Chapter_2_-_Table_2-1.pdf</a>), it is clearly identified in Figure 2-9 as a major surface water of the San Gabriel River watershed (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Beneficial_Uses_Figures/Chapter_2_Maps_of_Surface_Waters_Ground_Waters_and_Coastal_Features.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Beneficial_Uses_Figures/Chapter_2_Maps_of_Surface_Waters_Ground_Waters_and_Coastal_Features.pdf</a>). The Army Corps of Engineers has determined that this waterbody is a water of the United States through its issuance of Clean Water Act (“CWA”) section 404 permit SPL-2012-00422-BLR, where it is identified as Artesia Norwalk Line C. Therefore, the beneficial uses of Coyote Creek were applied to the Artesia Norwalk Drain and assessing data from this waterbody pursuant to CWA section 303(d) is appropriate. Artesia-Norwalk Drain has been assessed for the California Integrated Report since 2016.</p> <p>Los Coyotes Channel (also known as Los Cerritos Line E) is tributary to Los Cerritos Channel. Los Cerritos Line E is</p>

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		<p>included in the TMDL for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon. While Los Coyotes Channel is not specific listed with beneficial uses in Table 2-1 of the Basin Plan, it is clearly identified (as Los Cerritos Line E) in Figure 2-7 as a major surface water of the Dominguez Channel and Los Cerritos Channel watersheds. Therefore, the beneficial uses of Los Cerritos Channel and Dominguez Channel were applied to Los Coyotes Channel.</p> <p>Spring Street Channel is tributary to the Los Cerritos Channel and included in the TMDL for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon, where it is identified as a continuation of the Los Cerritos Channel. Therefore, the beneficial uses of Los Cerritos Channel were applied to Spring Street Channel.</p> <p>Torrance Carson Channel (also known as the Torrance Lateral) is tributary to the Dominguez Channel. On historical hydrology maps, unmodified channel can be seen as a tributary to what was then Dominguez Slough and is now Dominguez Channel. The Torrance Carson Channel is explicitly included in the Dominguez Channel and Los Angeles and Long Beach Harbors Toxics and Metals TMDL, effective March 23, 2012, with specific targets and allocations for discharger to the channel. Torrance Carson Channel has been included on the 303(d) list since 1998. Therefore, the beneficial uses of</p>

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		<p>Dominguez Channel were applied to Torrance Carson Channel.</p> <p>The listing recommendation for mercury in Alondra Park Lake is based on Listing Policy section 3.4 which states that, “A water segment shall be placed on the section 303(d) list if a health advisory against the consumption of edible resident organisms, or a shellfish harvesting ban has been issued by the Office of Environmental Health Hazard Assessment (“OEHHA”), or the Department of Health Services and there is a designated or existing fish consumption use for the segment.” The Listing Policy does not provide a definition for an existing use. When evaluating an existing use for consideration of the integrated report, consideration is only given as to whether the use is occurring. See Section 3.11 of the Staff Report for additional information on assessing data for waters that are not designated with the COMM beneficial use. In 2020, OEHHA issued a Health Advisory and Safe Eating Guidelines for Fish from Alondra Park Lake for mercury and PCBs. The health advisory includes the largemouth bass species, for which data are included in LOE IDs 307609 and 245053. According to Decision ID 150075, two out of three samples exceeded the Statewide Sport Fish Water Quality Objective for Mercury. In addition, fishing takes place at Alondra Park Lake, which is stocked regularly by the California Department of Fish and Wildlife with trout and catfish for recreational fishing. The identification of water quality impairments contributing to fish exceeding the OEHHA fish contaminant goals, as well as the Mercury Statewide</p>



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		<p>Sport Fish Water Quality Objective, is important for the protection of human health. It is appropriate to identify these impairments on the 303(d) list. Alondra Park Lake has been assessed for the California Integrated Report since 2016.</p> <p>Balboa Lake is recommended as “Do not List” for multiple fish tissue pollutants for the COMM beneficial use as there were not sufficient exceedances to recommend to list for any fish tissue pollutant. Although Balboa Lake is not designated with the COMM beneficial use, the data were used to inform the 305(b) report because there is sufficient evidence that the COMM beneficial uses is an existing use that is occurring. See Section 3.11 of the Staff Report for additional information on assessing data for waters that are not designated with the COMM beneficial use. In 2021, OEHHA issued a Statewide Health Advisory and Guidelines for Eating Fish from California’s Lakes and Reservoirs without Site-Specific Advice for mercury or PCBs. The health advisory includes the common carp, for which data were included in LOE 94774. Fishing takes place at Balboa Lake and the California Department of Fish and Wildlife stocks trout and catfish at the lake for recreational fishing. Fish tissue data for pollutants including DDTs and dieldrin are included in “Sampling and Analysis Plan for a Study of Lakes and Reservoirs with Low Concentrations of Contaminants in Sport Fish” (2014), and are part of the dataset used in the OEHHA advisory “Statewide Health Advisory and Guidelines for Eating Fish from California’s Lakes and Reservoirs” (August, 2021). Balboa Lake is</p>

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		<p>located within the Sepulveda Flood Control Basin, which is owned by the U.S. Army Corps of Engineers, and has designated beneficial uses in Table 2-1 of the Basin Plan. Balboa Lake has been assessed in the California Integrated Report list since 2016.</p> <p>The listing recommendation for mercury in La Mirada Park Lake is based on Listing Policy section 3.4 which states that, “A water segment shall be placed on the section 303(d) list if a health advisory against the consumption of edible resident organisms, or a shellfish harvesting ban has been issued by the Office of Environmental Health Hazard Assessment (“OEHHA”), or the Department of Health Services and there is a designated or existing fish consumption use for the segment.” The Listing Policy does not provide a definition for an existing use. When evaluating an existing use for consideration of the integrated report, consideration is only given as to whether the use is occurring. See Section 3.11 of the Staff Report for additional information on assessing data for waters that are not designated with the COMM beneficial use. In 2021, OEHHA issued a Statewide Health Advisory and Guidelines for Eating Fish from California’s Lakes and Reservoirs without Site-Specific Advice for mercury or PCBs. The health advisory includes largemouth bass species, for which data are included in LOE ID 307609. According to Decision ID 149597 three out of three samples (a total of 25 largemouth species) exceeded the Statewide Sport Fish Water Quality Objective for Mercury. La Mirada Park Lake is a popular fishing location, stocked by the California</p>

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		<p>Department of Fish and Wildlife with rainbow trout and catfish and an annual Kids Fishing Derby is held at the lake. La Mirada Park Lake is being assessed for the first time for the California Integrated Report. The data being evaluated are for pollutants in fish tissue. These data were collected by the <a href="http://sgrmp.org/">San Gabriel River Regional Monitoring Program (http://sgrmp.org/)</a>, which aimed to determine if locally caught fish were safe to eat, and the SWAMP Study of Sportfish Contamination in Lakes and Reservoirs. The identification of water quality impairments contributing to fish exceeding the OEHHA fish contaminant goals, as well as the Mercury Statewide Sport Fish Water Quality Objective, is important for the protection of human health. It is appropriate to identify these impairments on the 303(d) list.</p> <p>Wildlife Lake is a tributary to Haskell Creek, which itself is a tributary to Los Angeles River Reach 5. Wildlife Lake is located in the northern reserve of the Sepulveda Basin Wildlife area, and is a restored wetland and upland habitat that is an important refuge for native and migratory birds to rest, forage, and reproduce. Wildlife Lake is also located within the Sepulveda Flood Control Basin, which is owned by the U.S. Army Corps of Engineers, and has designated beneficial uses in Table 2-1 of the Basin Plan. Wildlife Lake has been assessed in the California Integrated Report list since 2016.</p> <p>Zone 1 Ditch, referred to in the California Integrated Report as Zone Ditch 1, is a distributary of San Gabriel River Reach 3 and a tributary of Rio Hondo Reach 3.</p>

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		<p>Zone 1 Ditch receives tertiary treated wastewater from the Whittier Narrows Water Reclamation Plant and is identified as a water of the United States in Order R4-2021-0096, Waste Discharge Requirements for the Joint Outfall System Whittier Narrows Water Reclamation Plant (<a href="https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/docs/2848_R4-2021-0096_WDR_PKG.pdf">https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/docs/2848_R4-2021-0096_WDR_PKG.pdf</a>). However, it should be noted that the Zone 1 Ditch temperature listing status has been revised from “List on 303(d) list (TMDL required list)” to “Do not list on 303(d) list (TMDL required list)” as a result of a shift in temperature assessment protocol for the warm habitat beneficial use. Please see response to comment 026.10 for more discussion on this issue.</p> <p>Please see response to comment 021.04 for more information on assessing waters not included in the Basin Plan, and a discussion in specific about Earvin Magic Johnson Park Lakes (Los Angeles County) and Oxford Retention Basin.</p>
021.06	<p>Comment No. 3: When calculating criteria for freshwater metals, broad assumptions were made on site-specific parameters leading to criteria that are not reflective of site-specific conditions.</p> <p>Many freshwater listings for metals, such as aluminum, copper, lead, zinc, and cadmium, used simplifying assumptions for site-specific parameters to calculate criteria used in the listing decisions (e.g., an assumed hardness of</p>	<p>If available, site-specific hardness data are used in the calculation of criteria, providing they are collected on the same day and from the same location as pollutant samples. Please see response to comment 007.135 for a discussion of using available hardness data in assessing copper and other metals.</p> <p>Additionally, if site-specific hardness data collected on the same date and at the same location as the associated metal concentration data were available, but the hardness</p>

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	<p>100 mg/L was used to calculate freshwater metals criteria for copper, lead, zinc, and cadmium). It is especially inappropriate to make such assumptions on site-specific factors where site-specific data already exists, as these assumptions result in criteria that are not reflective of site-specific water quality goals. Data for site-specific parameters are present in the listing datasets provided by the State Water Board for a number of listings, but were not used to calculate site-specific criteria.</p>	<p>data were reported with an Analyte Name other than “Hardness as CaCO<sub>3</sub>,” the hardness data were not used to calculate the metal criteria. However, it is possible that such data are useable and these hardness data will be examined to determine if they meet the hardness type requirement (hardness as calcium carbonate) outlined in the CTR. If they do, these data will be treated as a high priority parameter data and will be used to develop hardness dependent metals criteria for off-cycle assessments.</p> <p>A list of calculated aluminum criteria used in aquatic life assessments is presented in Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments. Additionally, for a discussion on methodology transparency, e.g., calculation of criteria or metals conversion, please see principal response 3.3 for Quantitative Analyses and Methodologies.</p>
021.07	<p>In those instances where site-specific data (e.g., hardness) were available, the State Water Board should have used those data to assess water quality standards attainment. Where those site-specific data are not available, the listing should not rely on an assumption. There is no language in the Listing Policy that allows for the assumption of water quality data. Additionally, the use of information that is estimated should only be used as an ancillary line of evidence and not a primary line of evidence for consistency with the Listing Policy.</p> <p>Table 3 provides an example of where available monitoring data in the State Water Board's own database indicates that</p>	<p>Please see response to comments 021.06 and 007.135.</p> <p>The criteria in the California Toxics Rule, used to assess metals and other toxicants, fulfill the requirements of an evaluation guideline described in section 6.1.3 of the Listing Policy.</p> <p>Additionally, the Waterbody Fact Sheets for metals include the language “The criterion when calculated using a default hardness of 100 mg/L is....” to provide a sample criterion for a particular pollutant, used only when site-specific hardness data are not available. It is not a statement that the default hardness of 100 mg/L was</p>

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	<p>hardness is significantly different than the assumptions made by the State Water Board in the listing analysis.</p> <p>[Table 3. Example Waterbody Pollutant Combinations with Available Hardness Data is available in Appendix A Tables Associated with Public Comments.]</p> <p>Similarly, the proposed new listings for zinc in Coyote Creek, North Fork (Decision ID 138914) assumes an average hardness of 100 mg/L, where the hardness values available in the State Water Board's dataset corresponding to the dissolved zinc data range from 47.4 to 480 mg/L. When utilizing the hardness data in the State Water Board's dataset, the dissolved zinc criteria range from 63 to 382 ug/L (a factor of approximately 0.5 to 3 from the assumed value). These comparisons demonstrate that utilization of site-specific parameter data impacts the criteria utilized for the assessment. Rather than assuming parameters, the State Water Board should utilize the measured values needed to calculate criteria (e.g., hardness) on a sample-by-sample basis and compare those criteria to the pollutant measured at the same time. Further, if site-specific parameters are not available to evaluate data on a per sample basis as intended by the criteria, the State Water Board should not make assumptions, as this is not allowed by the Listing Policy. The State Water Board should only use estimated values as an ancillary line of evidence that supports a primary line of evidence that is based on actual data that can be quantified and qualified.</p>	<p>applied in all calculations. Site-specific hardness is used, when available, to calculate the criteria on a sample-by-sample basis; however, the hardness data must be collected from the same location and on the same day as the pollutant sample.</p> <p>Regarding the Decision IDs identified in this comment, please see response to comment 021.08 for information regarding the use of site-specific hardness data when calculating hardness adjusted metals criteria.</p>

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021.08	<p>Table 4 lists the waterbody names, Decision IDs, and pollutants that should be reevaluated based on available site-specific parameters, or moved to Category 2 or 3 if no site-specific data are available.</p> <p>[Table 4. Waterbody Pollutant Combinations with Site-Specific Criteria Requiring Reevaluation is available in Appendix A Tables Associated with Public Comments.]</p> <p><u>Recommendation</u>: Reevaluate criteria for all freshwater metal listings using site-specific data, or move to Category 2 or 3 if site-specific data are not available.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Site-specific hardness data were used in calculating the hardness-adjusted metals criteria in water for the following Decision IDs:</p> <ul style="list-style-type: none"> <li>• Decision ID 153900 (Aluminum in Ballona Creek)</li> <li>• Decision ID 153906 (Aluminum in Compton Creek)</li> <li>• Decision ID 153901 (Aluminum in Coyote Creek)</li> <li>• Decision ID 138914 (Zinc in Coyote Creek, North Fork)</li> <li>• Decision ID 153898 (Aluminum in Dominguez Channel [lined portion above Vermont Ave])</li> <li>• Decision ID 153899 (Aluminum in Los Angeles River Reach 1 [Estuary to Carson Street])</li> <li>• Decision ID 140123 (Copper in Los Coyotes Channel)</li> <li>• Decision ID 153887 (Aluminum in Malibu Creek)</li> <li>• Decision ID 137645 (Cadmium in Medea Creek Reach 2 [Abv Confl. with Lindero])</li> <li>• Decision ID 153903 (Aluminum in San Gabriel River Reach 2 [Firestone to Whittier Narrows Dam])</li> <li>• Decision ID 138802 (Lead in Sawpit Creek)</li> <li>• Decision ID 140402 (Copper in Spring Street Channel)</li> <li>• Decision ID 140429 (Zinc in Spring Street Channel)</li> </ul>

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		<p>For all other decision IDs mentioned in the commenter’s Table 4 aside from Decision IDs 69733 and 138087, please see response to comment 022.05 for discussion on hardness data not reported as “Hardness as CaCO3.”</p> <p>The decision for copper in Los Angeles River Reach 3 (Figueroa St. to Riverside Dr.) (Decision ID 69733) is from the 2018 California Integrated Report. Decisions for waterbodies that should be assessed for copper using site-specific objectives found in the Basin Plan were mistakenly omitted from the 2024 cycle. Please see response to comment 021.01 for more information and a complete list of decisions that were potentially affected.</p> <p>Aluminum in Wilmington Drain (Decision ID 138087) was inappropriately assessed for the MUN beneficial use. Please see response to comment 022.03.</p> <p>Regarding aluminum decisions, please see response to comment 008.05 for a discussion of how site-specific parameters are used in the calculation of aluminum criteria. Additionally, see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments.</p> <p>Please see response to comment 007.135 for a discussion of how site-specific hardness is used to calculate copper criteria. The criteria for dissolved zinc and lead are calculated using site-specific hardness in a method described in response to comment 007.135.</p> <p>Category 2 is reserved for pollutants in waterbodies where there is [emphasis added] “<i>insufficient data and/or</i></p>



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		<p><i>information</i> to determine core beneficial use support”, while Category 3 is reserved for pollutants in waterbodies where there is [emphasis added] “<i>insufficient data and/or information</i> to make a beneficial use determination but data and/or information indicates beneficial uses may be potentially threatened” (section 2.5 of the Staff Report).</p> <p>The commenter identified listing recommendations using either site-specific data when available or default values in the absence of site-specific data were evaluated using the California Toxics Rule, which fulfills the requirements of an evaluation guideline described in section 6.1.3 of the Listing Policy, and sufficient evidence to indicate impairment of the waterbodies. The waterbody-pollutant combinations recommended for listing on the 303(d) will not be moved to Category 2 or 3.</p>
021.09	Comment No. 4: Pyrethroids and other pesticides would be most effectively and appropriately addressed through a State or regional program and should be categorized as such.	See response to comment 021.11. In addition, see principal response 2.3 Statewide Urban Pesticides Provisions Project.
021.10	303(d) Listing decisions should not be made using criteria that have not gone through the rigorous review and vetting process undertaken during the adoption of water quality objectives at the regional or State level. Neither the State Water Board nor the Los Angeles Regional Water Quality Control Board have established criteria for pyrethroids applicable to the Los Angeles Region.	See principal response 2.1 for Selection and Use of Pyrethroids in Water Threshold.

No.	Comment	Response
021.11	<p>Furthermore, pyrethroid source control efforts should be undertaken at the State level by agencies focused on pesticides, such as the California Department of Pesticide Regulation, which authorizes the use of such pesticides, and the Pyrethroid Working Group. Therefore, if the listings for pyrethroids and individual pyrethroid constituents are retained, they should be categorized as one of the following:</p> <ul style="list-style-type: none"> <li>• Category 4B – Another regulatory program is expected to address the impairment; or</li> <li>• Category 5C – Being addressed by action other than a TMDL</li> </ul>	<p>The Water Board recognizes the value of non-TMDL programs to address impaired waterbodies. To qualify for placement in Category 4b, there must be other required control measures expected to result in the attainment of the water quality standard in a reasonable period of time. The State Water Board would have to demonstrate that this condition is met.</p> <p>Additionally, a 4b demonstration would need to be approved by the U.S. EPA. U.S. EPA allows for placement of impaired waterbody-pollutant combinations in a 5-Alt Category when the state has an available restoration program in place. In such circumstances, the waterbody remains on the impaired waters list (i.e., 303(d)), requiring a TMDL until the water quality standard is achieved.</p> <p>Additionally, the 2024 California Integrated Report does not contain an Integrated Report Condition Category “5C.” See Staff Report, Figure 2-3. As described in that figure, the category used to identify an impaired waterbody as being addressed by a TMDL is Category “4a.” Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. Therefore, a <i>TMDL requirement status</i> within the Integrated Report Condition Category 5 is applied for each waterbody-pollutant combination as an internal tracking mechanism.</p> <p>In an effort to improve clarity surrounding the status of a waterbody’s condition category, State Water Board staff are working to reconcile references to waterbody condition categories and waterbody-pollutant combination</p>

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		TMDL statuses. See Staff Report section 2.5: Integrated Report Condition Categories for more information.
021.12	<p>The County and District agree that the TMDL route is not the right approach for addressing pyrethroids and, as such, should not be listed under category 5A.</p> <p>Table 5 presents a list of waterbody names and Decision IDs associated with the new pyrethroid listings that would be most effectively addressed through a State program other than TMDLs.</p> <p>[Table 5. Waterbody Pollutant Combination Listings for Pyrethroids is available in Appendix A Tables Associated with Public Comments.]</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the listing recommendation for Profenofos in Coyote Creek was revised due to the presence of duplicate LOEs. Please see response to comment 017.32.</p> <p>Additionally, see response to comment 021.11.</p>
021.13	<p><u>Recommendation</u>: Listing decisions should be made based on criteria adopted by the State. To the extent that listings for pyrethroids and pyrethroid constituents are retained, they should be addressed through approaches other than TMDLs and should be placed in either Category 4B or 5C.</p>	See response to comments 021.10 and 021.11.
021.14	<p>Comment No. 5: Additional listings for reconsideration.</p> <p>In addition to the comments provided above addressing multiple listings, Table 6 presents additional proposed listings that contain various listing errors requiring reevaluation.</p>	Please see response to comments 021.15 through 021.19.

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	Table 6. Waterbody Pollutant Combinations with Insufficient Data to Support Listing or Inaccurate Use Designation (See <i>comments 021.15 through 021.19</i> )	
021.15	<p>Waterbody Name: Elizabeth Lake</p> <p>Decision ID: 151962</p> <p>Pollutant: Mercury</p> <p>Basis for Removal: Listing is based on only one sample collected on 2007-06-12. A minimum of two samples are needed to be listed.</p>	<p>Changes to the listing recommendation were not made in response to this comment.</p> <p>The Listing Policy section 3.11 allows for a situation-specific weight of evidence approach in evaluation water quality impairments when “<i>all other Listing Factors do not result in the listing of a water segment but information indicates non-attainment of standards</i>”. The commenter is correct that the tissue dataset available to assess mercury concentration in Elizabeth Lake consists of one annual average; however, this annual average is comprised of two composite fish samples each consisting of tissue sample concentrations from five trophic level 3 fish. This means that the annual average consists of ten trophic level 3 fish. A weight of evidence approach was used to list this waterbody for mercury based on the fact that both five-fish composite samples of trophic level 3 fish samples from the 2007 annual average exceeded the mercury Statewide Sport Fish Water Quality Objective which indicates a non-attainment of standards that can be reasonably inferred.</p>
021.16	<p>Waterbody Name: Malibou Lake</p> <p>Decision ID: 94343</p>	Changes to listing recommendations were not made in response to this comment.

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	<p>Pollutant: Dieldrin</p> <p>Basis for Removal: All four samples were collected on the same day. Per Section 6.1.5.3 of the Water Quality Control Policy for Developing California's Clean Water Action Section 303(d) List (Listing Policy), these samples are not temporally independent, and the data should not be used as the primary data set supporting the listing decision.</p>	<p>The listing recommendation for mercury in Malibou Lake is based on Listing Policy section 3.11 which allows for a situation-specific weight of evidence approach in evaluation water quality impairments when “all other Listing Factors do not result in the listing of a water segment but information indicates non-attainment of standards.”</p> <p>The tissue dataset available to assess dieldrin concentration in Malibou Lake consists of three composite fish samples. Each composite sample consists of tissue sample concentrations from multiple fish, with one composite sample consisting of five trophic level 4 fish and two composite samples consisting of five trophic level 3 fish, for a total of fifteen fish. For each species, the concentration of dieldrin in fish tissue collected within a 7-day period was averaged into a single sample representing the average for comparison with the guideline. This waterbody was listed for dieldrin based on the fact that two of two samples calculated from three composite samples from 2007 exceeded the modified OEHHA Fish Contaminant Goal for dieldrin in fish tissue.</p> <p>Listing Policy Section 6.1.5.3 states that samples should be representative of the critical timing that the pollutant is exceeded to impact the waterbody. The data used for this assessment is considered to be temporally independent because fish are not static; they move throughout a waterbody and accumulate pollutants over time. The fact that tissue concentrations also represent the accumulation of pollutants over a period of years, and</p>

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		each fish is of a different age and likely have moved through the environment spatially in different ways, indicates the tissue samples are independent.
021.17	<p>Waterbody Name: Medea Creek Reach 2 (Abv Confl. with Lindero)</p> <p>Decision ID: 137645</p> <p>Pollutant: Cadmium</p> <p>Basis for Removal: Listing is based on sediment toxicity observed during two separate events. However, no toxicity identification evaluation (TIE) was conducted and there is no information provided indicating how cadmium was determined to be the cause of the toxicity. Additionally, the Lines of Evidence (LOEs) (246432, 244546, 246499, 244490, 244461) that are shown as having an exceedance, only contain data for a different waterbody – San Antonio Creek.</p>	<p>Changes to listing recommendations were not made in response to this comment. The listing recommendation is “List on 303(d) list (TMDL required list).”</p> <p>Section 3.6 of the Listing Policy, applicable to Water/Sediment Toxicity, provides in part, “the [waterbody] segment shall be listed if the observed toxicity is associated with a pollutant or pollutants.” Section 3.6 continues:</p> <p>“Association of pollutant concentrations with toxic or other biological effects should be determined by any one of the following, unless other guidelines apply:</p> <ul style="list-style-type: none"> <li>A. Sediment quality guidelines (satisfying the requirements of section 6.1.3) are exceeded using the binomial distribution as described in section 3.1. In addition, using rank correlation, the observed effects are correlated with measurements of chemical concentration in sediments. If these conditions are met, the pollutant shall be identified as “sediment pollutant(s).”</li> <li>B. For sediments, an evaluation of equilibrium partitioning or other type of toxicological response that identifies the pollutant that may cause the</li> </ul>

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		<p>observed impact. Comparison to reference conditions within a watershed or ecoregion may be used to establish sediment impacts.</p> <p>C. Development of an evaluation (such as a toxicity identification evaluation) that identifies the pollutant that contributes to or caused the observed impact.”</p> <p>Consistent with section 3.6, the association of pollutant concentrations with toxic or biological effects for Medea Creek Reach 2 was determined by other applicable guidelines, rather than applying the three categories noted above.</p> <p>The Final Functional Equivalent Document Water Quality Control Policy for Developing California’s Clean Water Act</p> <p>The Functional Equivalent Document (“FED”) supporting the development of the Listing Policy (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/ffed_093004.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/ffed_093004.pdf</a>) provides the following guidance on using sediment quality guidelines to assess sediment toxicity. “When SQGs are used to determine the toxic effect of a sample, concurrently collected measurements of chemical concentrations can be used to associate toxic effects with toxicity or other biological effects. SQGs are widely used, empirically derived guidelines that predict or associate the chemical concentrations likely to be associated with the measurable biological response.” (FED, pg. 122)</p>

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		<p>The SQGs used to develop the California Integrated Report to assess sediment impairment in freshwater ecosystems are predominantly from MacDonald et al. (2000)(<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2006/ref7.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2006/ref7.pdf</a>), who developed them by matching sediment chemistry and observed biological effects data. The SQG used for assessing cadmium in freshwater sediment is a probable effects concentration (“PEC”) of 4.98 mg/kg dry weight. The PEC is a concentration above which adverse effects are likely to be observed. PECs were developed from a large database and are based on empirical measurements that relate pollutant concentration to harmful effects on sediment-dwelling organisms. PECs are intended to be predictive of those effects.</p> <p>The relationship between biological effects predicted by exceedance of SQGs and observed effects can be strengthened with sediment toxicity testing. In Medea Creek Reach 2, two of five samples of cadmium in sediment exceeded the SQG designed to protect warm freshwater organisms from toxicity. Additionally, three of five samples exhibited sediment toxicity. Indication of sediment toxicity is where the response of the organisms exposed to the sample is significantly worse than the response of the organisms exposed to the laboratory control. The use of SQGs and sediment toxicity collected from the same waterbody during the same timeframe as the pollutant chemistry data fulfills the listing factor requirements of section 3.6 of the Listing Policy.</p>



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		<p>The data reference associated with LOEs 246432, 244546, 246499, 244490, and 244461 (reference 5228) was inadvertently cut off when publishing the reference for the public in the Waterbody Fact Sheets. No LOE sample or exceedance counts were affected by this issue as the dataset input to these LOEs was complete. Reference 5228 has been revised to include the full dataset and is available for viewing in associated Waterbody Fact Sheets. It can also be downloaded from <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2020/ref5228.xlsx">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2020/ref5228.xlsx</a></p>
021.18	<p>Waterbody Name: San Francisquito Canyon I</p> <p>Decision ID: 140079</p> <p>Pollutant: Aluminum</p> <p>Basis for Removal: Listing is based on two samples collected on the same day from sites that are in the same waterbody. Per Section 6.1.5 of the Listing Policy, these samples are not temporally or spatially independent, and the data should not be used as the primary data set supporting the listing decision.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>LOEs are written at the station level. Section 6.1.5.2 of the Listing Policy describes spatial independence of data: "Samples collected within 200 meters of each other should be considered samples from the same station or location." The stations and samples in the LOEs to which the commenter is referring, LOE IDs 256749 (station 403R4S117), 256981 (station 403R4S211), and 256724 (station 403S01728) all meet the Listing Policy requirements for spatial independence.</p> <p>However, the commenter is correct in that the exceeding samples were collected on the same day. Listing Policy Section 6.1.5.3 states that if the majority of samples were collected on the same day, those data shall not be used as the primary data supporting a listing decision. The</p>

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		<p>beneficial use support rating for LOE IDs 256981 and 256749 has been revised to “Insufficient Information” and the listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Additionally, all MUN beneficial use LOEs have been removed from this decision as San Francisquito Canyon I was conditionally designated with a MUN beneficial use. Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
021.19	<p>Waterbody Name: Wilmington Drain</p> <p>Decision ID: 138087</p> <p>Pollutant: Aluminum</p> <p>Basis for Removal: The Municipal and Domestic Supply (MUN) objective is utilized as the criteria for evaluating exceedances. However, MUN is designated as P* for this waterbody, indicating that the use has only been conditionally designated and is not considered an applicable beneficial use for regulatory action.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>LOE 251914 for MUN was deleted after it was determined the MUN beneficial use was inappropriately applied to this waterbody. The remaining LOE shows one exceedance out of two samples. Insufficient information is available to determine beneficial use support for this waterbody-pollutant combination with the statistical power and confidence required by the Listing Policy. The listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>

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021.20	<p><u>Recommendation</u>: Remove the listings outlined in Table 6.</p>	<p>Changes to listing recommendations for Aluminum in Wilmington Drain and Aluminum in San Francisquito Canyon I were made in response to this comment. Changes to listing recommendations for Aluminum in Wilmington Drain and Aluminum in San Francisquito Canyon were made in response to this comment. Please see response to comments 021.18 and 021.19.</p> <p>Changes to listing recommendations were not made to any other assessments identified by the commenter. See response to comments 021.15, 021.16, and 021.17.</p>

**Letter 22: Alfredo Magallanes, LA Sanitation & Environment**

No.	Comment	Response
022.01	<p>LASAN has reviewed the Draft 2024 303(d) List and developed technical comments for your consideration, which are included as an attachment to this letter.</p>	<p>Please see response to comments 022.02 through 022.08.</p>
022.02	<p>Compton Creek – Aluminum</p> <p>The Fact Sheet for Decision ID 153906 indicates the data used for the listing are based 5 of 29 samples. However, multiple samples utilized for Decision ID 153906 were collected on the same day and each was considered separately. It appears that all five exceedances used to support the listing decision were samples that were collected</p>	<p>Changes have been made to the decision for aluminum in Compton Creek (Decision ID 153906) but the listing recommendation has not changed. It is “List on 303(d) list (TMDL required list).”</p> <p>Although the exceedances came from one wet-weather (i.e., during or after a storm) monitoring event, this was one of five dates on which data were collected, the other</p>

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	<p>on the same day (10/13/2009) during the same storm event. Samples collected on the same day during the same storm should not be considered independently from one another as they are not temporally independent and do not meet the Water Quality Control Policy for Developing California’s Clean Water Act 303(d) List (Listing Policy) requirements. Per Section 6.1.5.3 of the Listing Policy “Samples used in the assessment must be temporally independent. If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.” If the data are considered appropriately temporally, then there would only be 1 of 5 exceedances, which does not meet the requirements of the Listing Policy for placing a water body segment on the 303(d) list.</p> <p>Requested Action: Revise the decision for Decision ID 153906 for aluminum in Compton Creek to Do Not List on 303(d) list (TMDL required list) and remove from Category 5 (Appendix B) as the observed exceedances were not temporally independent.</p>	<p>four being in dry weather. Listing Policy Section 6.1.5.3 says that “Samples should be representative of the critical timing that the pollutant is expected to impact the water body.” The assessed data fulfill this requirement. Section 6.1.5.3 continues, “If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.” However, this refers to the majority of samples, not the majority of exceedances.</p> <p>It was discovered while examining this decision that there are two sets of LOEs, one for the dissolved fraction and one for the total fraction, representing the same samples. The LOEs representing dissolved aluminum will not be considered for this decision because the water quality criteria are for aluminum in the total fraction. LOE IDs 315008, 315009, 315010, 315023, 315115, and 315025 will not be used for assessment. Additionally, LOE 315115 has been deleted because the monitoring plan indicates the station, W3, samples effluent and not Compton Creek. See response to 22.04 for more about station W3.</p>
022.03	<p>Wilmington Drain – Aluminum &amp; Iron</p> <p>The Fact Sheets for Decision ID 138087 and 138074 indicate the data collected in Wilmington Drain were compared to the water quality objective related to the Municipal and Domestic Supply (MUN) designation. However, the MUN beneficial use</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody.</p>

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	<p>designation for Wilmington Drain is P*, which means that the use has only been conditionally designated and requires additional revision to the Water Quality Control Plan: Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) Plan before regulatory actions can be taken based on the designation. Because this revision to the Basin Plan has not occurred, it is inappropriate to compare water quality data in Wilmington Drain to the water quality objective associated with the MUN beneficial use designation.</p> <p>Requested Action: Revise the listing analyses for Decision ID 138087 for aluminum and Decision ID 138074 for iron in Wilmington Drain to reflect the use of water quality objectives based on the correct beneficial use.</p>	<p><u>Aluminum (Decision ID 138087)</u> - The LOE for MUN, LOE ID 251914, has been deleted. The listing recommendation has been revised from “List” to “Do Not List.”</p> <p><u>Iron (Decision ID 138074)</u> - The LOE for MUN, LOE ID 252465, has been deleted. The listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
022.04	<p>Wilmington Drain – Iron</p> <p>The Fact Sheet for Decision ID 138074 contains one line of evidence (LOE ID 90132) used to assess Iron in Wilmington Drain that is mistakenly attributed to the wrong waterbody. The data used in LOE ID 90132 was collected by Heal the Bay’s, “Compton Creek Monitoring Program” where 1 of 5 samples exceeded the evaluation guideline. However, data collected by Heal the Bay’s, "Compton Creek Monitoring Program", were collected from Compton Creek in the Los Angeles River watershed, not in Wilmington Drain. It appears as if the source of confusion is that the samples were collected from a site located at Cressy Street Drain-Williamington Drain (note the difference between</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The exact location of the station in LOE ID 90132 from 2016 cannot be verified. The monitoring plan places it somewhere in the Compton Creek watershed, which is not the location of Wilmington Drain. Additionally, the monitoring plan indicates that station W3 samples water from a drain and not Compton Creek. As a result, this LOE has been removed from Wilmington Drain and retired.</p> <p>One of the remaining LOEs in the decision, LOE ID 252465, shows an impairment of the Municipal &amp;</p>

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	<p>Williamington and Wilmington). As such, LOE 90132 consists of data that should not be included when assessing whether an iron impairment exists in Wilmington Drain.</p> <p>Requested Action: Remove the data associated with LOE 90132 from the listing for iron in Wilmington Drain (Decision ID 138074).</p>	<p>Domestic Supply (“MUN”) beneficial use. This LOE has been removed from the decision because it was determined that the MUN beneficial use should not have been assessed for this waterbody. As a result, the decision has one remaining LOE, LOE ID 252024, which has one exceedance out of two samples. This is an insufficient number of samples for placement on the 303(d). The listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use.</p>
022.05	<p>To calculate criteria used in the listings for freshwater metals such as aluminum, copper, lead, zinc, and cadmium, many listing analyses included assumptions for site-specific parameters, such as assuming a static hardness value of 100 mg/L for the calculation of criteria for copper. To ensure that site-specific criteria are accurately reflective of local water quality goals and meet the requirements of the Listing Policy (see Section 6.1.5.1 titled Water Body Specific Information of the Listing Policy), assumptions should not be utilized in calculating criteria for 303(d) listing purposes. Many listing datasets provided by the State contained data for site-specific parameters that were not used to appropriately calculate criteria.</p> <p>Table 1 provides an example of where monitoring data available in the State’s listing dataset shows that hardness is</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Available site-specific hardness data are used in calculating the hardness-adjusted metals criteria in water when they are from the same location and day as the corresponding metals concentration data, on a sample-by-sample basis. Additionally, the Integrated Report’s automated data system recognizes hardness data when it is reported as “Hardness as CaCO3” which is consistent with the notation required by CEDEN.</p> <p>However, the commenter is correct that there are reported site-specific hardness data contained within the data references for the waterbody-pollutant combinations identified by the commenter. These data were reported as “Hardness” or as “Total Hardness (calc)” and as such were not evaluated for potential use when calculating</p>

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	<p>significantly different than the assumptions made by the State.</p> <p>[Table 1. Example Waterbody Pollutant Combinations with Available Hardness Data is available in Appendix A Tables Associated with Public Comments.]</p> <p>These comparisons highlight that criteria values are significantly impacted when site-specific parameter data are considered in criteria calculations. The State should utilize measured values on a sample by sample basis to calculate criteria (e.g., hardness) and compare those criteria to the pollutant measured at the same time, rather than assuming average site-specific parameters. If site-specific parameters are not available to evaluate data on a per sample basis as intended by the criteria, the State should not make assumptions, but should either 1) not include list the waterbody or 2) place the waterbody on the Category 2 list, which is (emphasis added) “A water with water quality information that is insufficient to determine an appropriate decision recommendation, for reasons such as: monitoring data have poor quality assurance, not enough samples in a dataset, no existing numerical objective or evaluation guideline, the information alone cannot support an assessment, etc.”</p>	<p>hardness dependent California Toxics Rule (“CTR”) metals criteria which resulted in using the default hardness value of 100 mg/L because it was inconsistent with the notation required by CEDEN.</p> <p>Available hardness data will be examined to determine if they meet the hardness type requirement (hardness as calcium carbonate) outlined in the CTR. If they do, these data will be used to develop hardness dependent metals criteria for off-cycle assessments or for a future listing cycle.</p> <p>Please see response to comment 007.135 for a more detailed discussion of using available hardness data and default hardness values when assessing copper and other metals.</p>
022.06	Table 2 lists the waterbody names, Decision IDs, and pollutants that should be reevaluated based on available site-	Changes to listing recommendations were not made in response to this comment. However, the listing recommendation for aluminum is Wilmington Drain (Decision ID 138087) was changed from “List” to “Do Not



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	<p>specific parameters or moved to Category 2 or 3 if no site-specific data are available.</p> <p>[Table 2. Waterbody Pollutant Combinations with Site-Specific Criteria Requiring Reevaluation is available in Appendix A Tables Associated with Public Comments.]</p> <p>Requested Action: Reevaluate criteria for all freshwater metal listings using site-specific data, or if site-specific data are not available either 1) remove from the list or 2) move the listings to Category 2.</p>	<p>List” as a result of the inappropriate application of the MUN beneficial use to this waterbody. Please see response to comment 022.03.</p> <p>Site-specific hardness data were used in calculating the hardness-adjusted aluminum criteria in water for the following aluminum Decision IDs:</p> <ul style="list-style-type: none"> <li>• Decision ID 153900 (Ballona Creek)</li> <li>• Decision ID 153906 (<i>This assumes that the commenter meant to reference Compton Creek not Centinela Creek</i>)</li> <li>• Decision ID 153898 (Dominguez Channel [lined portion above Vermont Ave])</li> <li>• Decision ID 153899 (Los Angeles River Reach 1 [Estuary to Carson Street])</li> </ul> <p>Site specific hardness data reported as “Hardness” or “Total Hardness (calc)” are available for the remaining decision IDs. Please see response to comment 022.05 for discussion on hardness data not reported as “Hardness as CaCO3.”</p> <p>Please see response to comment 021.08.</p>
022.07	<p>The Draft 2024 303(d) List includes a number of waterbodies that are not designated in the Basin Plan. Additionally, it appears that data collected from structural best management practices (BMPs) are being used as the basis for listings (e.g., the Oxford Retention Basin which is a flood control facility).</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the listing recommendation for Zone Ditch 1 (LA River Watershed) was revised from “List” to “Do not List” because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by the narrative water</p>



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	<p>Table 3 lists the Decision IDs associated with waterbodies that are not designated in the Basin Plan.</p> <p>[Table 3. Draft 2024 303(d) Listings Associated with Waterbodies Not Identified in the Basin Plan is available in Appendix A Tables Associated with Public Comments.]</p> <p>Requested Action: Delete all listings associated with the Decision IDs presented in Table 3 as these listing do not correspond to waterbodies identified in the Basin Plan.</p>	<p>quality objective for WARM. Please see response to comment 026.10 for more information.</p> <p>Please see response to comments 021.04 and 021.05.</p>
022.08	<p>Various Waterbodies – Pyrethroids</p> <p>The Draft 2024 303(d) List contains numerous listings for pyrethroids and individual pyrethroid constituents under Category 5A - requiring a total maximum daily load (TMDL). The City recognizes that the current use of pesticides poses potential water quality issues in our waterbodies. In order to properly address pesticide issues, the City believes that there is a need for coordination on pyrethroid source control efforts with state level agencies focused on pesticides, such as the California Department of Pesticide Regulation (DPR), which authorizes the use of such pesticides, and the Pyrethroid Working Group. The State is already coordinating with DPR under the Strategy to Optimize Resource Management of Stormwater to address urban pesticide discharges through the Urban Pesticide Amendments. Such coordinated efforts at the state level are the most effective approach to reduce threats to water quality from pesticides. Therefore, the listings</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 021.11 and principal response 2.3 for Statewide Urban Pesticides Provision Project.</p>

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	<p>for pyrethroids and individual pyrethroid constituents should be changed to reflect one of the following categories:</p> <ul style="list-style-type: none"> <li>• Category 4B – Another regulatory program is expected to address the impairment;</li> <li>• Category 5C – Being addressed by action other than a TMDL; or</li> <li>• Category 5ALT – Being addressed by USEPA approved TMDL alternative.</li> </ul> <p>Table 5 presents a list of waterbody names and Decision IDs associated with the new pyrethroid listings that would be most effectively addressed through a regional or state program.</p> <p>[Table 4. Waterbody Pollutant Combination Listings for Pyrethroids is available in Appendix A Tables Associated with Public Comments.]</p> <p>Requested Action: Address listings for pyrethroids and pyrethroid constituents through a state-level collaborative approaches other than TMDLs and list the waterbody pollutant combinations in either Category 4B, 5C, or 5ALT.</p>	

**Letter 23: Annelisa Moe, Giancarlo Ceja, and Benjamin Harris, Los Angeles Waterkeeper and Heal the Bay**

No.	Comment	Response
023.01	We very much appreciate all of the work completed by California State Water Resources Control Board ("State	Comment noted.

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	Board”) staff to maintain the Integrated Report and 303(d) List with regular updates. It is an incredible amount of work, and we are glad to see this update moving forward on schedule.	
023.02	<p>I. Impairment and contaminant categories for statewide consideration:</p> <p>A. The State Board must consider hydromodification as an independent pollutant, which could be based on bioassessment using California Stream Condition Index (“CSCI”) and Algal Stream Condition Index (“ASCI”) scores.</p>	Please see response to comments 023.13 and 023.16.
023.03	<p>B. We support the efforts of the State Board to investigate Board to investigate ocean acidification and hypoxia (“OAH”), and encourage the Board to continue to pursue OAH regulation through the Integrated Report, while also taking immediate action, where appropriate, to reduce nutrient discharge that causes or contributes to OAH impairment.</p>	Comment noted. Additionally, see response to comment 023.17.
023.04	<p>C. The State Board must list coastal waters that are impaired for noise pollution.</p>	Comment noted. Please see response to comment 023.19.
023.05	<p>D. The State Board must list coastal waters that are impaired for light pollution</p>	Comment noted. Please see response to comment 023.20.
023.06	<p>II. Procedural recommendations for statewide consideration:</p>	See principal response 3.5 for Data Submission Timeline and the Public Process.

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	A. The State Board must move the data submission deadline closer to the Integrated Report deadline.	
023.07	B. The State Board must provide clear guidance to Regional Water Quality Control Boards (“Regional Boards”) and the public regarding off-cycle updates to guarantee the incorporation of all relevant and timely data.	See principal response 3.5 for Data Submission Timeline and the Public Process.
023.08	C. The State Board must eliminate barriers to timely public submission of water quality data.	See principal response 3.5 for Data Submission Timeline and the Public Process.
023.09	D. We support development of a Quality Assurance Program Plan to improve monitoring activities for the Beach Program’s BeachWatch database, and request requirements for timely submittal of data.	<p>Comment noted.</p> <p>In 2018, the State Water Board increased efforts to evaluate and improve quality assurance procedures for the California Coastal Beach Safety Monitoring Program (“Beach Program”) pursuant to 40 C.F.R. § 31.45. The State Water Board, with concurrence from the U.S. EPA, identified data quality assurance goals for the Beach Program and outlined a plan to develop and implement the Beach Program’s Quality Assurance Program Plan (“QAPrP”) in a three-phase process. The phases are as follows:</p> <ul style="list-style-type: none"> <li>• Phase 1 - Complete: By December 30, 2022, the State Water Board documented existing quality assurance, quality control, and data management procedures; and established initial acceptance criteria for the Beach Program.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Phase 2: By December 29, 2023, the State Water Board plans to refine acceptance criteria if needed, establish quality control procedures, and establish initial data verification and validation procedures.</li> <li>• Phase 3: By December 31, 2024, the State Water Board plans to refine quality control activities and data verification and validation procedures if needed; and evaluate the data management strategy.</li> </ul> <p>As of December 12, 2022, Phase 1 of the QAPrP was completed and approved by the U.S. EPA. Currently, the State Water Board is working on Phase 2 and is scheduled to be completed by the end of 2023. A major portion of Phase 2 focuses on standardizing formatting within the BeachWatch database and requiring quality assurance data to be submitted to determine precision, accuracy, or bias. This will include adding data requirements to align with the minimum data elements required by CEDEN.</p> <p>The methods approved for use for the Beach Program take varying amounts of time to produce data prior to analysis, on the order of hours to days. As per the grant agreements with the State Water Board and local agencies, the local agencies are required to submit data to BeachWatch within five days of receipt from the laboratory.</p>

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		Additionally, see principal response 3.5 for Data Submission Timeline and the Public Process.
023.10	<p>III. Region 4 new listings and delistings:</p> <p>A. We support the new listings in the 2024 Integrated Report, which begins the process of remediation to better protect public and environmental health.</p>	Comment noted.
023.11	<p>B. Achieving clean water is cause for celebration, but we urge caution for new delistings in the 2024 Integrated Report to ensure that a waterbody is not prematurely or incorrectly delisted.</p>	Comment noted. See principal response 3 for Data and Analysis Transparency, and Readily Available Data.
023.12	<p>C. The State Board should pursue a Total Maximum Daily Load (“TMDL”) for temperature in the Los Angeles River as soon as possible.</p>	<p>The current listing recommendations for the Los Angeles River Reaches 1, 2, 3, 4, 5, and the Los Angeles River Estuary are “Do Not List” and are based, at least in part, on data newly assessed during development of the 2024 California Integrated Report. For the Los Angeles River Reach 6, no new data were assessed this cycle, but the 2018 listing decision for the Los Angeles River Reach 6 was “Do Not List.”</p> <p>Additionally, studies are currently underway in the Los Angeles Region to reevaluate the relationship between temperature and beneficial uses, and these may result in a modification of temperature objectives. For this reason, TMDL development for waterbodies impaired for</p>

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		<p>temperature, none of which are in the Los Angeles River, is not being prioritized at this time.</p> <p>Comments about specific TMDLs and TMDL development should be addressed to the Los Angeles Regional Water Board's <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">Total Maximum Daily Load program</a> (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p>
023.13	<p>I. IMPAIRMENT AND CONTAMINANT CATEGORIES FOR STATEWIDE CONSIDERATION:</p> <p>A. The State Board must consider hydromodification as an independent pollutant, which could be based on bioassessment using CSCI and ASCI scores.</p> <p>The federal Clean Water Act, as implemented into state law by the Porter-Cologne Water Quality Act (“Porter-Cologne”), requires listing all sources of impairment, including hydrologically impaired waterways and those with low flow. Aside from being required, such listings are good public policy. States should not limit the amount of information it releases on impaired waters if that information could help it make better decisions about how to prioritize its resources to improve water quality.</p> <p>Many other states already correctly list hydrologically impaired waters, and we strongly urge the State Board to follow suit for California.<sup>3</sup> Consistent with guidance from the U.S. Environmental Protection Agency (“EPA”), hydrologically impaired waterways should be listed under Category 4C,</p>	<p>The commenter is familiar with the decision issued by the Sacramento Superior Court, in the legal action in which three of the Keepers are parties (Case No. 34-2017-80002726), which unequivocally concludes that neither federal or state law requires the State Water Board to include hydrologically impaired waterways in its CWA section 303(d) list or evaluate data supporting potential hydrological CWA section 303(d) impairments listings. The court similarly concluded that the State Water Board also has no mandatory duty to characterize hydromodifications in its CWA section 305(b) report. Further, the settlement agreement in this case explicitly states that “petitioners, on their own behalf and on behalf of their officers and directors, agree not to sue the State Water Board for claims of failure to include hydrologically impaired waterways in the State Water Board’s 303(d) lists or 305(b) reports and evaluate data supporting such potential hydrological impairments for the life of the agreement.”</p>

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	<p>which is reserved for waterways that are “impaired due to pollution not caused by a pollutant.”<sup>4</sup> Although hydrological impairments do not trigger TMDLs, as explained by the EPA, “[s]tates can employ a variety of watershed restoration tools and approaches to address the source(s) of the impairment” for Category 4C listings.<sup>5</sup> Some other states list hydrologically impaired waterways under Category 5 for convenience, and this is a reasonable approach if California chooses to do so.<sup>6</sup></p> <p>Footnote 3: Earth Law Center. Flow-Impaired Toolkit. Available at: <a href="https://static1.squarespace.com/static/55914fd1e4b01fb0b851a814/t/5d27943c3d7ac30001dc5473/1562874950684/ELC-Flow-Impairment+Toolkit_Final.pdf">https://static1.squarespace.com/static/55914fd1e4b01fb0b851a814/t/5d27943c3d7ac30001dc5473/1562874950684/ELC-Flow-Impairment+Toolkit_Final.pdf</a>.</p> <p>Footnote 4: U.S. Environmental Protection Agency. Aug. 13, 2015). Information Concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions (p. 15). [hereinafter 2015 EPA Listing Guidance]. Available at: <a href="https://www.epa.gov/sites/default/files/2015-10/documents/2016-ir-memo-and-cover-memo-8_13_2015.pdf">https://www.epa.gov/sites/default/files/2015-10/documents/2016-ir-memo-and-cover-memo-8_13_2015.pdf</a></p> <p>Footnote 5: Id.</p> <p>Footnote: 6 Earth Law Center. Sep. 17, 2014. Clean Water Act Section 303(d) and 305(b) Listings of Impaired Waters: Ten Examples. Available at: <a href="https://static1.squarespace.com/static/55914fd1e4b01fb0b85">https://static1.squarespace.com/static/55914fd1e4b01fb0b85</a></p>	<p>Section 303(d) of the CWA requires that each state, after establishing its water quality standards, compile a list of waters, referred to as “the Section 303(d) list,” that do not meet those standards. (33 U.S.C. § 1313(d).) For each water on the section 303(d) list, the State Water Board must establish total maximum daily loads of certain “pollutants” that the water can sustain without exceeding water quality standards. (33 U.S.C. § 1313(d)(1)(C); see 33 U.S.C. § 1362(6) (defining “pollutant”).) In creating its section 303(d) list, the State Water Board is required to “assemble and evaluate all existing and readily available water quality-related data and information.” (40 C.F.R. § 130.7(b)(5).) The relevant data and information include the state’s “CWA Section 305(b) report.” (Id. § 130.7(b)(5)(i).) The regulations implementing the CWA further provide that the state “shall include a priority ranking for all listed water quality-limited segments still requiring TMDLs,” and “shall identify the pollutants causing or expected to cause violations of the applicable water quality standards.” (40 C.F.R. § 130.7(b)(4).) The state then must “establish TMDLs for the water quality limited segments identified” in the list, and submit the “list of waters, pollutants causing impairment, and the priority ranking” to the U.S. EPA for approval. (40 C.F.R. § 130.7(c)(1), (d)(1).)</p> <p>The section 305(b) report is a water quality assessment report regarding all navigable waters within the state that each state must submit to the U.S. EPA pursuant to CWA section 305(b). (33 U.S.C. § 1315(b).) The U.S. EPA</p>



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	<p><a href="#">1a814/t/57d82586c534a5e4e6e6e2cd/1473783177847/303d+and+305b+listings+for+flow+ 9-17 .pdf.</a></p>	<p>compiles, analyzes, and transmits these section 305(b) reports to Congress. (Id. § 1315(b)(2).)</p> <p>In the above-noted superior court case, the court concluded:</p> <p>“Construed in context, the language of the Clean Water Act plainly requires listing only [water quality limited segments] that require a TMDL which, as described above, defines the maximum amount (or “load”) of a pollutant that can be discharged into the water. Identifying waters impaired due to hydrological modifications, such as excessive water diversions, simply is not the purpose of the 303(d) list.”</p> <p>“The State’s Listing Policy implements the listing requirements of Section 303(d) of the Clean Water Act and is consistent with the requirements of the Clean Water Act, U.S. EPA regulations, and the U.S. EPA’s guidance. Although some of the California Listing Factors are broadly worded, the expressly-stated purpose of the Listing Policy is to identify “water quality limited segments” where the “water quality standard is not attained; the standards nonattainment is due to toxicity, a pollutant, or pollutants; and remediation of the standards attainment problem requires one or more TMDLs.”</p> <p>“Petitioners claim that the 305(b) report is ‘broader’ than the 303(d) list, but Petitioners have failed to identify any duty for states to describe low flow or hydrological conditions as part of their Integrated Report. At most, the</p>

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		<p>U.S. EPA guidance requires the state to classify segments into 'one or more' of the reporting categories and provides that segments impaired due to lack of adequate flow or stream channelization 'may' be placed in Category 4c.</p> <p>"Moreover, even if Petitioners are correct that the State's obligation under Section 305(b) is broader than Section 303(d), the 305(b) report has much less significance. Section 305(b) merely imposes a reporting requirement. The 305(b) report is not subject to U.S. EPA's review, and the 305(b) report compels no subsequent regulatory action." (Final Ruling on State Water Board's Demurrer to Third Amended Petition, Dec. 8, 2018.)</p> <p>It follows that identifying hydrological impairments, which are "pollution" impairments and not "pollutant" impairments, is beyond the scope of the State Water Board's February 3, 2023 <a href="#">Notice of Opportunity for Public Comment</a>, which only pertains to "pollutant" impairments proposed to be included in the statewide 2024 CWA Section 303(d) list (<a href="https://www.waterboards.ca.gov/public_notices/comment/docs/2023/notice-2024integratedrpt-020323.pdf">https://www.waterboards.ca.gov/public_notices/comment/docs/2023/notice-2024integratedrpt-020323.pdf</a>).</p> <p>Although the comments concerning pollution assessments are beyond the scope of the notice, the following responses to each comment provide additional rationale.</p> <p>While other states may rely on other strategies for placing waterbody-pollutant combinations into Category 4c, the</p>

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		<p>State Water Board uses an approach and methodology for California Integrated Report assessments that is transparent and empirically justified such that it could be uniformly employed by all of the Regional Water Boards.</p> <p>Furthermore, state law recognizes the connection between flow and water quality. The Legislature specifically identified its intention to “combine the water rights and water pollution and water quality functions of state government to provide for consideration of water pollution and water quality, and availability of unappropriated water whenever applications for appropriation of water are granted or waste discharge requirements or water quality objectives are established” when it created the State Water Board. (Wat. Code, § 174.) The State Water Board has broad authority to consider water quality and pollution when it makes water allocation determinations. (Wat. Code, §1258.) The State Water Board has significant experience both setting and implementing flow criteria through water right actions, including its Bay-Delta Program and its Policy for Maintaining Instream Flows in Northern California Coastal Streams. The State Water Board also has experience setting flow requirements as part of its responsibility to certify that the operation of hydropower facilities subject to Federal Power Act licensing meet water quality standards.</p> <p>The State Water Board has previously recognized that its major rivers are over-allocated and adversely impacted by flow alterations (see, for example, Strategic Plan Update</p>

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		<p>2008-2012, State Water Resources Control Board, September 2, 2008, p.10). However, the extent of the impact on instream beneficial uses of a stream (such as salmonids) depends on the unique circumstances of each situation and requires knowledge of other factors impacting the physical and biological integrity of the watercourse, including physical impediments to fish passage (dams and culverts, in addition to natural impediments such as waterfalls and landslides), sediment recruitment, the source of the water accreting to the stream (is it cool groundwater or is it warm runoff from open lands), the location and physical effect of diversions relative to habitat, and other factors that affect pollution.</p> <p>Pursuant to the above-cited state law, the State Water Board is expressly required to consider water quality and pollution when making water rights determinations. Neither federal nor state law requires the State Water Board to consider water flow requirements or impairments when developing the California Integrated Report. The federal statutory directives pursuant to CWA sections 303(d) and 305(b) require states to report on the water quality necessary to provide for fish, wildlife, recreational opportunities, and other beneficial uses. In fulfilling its reporting obligations pursuant to CWA 303(d) and 305(b), the federal statutes do not expressly require the states to consider flow, pollution, or allocation of water rights, when reporting on standards attainment.</p> <p>Similar to the requirements applicable to a state developing its 303(d) list of impaired waters, placing</p>

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		<p>waters in Category 4c should be done in accordance with a description of the method used for Category 4c placements, the data and information used, and the rationale to support the recommendation. The State Water Board has not established such a methodology. Without a defined methodology for assessing non-pollutant related pollution, the Water Board does not have a consistent and transparent approach to analyzing the extent to which flow-related alterations cause or impact water quality standards. The recommendations made by the State and Regional Water Boards must be based on a methodology that provides all stakeholders with the opportunity to understand exactly how assessment recommendations are made. Listing recommendations must be supported by documentation that explains the analytical approaches used to infer true segment conditions. [See U.S. EPA's 2006 Guidance for Assessment and Listing, p. 29 (explaining what constitutes an assessment methodology and U.S. EPA's review of a state's methodology for consistency with the CWA and a state's water quality standards).]</p> <p>The State Water Board, in coordination with partner agencies, is undertaking various efforts related to the establishment of instream flows for California rivers and streams. In December 2017, the State Water Board adopted the Cannabis Cultivation Policy, which establishes forbearance periods and instream flow requirements for the diversion and use of water for cannabis cultivation. The 2018 Bay-Delta Plan update established flow objectives in the Lower San Joaquin</p>

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		<p>River, which may be implemented through voluntary agreements or other processes in the absence of an approved voluntary agreement. Future updates to the Bay-Delta Plan are focused on flow and water project operations for the Sacramento River, tributaries, and the Delta, which may also include voluntary agreements.</p> <p>Additionally, the State Water Board and the Department of Fish and Wildlife are developing instream flow criteria to support critical habitat for anadromous fish in the South Fork Eel River, Mark West Creek, and Ventura River. State Water Board staff are also working with partner agencies on the California Environmental Flows Framework (“framework”) that will help to provide a consistent approach and tools to develop ecological flow criteria for a variety of stream types. Flow criteria developed using the framework and tools may be used as the basis for establishment of flow objectives. The framework was used for the Los Angeles River Flows project. The result of this project is a decision support tool that the Water Boards and stakeholders can use to work together to evaluate different flow scenarios in the LA River and to develop flow management targets to protect specific species, habitats, and beneficial uses. As waterbody-specific flow targets, recommendations and objectives are established, staff will evaluate using them to support Category 4c placements in the 305(b) report.</p> <p>Also, see principal response 4.2 for Interim Category 3 Approach for information on CSCI. The methodology developed to associate pollutant impairments with</p>

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		degraded biological populations under Listing Policy section 3.9 may include application of physical habitat related stressors. Additionally, ASCI scores were not received for the 2024 California Integrated Report.
023.14	<p>Furthermore, federal regulations require states to evaluate “all existing and readily available information” in developing their 303(d) lists and prioritizations.<sup>7</sup> Readily available data includes flow data, as well as the 305(b) report itself.<sup>8</sup> However, the draft Staff Report seemingly fails to consider data specific to potential hydrological impairments.</p> <p>There is ample existing data that supports the hydrological impairment of numerous California water segments, including the three “on cycle” regions for the 2024 Integrated Report, and this data has been completely ignored. Hundreds of water quality impairments already included in the 2024 Integrated Report reference low-flow, hydromodification, or flow alteration/regulation/modification as a source for a range of pollutants, such as sedimentation, nutrients, benthic community effects, and temperature.<sup>9</sup> However, the 2024 Integrated Report fails to list low-flow or hydromodification as an independent source of impairment, even if it is the actual cause as supported by readily available information.</p> <p>Footnote 7: National Archives and Records Administration. 2023. 40 C.F.R. § 130.7(b)(5).</p> <p>Footnote 8: 8th Circuit. 2009. Thomas v. Jackson, 581 F.3d 658, 661 (citing 40 C.F.R. § 130.7(b)(5)(i)).</p>	See response to comment 023.13 and Principal Response 3.1 for Readily Available Data Requirements.

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	<p>Footnote 9: California State Water Resources Control Board. 2023. 2024 Integrated Report, Appendix A: Recommended 2024 303(d) List of Impaired Waters. Available at: <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html</a></p>	
023.15	<p>Contrary to the State Board’s previous assertions, there does not need to be a formal methodology to assess hydrologic impairments due to flows. Most, if not all, of the states that identify hydrologic impairments, including flow impairments, make those listing decisions based on best professional judgment and the information before them, and the State Board and Regional Water Boards are capable of exercising the same professional judgment. Flow standards are not required to be developed to acknowledge the existence of impairments that would be obvious to experienced agency staff. To the extent there is disagreement between agencies, the State Board is best positioned to utilize its own professional judgment to resolve those issues. However, choosing to ignore the existence of impairments due to the lack of a formal methodology is inconsistent with the very purpose of the 303(d) List and Integrated Report. Many organizations (including the signatories to this letter) have been pushing the State Board to develop a formal policy with a methodology to identify flow-impaired waterways for many years, yet the State Board has made no traction on such a policy. The State Board cannot hide behind its own inaction to continue its failure to identify hydromodification impairments in the Integrated Report.</p>	See response to comments 023.13.



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	<p><u>Starting with the 2024 Integrated Report, the State Board must begin the practice of listing appropriate hydrologically impaired waterways, independent from whether there is another pollutant present.</u> EPA guidance allows states to assign surface water segments to “<i>one or more</i> of five reporting categories” in Integrated Reports confirming that waterways can be listed as impaired for hydromodification under Category 4C apart from any other impairments in different categories.<sup>10</sup> <u>We recommend that the State Board begin with those waterways that are undeniably impaired due to hydromodification based on readily available data and information considered in the 2024 Integrated Report.</u></p> <p>Footnote 10: U.S. Environmental Protection Agency. 2015 EPA Listing Guidance (p. 15).</p>	
023.16	<p>Finally, we note that the broad use of CSCI as an evaluation tool for the biological integrity of different waterways (by analyzing benthic macroinvertebrates) can be incorporated into 303(d) listing processes to identify the biological impacts of hydromodification impairments. Similarly, the recent development of the ASCI has shown to be nearly as effective as the CSCI in identifying the integrity of algal assemblages, particularly diatomaceous algal species, in Los Angeles Region waterways.<sup>11</sup> <u>To the extent that existing data submitted for the 2024 Integrated Report includes CSCI and ASCI scores that identify biological impairments in hydromodified waterways, those waterways should be</u></p>	See response to comment 023.13.

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	<p><u>identified as impaired for hydromodification under Category 4C.</u></p> <p>Footnote 11: Dr. Ariel Levi Simons et al. Aug. 8, 2022. An Evaluation of Indices of Biotic Integrity for Algal and BMI Assemblages in Streams of the Los Angeles Region. Journal of American Water Resources Association. Available at <a href="https://onlinelibrary.wiley.com/doi/abs/10.1111/1752-1688.13050">https://onlinelibrary.wiley.com/doi/abs/10.1111/1752-1688.13050</a>.</p>	
023.17	<p>B. We support the efforts of the State Board to investigate OAH, and encourage the Board to continue to pursue OAH regulation through the Integrated Report, while also taking immediate action, where appropriate, to reduce nutrient discharge that causes or contributes to OAH impairment.</p> <p>Peer reviewed scientific research completed by University of California Los Angeles (“UCLA”) and the Southern California Coastal Water Research Project (“SCCWRP”) has determined that approximately 25% of the Southern California Bight is impaired for OAH, and that nutrient loading from discharge is a major contributor to this impairment.<sup>12</sup> The impacts are not limited to near-shore, but are affecting the Southern California Bight even on the open ocean side of the Channel Islands. In the midst of a climate crisis, and when California, as a state, is striving to protect 30% of our lands and coastal waters by 2030, we cannot allow 25% of the California Bight to remain impaired, severely restricting and compressing critical marine habitat.</p>	<p>Comment noted.</p> <p>Please see response to comment 045.01 regarding the Southern California Coastal Water Research Project’s (“SCCWRPs”) potential use of the Regional Ocean Modeling System + Biogeochemical Elemental Cycling (“ROMS-BEC”) model studies and research conducted by SCCWRP in the Southern California Bight. The ROMS-BEC model is currently undergoing a peer-review and validation process and model results may be used in future California Integrated Report assessments following additional peer review.</p> <p>As well, the State Water Board has begun planning for an amendment to the Water Quality Control Plan for Ocean Waters of California, or California Ocean Plan. The goal of the amendment is to establish water quality objectives and a program of implementation to protect marine organisms and habitat from ocean acidification and hypoxia by addressing human sources of nutrients in</p>

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	<p>The State Board must take action to reduce excess nutrients from entering surface waters. In-ocean remediation technology might catch our attention and get headlines, and it may someday become one tool in the toolbox; however, reducing discharge of excess nutrients in the first place is a much more practical, economic, and sustainable approach. This is also the approach that the State Board is in a perfect position to champion. Addressing OAH through the Integrated Report is an important long-term strategy. With waterbodies listed on the 303(d) List as impaired for OAH, plans can be developed and implemented to address the impairment with water quality based effluent limits and technology based effluent limits. While the State Board does consider OAH as an impairment, no new listing determinations have yet been made. <u>We urge the State Board to continue to move forward with this long-term approach to address OAH impairment through the Integrated Report.</u></p> <p>Footnote 12: California State Water Resources Control Board. March 21, 2023. Information Item on the Preliminary Findings of Ocean Acidification Modeling of Southern California’s Coastal Ocean.</p>	<p>waste discharges such as those from wastewater treatment plants/Publicly Owned Treatment Works. In planning for the amendment to the California Ocean Plan, the State Water Board has been working with the Ocean Protection Council and SCCWRP to better understand:</p> <ul style="list-style-type: none"> <li>• The relationship between OA and hypoxia and impacts to marine life and habitat,</li> <li>• The sources of nutrients and whether land-based, anthropogenic sources of nutrients, such as direct discharges from wastewater treatment plants, are contributing to those impacts, and</li> <li>• The parameters, thresholds, and management actions that may be appropriate for setting water quality objectives and a program of implementation to address the impacts of nutrient discharges, such as nitrogen reduction and wastewater recycling.</li> </ul>
023.18	<p><u>While the State Board pursues OAH regulation through the Integrated Report, we also urge the Board to develop incentives to ramp up denitrification efforts, potentially through funding or enforcement action to require that Publicly Owned Treatment Works investigate denitrification.</u></p>	<p>Comment noted. Please see response to comment 023.17.</p>

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023.19	<p>C. The State Board must list coastal waters that are impaired for noise pollution.</p> <p>The National Oceanic and Atmospheric Administration (“NOAA”) has published the Ocean Noise Strategy Roadmap (“Roadmap”), which describes the extensive scientific research into the impacts of anthropogenic ocean noise on marine mammals, fish, and other marine species, and how noise has led to alteration of aquatic soundscapes and behavior patterns and thus widespread degradation of the natural acoustic environment.<sup>15</sup> One of the case studies in the Roadmap assesses the impacts of chronic shipping noise to baleen whales off the coast of Southern California, home to two of the largest ports in the country.<sup>16</sup> Through the Roadmap, and other available scientific data, it is evident that noise pollution is a real threat to the health of ocean habitats in Southern California and the rest of the state, and many water bodies such as the Southern California coastal waters are likely impaired for noise pollution.</p> <p><u>Underwater noise is similar to other pollutants in that it affects the physical aquatic environment, originates from a variety of sources, and is well suited to be addressed via the 303(d) listing process and the development of TMDLs to reduce noise contributions from the different sources.</u> Identifying and listing noise-impaired waters would facilitate the development of TMDLs with waste load allocations—or in this case, “noise load” allocations—that require the different sources of noise pollution to reduce their noise contributions into the coastal environment over time, including through implementation of</p>	<p>For the 2024 California Integrated Report, no noise pollution data were received. In developing the 2024 California Integrated Report, Water Board staff considered all readily available data submitted per the June 29, 2020 Data Solicitation Notice requirements. Should data or information be submitted or available for evaluation during the development of future integrated reports, the following are some likely considerations.</p> <p>In Clean Water Act section 502, “pollution” includes the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water. A “pollutant” includes dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. The term “physical integrity” has generally been applied by assessing the physical characteristics and/or properties of a body of water (i.e., sedimentation) (Ocean Plan, II.C). Under the above definitions, noise or sound waves likely would not be classified as “pollution,” as little information has been shown by the U.S. EPA or the National Oceanic and Atmospheric Administration (“NOAA”) that sound waves alter the physical integrity of water. Sound waves do compress and decompress water molecules as they move through water (<a href="https://www.fisheries.noaa.gov/national/science-data/ocean-noise">https://www.fisheries.noaa.gov/national/science-data/ocean-noise</a>), though it is difficult to determine if the</p>

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	<p>Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology under the Clean Water Act, and to help single out particularly noisy sources for increased scrutiny and/or enforcement. Moreover, NOAA has also provided technical guidance for assessing the impacts of anthropogenic sound on marine mammal hearing, serving as a basis to identify different noise thresholds that could serve as levels constituting impairment for different waters based on the mammalian species that use them as habitat.<sup>17</sup> As such, the State Board is well positioned to utilize available NOAA guidance and scientific data to develop noise pollution impairments for coastal waters most impacted by heavy shipping activity and other industrial noise-producing activity. The State Board must expand its listing criteria to ensure that all marine mammals and fish can experience the peace and quiet needed to thrive.</p> <p>We understand that the data submission process for the 2024 Integrated Report has passed. Nevertheless, <u>we urge the State Board to consider data on anthropogenic noise pollution and explicitly call for data submissions on noise pollution and the acoustic marine environment in all integrated reports moving forward.</u></p> <p>Footnote15: Id. (pp. 63-80).</p> <p>Footnote 16: Id. (pp. 63-80).</p> <p>Footnote 17: National Oceanic and Atmospheric Administration. 2018. Revision to Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine</p>	<p>pressure changes are significant enough to alter the physical integrity of water. Nevertheless, Water Board staff do recognize that the presence of anthropogenic sound waves may increase stress for marine animals and alter their behaviors. Thus, commenters are encouraged to submit any data, information, or evidence that would further improve staff's understanding of how noise could alter the physical integrity of water.</p> <p>If sound waves or noise were to be considered pollution, and the noise data or evidence indicated a condition of pollution that exceeds standards, a waterbody could be considered for placement into Category 4c for noise. Category 4c is defined as the non-attainment of any applicable water quality standard for the waterbody is the result of pollution and is not caused by a pollutant (Staff Report section 2.5: Integrated Report Condition Categories). In order for noise data to be used to potentially place a waterbody in Category 4c, data should be of sufficient quality and a methodology or evaluation guideline should be available to determine if noise levels in the ocean exceed levels protective of beneficial uses (e.g., marine habitat for baleen whales). The commenter's reference to Technical Guidance from NOAA is appreciated and it is encouraged that any individual who submits noise data also submit a description of a method for evaluating data for possible Category 4c placements.</p> <p>No specific types of analytes or data are mentioned in data solicitation notices as the notices serve as a broad call for data. However, noise data can be submitted and</p>

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	<p>Mammal Hearing (Version 2.0). Available at: <a href="https://media.fisheries.noaa.gov/dammigration/tech_memo_a_coustic_guidance_%2820%29_%28pdf%29_508.pdf">https://media.fisheries.noaa.gov/dammigration/tech_memo_a_coustic_guidance_%2820%29_%28pdf%29_508.pdf</a>.</p>	<p>will be considered. Data solicitation notices for the California Integrated Report are public solicitations of water quality data and information for the Clean Water Act Section 305(b) Report and the 303(d) list of Impaired Waters. Section 6.1.1 of the Listing Policy requires the Water Boards to solicit all readily available data and information. Section 6.1.1 also defines “all readily available data and information” as data and information that can be submitted to the California Environmental Data Exchange Network (“CEDEN”), unless CEDEN cannot accept the data type. While section 6.1.1 of the Listing Policy applies to the solicitation of pollutant data, the section provides a useable solicitation process for pollution data which might be considered to place a waterbody in Category 4c on the 305(b) portion of the Integrated Report. Data types incompatible with CEDEN submission can be submitted directly to the State Water Board following a procedure established during the data solicitation process. Data and information received will be evaluated, and if appropriate, used to assess overall surface water quality conditions and to identify impaired waters (i.e., waters not meeting or not expected to meet water quality standards). For more information on data submittal requirements, see principal response 3.1 for Readily Available Data Requirements.</p>
023.20	<p>D. The State Board must list coastal waters that are impaired for light pollution.</p>	<p>For the 2024 California Integrated Report, no data were received regarding light pollution, therefore, waters were not evaluated for impairments caused by light pollution. Should data or information be submitted or available for</p>

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	<p>A similar application described above for noise pollution can also apply to light pollution. Light pollution can interfere with the survival and well-being of marine species, particularly at night when many light-averse nocturnal species are out, and it is well suited to be addressed via the 303(d) listing process and the development of TMDLs to reduce light contributions from the different sources. <u>We urge the State Board to consider data on anthropogenic light pollution and explicitly call for data submissions on light pollution in all integrated reports moving forward.</u></p>	<p>evaluation during the development of future integrated reports, the following are some likely considerations.</p> <p>The California Ocean Plan includes a water quality objective that states that, “Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste” (Ocean Plan, pg. 7). It also provides that “Waste discharged to the ocean must be essentially free of: [...] Substances that significantly decrease the natural light to benthic communities and other marine life.” (Ocean Plan, III.A.2.b.4. (internal asterisks omitted).) The Ocean Plan defines the term natural light as follows: “Reduction of natural light may be determined by the Regional Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the Regional Board” (Ocean Plan, pg. 66).</p> <p>Should data or evidence indicate the natural light objective or a beneficial use is not supported, a waterbody could be placed into one of the Integrated Report categories. One option would be to place the waterbody in Category 4c for light pollution. Category 4c is defined as the non-attainment of any applicable water quality standard for the waterbody is the result of pollution and is not caused by a pollutant (Staff Report section 2.5: Integrated Report Condition Categories). In order for light data to be used, data should be of sufficient quality and a methodology or evaluation guideline should be available to determine if light levels in the ocean exceed levels protective of beneficial uses. It is encouraged that any</p>



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		<p>individual who submits light data also submit a description of a method for evaluating data.</p> <p>No specific types of analytes or data are mentioned in data solicitation notices as the notices serve as a broad call for data. However, light pollution data can be submitted and will be considered. Data solicitation notices for the California Integrated Report are public solicitations of water quality data and information for the Clean Water Act Section 305(b) Report and the 303(d) list of Impaired Waters. Section 6.1.1 of the Listing Policy requires the Water Boards to solicit all readily available data and information. Section 6.1.1 also defines “all readily available data and information” as data and information that can be submitted to the California Environmental Data Exchange Network (“CEDEN”), unless CEDEN cannot accept the data type. While section 6.1.1 of the Listing Policy applies to the solicitation of pollutant data, the section provides a useable solicitation process for pollution data which might be considered to place a waterbody in Category 4c on the 305(b) portion of the Integrated Report. Data types incompatible with CEDEN submission can be submitted directly to the State Water Board following a procedure established during the data solicitation process. Data and information received will be evaluated, and if appropriate, be used to assess overall surface water quality conditions and to identify impaired waters (i.e., waters not meeting or not expected to meet water quality standards). For more information on data</p>



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		<p>submittal requirements, see principal response 3.1 for Readily Available Data Requirements.</p>
023.21	<p>II. PROCEDURAL RECOMMENDATIONS FOR STATEWIDE CONSIDERATION:</p> <p>A. The State Board must move the data submission deadline closer to the Integrated Report deadline.</p> <p>The value of the Integrated Report depends on the quality and timeliness of its data. Unfortunately, the State Water Board continues to rely on outdated data to make its listing determinations, resulting in recommendations that do not reflect the current condition of California’s waterways. As provided by a Memorandum issued by the EPA regarding the 2022 Clean Water Act Section 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions:<sup>18</sup></p> <p>“Timely submittal of [Integrated Reports] and action on CWA Section 303(d) lists are critical to meet states’ and EPA’s responsibilities under the CWA and are central to demonstrating success in accomplishing state and EPA strategic goals for restoring and maintaining the nation’s waters. Furthermore, timely submittal and action provide the public and other stakeholders with the most up-to-date information on the water quality condition of waters in each state.”</p> <p>Footnote 18: United States Environmental Protection Agency. 2021. Information Concerning 2022 Clean Water Act Section 303(d), 305(b), and 314 Integrated Reporting and Listing</p>	<p>Comment noted. The Listing Policy does not limit the use of older data for assessment purposes, except in section 6.1.5.3, which states that, if the implementation of a management practice(s) has resulted in a change in a water body segment, then only data collected since the change should be considered.</p> <p>The Functional Equivalent Document for the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (Sept. 2004) (“Listing Policy FED”) provides the rationale for including older data in water quality assessments (pp. 240-241). The FED states that the indiscriminate application of data and information, regardless of age, gives the Water Boards the discretion to identify which data should be used in the section 303(d) list. Additionally, removing the temporal aspect of data inclusion ensures all readily available data are used for the California Integrated Report.</p> <p>As well, please see principal response 3.4 for Inclusion of Older Data and principal response 3.5 for Data Submission Timeline and the Public Process.</p>

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	<p>Decisions [hereinafter 2022 EPA Listing Guidance]. Available at: <a href="https://www.epa.gov/sites/default/files/2021-04/documents/final_clean_ir_memo_and_cover_note_0331signed_0.pdf">https://www.epa.gov/sites/default/files/2021-04/documents/final_clean_ir_memo_and_cover_note_0331signed_0.pdf</a>.</p>	
023.22	<p>Unfortunately, the State Board’s practices do not guarantee the incorporation of timely data into each Integrated Report, and instead exclude relevant and timely data for arbitrary reasons. Deadlines for data submission are set almost four years prior to the deadline to submit the final Integrated Report, and the State Board does not guarantee that any new relevant data collected and submitted after the deadline will be incorporated into the next Integrated Report. For example, in completing this year’s Integrated Report, the Water Boards used data only from October 15, 2020 and earlier, forgoing several years of existing, appropriate, and necessary data.<sup>19</sup></p> <p>By relying on outdated data and lines of evidence that are often over a decade old, sometimes over two decades old, the State Water Board is unable to provide an accurate depiction of water quality throughout California. The data used to compile the 2024 Integrated Report is incomplete and outdated, and the report therefore inaccurately represents the current state of impaired waters statewide, or, more accurately, represents the state of impaired waters as of October 2020. This incompleteness is a violation of both the Clean Water Act and Porter-Cologne, which require that the Water Boards utilize "all available data and information" in compiling the lists.</p>	<p>Please see principal responses 3.4 for Inclusion of Older Data and 3.5 for Data Submission Timeline and the Public Process.</p>

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	<p>Footnote 19: California State Water Resources Control Board. 2023. Draft 2024 California Integrated Report Staff Report (p. 10), noting that “[a]ll readily available data and information from waterbodies within these regional water boards received prior to the data solicitation cut-off date of October 16, 2020 were considered.” Available at <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/draft-2024-IR-staff-report.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/draft-2024-IR-staff-report.pdf</a>.</p>	
023.23	<p>We understand the resource limitations the State Board faces regarding accepting public data while simultaneously striving to meet the required submission date of the Integrated Report (April 1 of every even-numbered year). While guidance from the EPA allows states to set a “reasonable” cut-off date for the submission of data for 303(d) lists,<sup>20</sup> a four-year lag time between data submission and completion of the final Integrated Report is simply too long and unreasonable.</p> <p>The State Board must accept relevant data for 303(d) lists closer to the date of the final Integrated Report, and no less than two years prior to the April 1 deadline for even-numbered years. If the Integrated Report is late, the data submission cutoff should correspond with the anticipated submission date of the report to ensure it reflects the most accurate and current data possible.</p> <p>Footnote 20: U.S. Environmental Protection Agency. 2022 EPA Listing Guidance (p. 2).</p>	<p>Comment noted. The June 29, 2020 Data Solicitation Notice for the Draft 2024 California Integrated Report identified the data solicitation period from June 29, 2020, to a cut-off date of October 16, 2020. Data submitted outside the data cut-off period will be considered in a subsequent California Integrated Report cycle.</p> <p>The data solicitation cut-off date is consistent with U.S. EPA Memorandum: Information Concerning 2022 Clean Water Act Section 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions (March 31, 2021). As a practical matter, a data cut-off date is a necessary step that provides time to assemble, evaluate, and assess all readily available data and provide the public time to consider and comment on proposed recommendations, in conformance with Listing Policy requirements.</p> <p>For additional context in regards to data solicitation cut-off dates, please see principal response 3.5 for Data Submission Timeline and the Public Process.</p>

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023.24	<p>B. The State Board must provide clear guidance to Regional Boards and the public regarding off-cycle updates to guarantee the incorporation of all relevant and timely data.</p> <p>Though the State Water Board allowed other regions to submit data, by not requiring such data submission for all regions, the reports remain incomplete and in violation of both federal and state statutes requiring California to identify all impaired waters every two years. This current process is insufficient and unlawful, as it does not require inclusion of all regions in the biennial reports.</p>	<p>Comment noted. While the State Water Board is administering the listing process for the 2024 California Integrated Report, per section 6.1.5 of the Listing Policy, Regional Water Boards may determine which datasets are to be considered high priority for off-cycle assessments in a listing cycle.</p> <p>For further information, please see principal response 3.5 for Data Submission Timeline and the Public Process regarding off-cycle assessments and high priority datasets.</p>
023.25	<p>Putting aside the legal infirmities in the State Board’s three-report cycle, the four-year lag time for data submission for each integrated report is even more unreasonable in light of the cycling process. Again, EPA guidance allows data submission cut-off dates, but EPA also notes that states “should clearly explain that data and information submitted after that date would be considered during the next listing cycle.”<sup>21</sup> The State Board’s cycling process, however, means that data submitted after a submission deadline has passed will not be considered in the next listing cycle—it will be considered in the third listing cycle following the missed deadline.</p> <p>In the 2024 Integrated Report, data submitted in one of the on-cycle regions after October 16, 2020 will not be considered for the 2024 Integrated Report, is not guaranteed to be included in the 2026 or 2028 Integrated Reports because the</p>	<p>Comment noted. For each California Integrated Report listing cycle, millions of water quality data records are submitted for assessment. The commenter is correct that data submitted outside the data cut-off period will be considered in a subsequent California Integrated Report cycle. However, if a Regional Water Board determines that a high priority dataset should be evaluated during an off-cycle assessment, they have the discretion to do so.</p> <p>For further guidance on the rotating basin approach and data solicitation cut-offs, please see principal response 3.5 for Data Submission Timeline and the Public Process.</p>

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	<p>region will be off-cycle, and is only guaranteed to be considered in the 2030 Integrated Report. That is a full decade of delay between when data is properly collected and submitted to the State Board, and when that data is actually incorporated into regulatory processes. To illustrate, in March 2021, LA Waterkeeper completed and published its River Assessment Fieldwork Team (“RAFT”) report that captured data in 2018 and 2019 regarding species observed in the Los Angeles River.<sup>22</sup> Assuming the RAFT report data would be considered in the 303(d) listing process, the first opportunity LA Waterkeeper would have to submit the data would not be until 2026, for the 2030 Integrated Report.</p> <p>The near ten-year lag time violates EPA’s guidance to ensure data is considered in the next listing cycle two years later, not the next one in which the State Board chooses to update the Integrated Report for the same region. We understand the State Board will face significant constraints when preparing Integrated Reports for all nine regions every two years, and we do not expect the State Board to be able to do this. Nevertheless, the consequences of the State Board’s cycling procedure are pronounced and unacceptable.</p> <p>Footnote 21: Id.</p> <p>Footnote 22: Los Angeles Waterkeeper. 2021. River Assessment Fieldwork Team 2018-2020 Report. Available at <a href="https://www.lawaterkeeper.org/reports/raftreport">https://www.lawaterkeeper.org/reports/raftreport</a>.</p>	

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023.26	<p>Yet nothing in the Staff Report or on the State Board's website indicates when a Regional Board can and should choose to make off-cycle updates. There is no definition of what data counts as high-priority, and no indication as to when that high-priority data might be received by the Regional Boards. To rectify this glaring issue with untimely data, <u>the State Board must provide substantial and clear guidance to Regional Boards, and the public, regarding when off-cycle updates are appropriate and must be done.</u></p>	<p>Comment noted. While the State Water Board is administering the listing process for the 2024 California Integrated Report, per section 6.1.5 of the Listing Policy, Regional Water Boards determine which datasets are to be considered high priority for off-cycle assessments in a listing cycle.</p> <p>For further information, please see principal response 3.5 for Data Submission Timeline and the Public Process regarding off-cycle assessments and high priority datasets.</p>
023.27	<p>We acknowledge that Regional Boards accept new data at any time, but there are only calls for data during on-cycle years, or every six calendar years. We recommend that any data submitted to a Regional Board that could lead to an update to the 303(d) List, received by November 1 of an even-numbered year, must be reviewed by the Regional Board to determine whether it is high-priority for off-cycle updates in the next Integrated Report. <u>Then, in advance of each 2-year cycle of the Integrated Report, Regional Board staff must provide a publicly available document describing what they have determined as high-priority data for off-cycle updates, with adequate public notice and a comment opportunity to allow stakeholders to participate in that determination.</u> A public process will provide an opportunity for high-priority data to be considered for off-cycle updates every 2 years, as needed, and will require the Regional Boards to explain their determinations about what they consider high-</p>	<p>Comment noted. Principal response 3.5, Data Submission Timeline and the Public Process, outlines the rotating basin approach with on and off-cycle assessments, the determination of high priority datasets by the Regional Water Boards, and the timeline from data submission to adoption of the California Integrated Report by the U.S. EPA.</p> <p>The State Water Board is consistently working to improve the Integrated Report process. In future California Integrated Report cycles, further process improvements will be considered.</p>

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	<p>priority. This may also help to alleviate some of the workload when the Regional Board is on-cycle, because some high-priority data will have already been processed in off-cycle years.</p>	
023.28	<p>C. The State Board must eliminate barriers to timely public submission of water quality data.</p>	<p>See principal response 3.5 for Data Submission Timeline and the Public Process.</p>
023.29	<p>We appreciate the State Board’s efforts to accept data relevant to water quality from non-profits, community science groups, and members of the public as part of the preparation of the Draft Integrated Report.</p>	<p>Comment noted.</p>
023.30	<p>However, we remain concerned that the listing process results in a reliance on data that is too old and too sparse. While the public can play an important role in providing water quality data, we still observe many barriers to the data submission process, discouraging full public participation.</p> <p>First, the State Board’s policy requires all data to be submitted through the California Environmental Data Exchange Network (“CEDEN”). CEDEN understandably has formatting and quality assurance requirements to ensure that all data submitted is reliable and trustworthy. However, CEDEN excludes data that fails to meet the strict requirements, such as the exclusion of all PDF submissions and the requirement to include a signed Quality Assurance Project Plan. Groups that utilize community science, like LA Waterkeeper and Heal the Bay, spend time and effort on</p>	<p>Comment noted.</p> <p>Section 6.1.1 of the Listing Policy requires the Water Boards to solicit all readily available data and information, defining “all readily available data and information” as data and information that can be submitted to the California Environmental Data Exchange Network (“CEDEN”), unless CEDEN cannot accept the data type. Data types incompatible with CEDEN submission can be submitted directly via the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/ir_upload_portal.html">Integrated Report Upload Portal</a>, (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/ir_upload_portal.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/ir_upload_portal.html</a>). Instructions on data and submittal requirements for CEDEN and non-CEDEN compatible data and information as well as quality assurance</p>



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	<p>campaigns to collect relevant monitoring data, with results that are relevant and properly considered for inclusion in the Integrated Report but may not fall within the confines of CEDEN’s strict requirements. Even if the data collected from community groups is not the conventional type appropriate for uploading onto CEDEN, there must be some way to have the relevant data included and considered in the Draft Integrated Report.</p> <p><u>The State Board must expand the ability of the CEDEN system to allow for the submission of additional types and formats of public data relevant to the Integrated Report.</u> At minimum, CEDEN must be improved to accept information in various formats, and beyond that, there should be a separate mechanism to submit data that does not meet the strict quality assurance requirements. While we agree that all data submitted must be reliable and trustworthy, State Board staff are capable of communicating with the data submitters to ensure the data is sufficiently reliable to be included in the Draft Integrated Report, particularly considering the data submission deadline is set four years before the Integrated Report is due. LA Waterkeeper’s RAFT report is a great example of the value of community science that results in useful data for purposes of the 303(d) list. We respectfully request that State Board staff upload the RAFT report and accompanying water quality data to CEDEN given our challenges in finding a way to upload it onto CEDEN ourselves.<sup>24</sup></p>	<p>documentation submittal requirements are provided for data submitters on the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_requirements.html">State Water Board Data Requirements webpage</a>, (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_requirements.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_requirements.html</a>). The data submittal information was also available in the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">June 29, 2020 Data Solicitation Notice</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf</a>).</p> <p>For further guidance, see principal response 3.1 for Readily Available Data Requirements regarding the submission of non-CEDEN data and principal response 3.5 for Data Submission Timeline and the Public Process.</p> <p>Additionally, stakeholders may contact State Water Board staff to request assistance in submitting data or correcting data quality issues by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p>



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	Footnote 24: Los Angeles Waterkeeper. 2021. River Assessment Fieldwork Team 2018-2020 Report. Available at <a href="https://www.lawaterkeeper.org/reports/raftreport">https://www.lawaterkeeper.org/reports/raftreport</a> .	
023.31	Second, and related, the State Board does not provide a clear mechanism through CEDEN for staff to communicate effectively with data submitters regarding any potential errors, inconsistencies, or other issues with the data submitted. The public experiences a lack of notice when data is excluded or disqualified for formatting errors that could be remedied, and members of the public must have the opportunity to provide needed information to improve the assessment of waterways in the Integrated Report. For example, members of the public uploading data to CEDEN may think the data has successfully been submitted, but will not learn until years later that the data was disqualified for flaws that could have been identified at the time it was uploaded to CEDEN. <u>The State Board must establish a communication line with members of the public wishing to contribute data on CEDEN or otherwise, and must provide prompt notice to data submitters as to whether the data was accepted or has reliability concerns.</u> It is critical to provide timely feedback to data submitters in order to ensure the timely submission and incorporation of data, which is the fundamental objective of the 303(d) listing process.	Comment noted. See principal response 3.1 for Readily Available Data Requirements and principal response 3.2 for Data Not Used in Assessments.
023.32	D. We support development of a Quality Assurance Program Plan to improve monitoring activities for the Beach Program's	Comment noted. Please see response to comment 023.09.

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	<p>BeachWatch database, and request requirements for timely submittal of data.</p> <p>We support the State Board in establishing program wide quality assurance policies and procedures for monitoring activities through a Quality Assurance Program Plan, and encourage the State Board to include a requirement to submit data to the database within one week of sample collection.</p>	
023.33	<p>III. REGION 4 NEW LISTINGS AND DELISTINGS:</p> <p>A. We support the new listings in the 2024 Integrated Report, which begins the process of remediation to better protect public and environmental health.</p> <p>It is never good news to hear that a waterbody is impaired, but recognizing the impairment is the first step in addressing it. Therefore, we do support the new listings proposed for the 2024 Integrated Report for pollutants such as metals, oil and grease, nutrients, temperature, pH, and toxicity.</p>	Comment noted.
023.34	<p>We also support the 22 new listings for pathogens in the Los Angeles Region, given the direct risk to human health.</p>	Comment noted.
023.35	<p>B. Achieving clean water is cause for celebration, but we urge caution for new delistings in the 2024 Integrated Report to ensure that a waterbody is not prematurely or incorrectly delisted.</p>	<p>Comment noted. Changes to listing recommendations were not made in response to this comment.</p> <p>The recommendation to “Delist” Dockweiler Beach for indicator bacteria (Decision ID 150290) was based on</p>

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	<p>We simply urge caution in making these determinations to ensure that a waterbody is not prematurely or incorrectly delisted.</p> <p>The State Board has proposed to delist Dockweiler Beach for indicator bacteria (pathogens) in the 2024 Integrated Report. Data from monitoring locations along Dockweiler State Beach in recent years have complied with federal standards during dry weather, with the exception of poor water quality during winter dry conditions in 2018. However, and unsurprisingly, water quality declines dramatically during wet weather at all monitoring locations along this beach. The monitoring location on Dockweiler State Beach with the best wet weather grades on Heal the Bay's Beach Report Card is at the Hyperion Treatment Plant, but even this location received poor water quality grades during wet weather in recent years.<sup>25</sup> In fact, the monitoring location labeled "Hyperion Treatment Plant, at One Mile Outfall" received an annual wet weather grade of F in the 2021-2022 Beach Report Card.<sup>26</sup> We oppose the delisting of Dockweiler Beach for bacteria (pathogens), considering the significant wet weather contamination still present at this very popular beach. At a minimum, we request a detailed explanation for the delisting proposal.</p> <p>Footnote 25: Heal the Bay. 2023. Beach Report Card with NowCast: Dockweiler State Beach, Hyperion Treatment Plant. Available at:  <a href="https://www.beachreportcard.org/33.917272500000024/-118.43065949999999/15/41">https://www.beachreportcard.org/33.917272500000024/-118.43065949999999/15/41</a></p>	<p>readily available data that met Listing Policy requirements. In accordance with the Listing Policy, segments or pollutants shall be removed from the list if a delisting factor is met, as is the case for Dockweiler Beach for indicator bacteria pursuant to delisting factor 4.3. Under section 4.3 of the Listing Policy, a minimum of one line of evidence is needed to assess listing status. With four LOEs included in the Final Use Rating, the weight of evidence indicated that there was sufficient justification in favor of removing this water segment-pollutant combination from the Clean Water Act section 303(d) list.</p> <p>Some LOEs were not included in the Final Use Rating due to collection dates prior to 2010. As detailed in Staff Report section 3.5: Bacteria and REC-1 Beneficial Use, indicator bacteria (total coliform, fecal coliform, <i>E. coli</i>, enterococci) populations may fluctuate substantially on a daily, seasonal, or yearly basis. Lacking constant inputs, they do not persist in the environment for a long period and effects are of relatively short duration. As a result, the historical levels of indicator bacteria in the waterbody may be a poor indicator of current risks to human health, particularly when more recent data are available to sufficiently assess the water quality standard. Additionally, water quality conditions in waterbodies have changed as a result of management actions that have been implemented to address bacteria sources. Unrepresentative data may result in incorrectly placing or not placing a waterbody segment on the 303(d) list. This could result in the unnecessary expenditure of public</p>

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	Footnote 26: Heal the Bay. 2022. 2021-2022 Beach Report Card. Available at: <a href="https://healththebay.org/wp-content/uploads/2022/06/Beach-Report-Card-2021-2022.pdf">https://healththebay.org/wp-content/uploads/2022/06/Beach-Report-Card-2021-2022.pdf</a>	resources or missing a problem completely. Therefore, historical indicator bacteria data collected prior to 2010 were evaluated pursuant to these considerations and were not used to assess water quality standards attainment so long as more recent data were available sufficient to make a listing recommendation.
023.36	<p>The State Board has also proposed seven new delistings for ammonia (nutrients) in the 2024 Integrated Report. As discussed in further detail in section I.B. of this letter, recent peer reviewed scientific research has determined that 25% of the Southern California Bight is no longer able to support its habitat beneficial use due to ocean acidification and hypoxia impairment, and that anthropogenic nutrient discharge is a major contributing factor to that impairment. Excess nutrients can also lead to eutrophic conditions within surface waters. We therefore urge the State Board to use caution in delisting waterbodies for nutrients, particularly for waterbodies that ultimately discharge into the ocean. Specifically, we request that the State Board reconsider delisting of the Los Angeles River Reach 5, Balboa Lake, and Bull Creek for ammonia. The Sepulveda Basin area provides critical habitat space, which is highly impacted by multiple listed contaminants and surrounding hydromodification. For example, the Los Angeles River Reach 5 (within Sepulveda Basin) remains listed for selenium, copper, lead, oil, nutrients (presenting as algae), benthic community effects, toxicity, and trash. <u>We urge the State Board to take caution in delisting contaminants from such a heavily impacted area, and urge the Board to check</u></p>	<p>Recommendations for numerous waterbodies, including those identified by commenter, were re-examined in response to this comment. No changes to the listing recommendations identified by commenter were made in response to this comment. However, one recommendation for “list” was revised to “delist” for Los Angeles River Reach 4</p> <p>As detailed in the Staff Report section 8.1.1: Ammonia Delistings in the Los Angeles River Watershed, the primary source of ammonia in the Los Angeles River watershed is discharge from water reclamation facilities. National Pollutant Discharge Elimination System permit monitoring data from these facilities show low levels of ammonia in effluent and reduced levels of ammonia in receiving waters since implementation of nitrification/denitrification processes. Los Angeles River Reach 5 continues to be listed for Nutrients (Algae) based on the initial 1994 listing; no new data for this parameter have been assessed since that time.</p> <p>The Situation-Specific Weight of Evidence Delisting Factor (Listing Policy section 4.11) was used to make the</p>

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	<p><u>the data one final time before consideration of the seven proposed ammonia delistings.</u></p>	<p>delisting recommendations for five waterbodies in the Los Angeles River watershed in the Draft 2024 California Integrated Report: Los Angeles River Reaches 3 and 5, Balboa Lake, Bull Creek, and Wildlife Lake. However, on evaluating the recommendations in response to this comment, it was discerned that all ammonia decisions in the Los Angeles Region were inadvertently assessed using the U.S. EPA Aquatic Life Ambient Water Quality Criteria for Ammonia - Freshwater 2013, an incorrect objective, instead of the water quality objectives for ammonia in freshwater found in the Basin Plan for the Los Angeles Regional Water Board (“Basin Plan”). The LOEs for decisions for ammonia in Los Angeles River Reach 3 (Decision ID 150444), Los Angeles River Reach 5 (Decision ID 150446), Balboa Lake (Decision ID 150351), Bull Creek (Decision ID 150355), and Wildlife Lake (Decision ID 150491) were reexamined using the correct objectives for ammonia from the Basin Plan. In addition to using the correct objective, the decision for Los Angeles River Reach 4 (Decision ID 150445) was reevaluated to sum LOEs for total and dissolved ammonia, which are equivalent, but were initially treated as separate LOE groups in the Draft California 2024 Integrated Report. The results of the reassessments, and an identification of the correct water quality objectives used, are listed below:</p> <ul style="list-style-type: none"> <li>• Los Angeles River Reach 3 (Decision ID 150444) <ul style="list-style-type: none"> <li>○ Objectives: <ul style="list-style-type: none"> <li>▪ For data collected April 1 to September 30 of each year, the</li> </ul> </li> </ul> </li> </ul>

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		<p>objective is the “Los Angeles River, Reach 3 (Riverside Drive to Figueroa Street) site-specific 30-day average objective for Early Life Stages present.”</p> <ul style="list-style-type: none"> <li>▪ For data collected October 1 of one year to March 30 of the next year, the objective is “Los Angeles River, Reach 3 (Riverside Drive to Figueroa Street) site-specific 30-day average objective for Early Life Stages absent.”</li> </ul> <ul style="list-style-type: none"> <li>○ Listing recommendation: “Delist” (unchanged)</li> </ul> <ul style="list-style-type: none"> <li>• Los Angeles River Reach 4 (Decision ID 150445) <ul style="list-style-type: none"> <li>○ Objective: For all data, the objective is “Los Angeles River, Reach 4 (Sepulveda Dam to Riverside Drive) site-specific 30-day average objective for ELS absent year-round”</li> <li>• Listing recommendation: Revised from “List” to “Delist” (revised)</li> </ul> </li> <li>• Los Angeles River Reach 5 (Decision ID 150446) <ul style="list-style-type: none"> <li>○ Objectives: <ul style="list-style-type: none"> <li>▪ For data collected April 1 to September 30 of each year” the objective is: “Los Angeles River, Reach 5 (Sepulveda Basin) site-</li> </ul> </li> </ul> </li> </ul>

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		<p>specific 30-day average objective for ELS present.”</p> <ul style="list-style-type: none"> <li>▪ For data collected October 1 of one year to March 30 of the next year, the objective is “Los Angeles River, Reach 5 (Sepulveda Basin) site-specific 30-day average objective for ELS absent.”</li> <li>○ Listing recommendation: “Delist” (unchanged)</li> </ul> <ul style="list-style-type: none"> <li>• Bull Creek (Decision ID 150355) <ul style="list-style-type: none"> <li>○ Objective: 30-day average objective for waters subject to the “Early Life Stage Present” conditions</li> <li>○ Listing recommendation: “Delist” (unchanged)</li> </ul> </li> <li>• Balboa Lake (Decision ID 150351) <ul style="list-style-type: none"> <li>○ Objective: 30-day average objective for waters subject to the “Early Life Stage Present” conditions</li> <li>○ Listing recommendation: “Delist” (unchanged)</li> </ul> </li> <li>• Wildlife Lake (Decision ID 150491) <ul style="list-style-type: none"> <li>○ Objective: 30-day average objective for waters subject to the “Early Life Stage Present” conditions</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ Listing recommendation: “Delist” (unchanged)</li> </ul> <p>A summary of all ammonia decisions that were reassessed to use the correct water quality objective is provided in Appendix W: List of Los Angeles and Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.</p>
023.37	<p>C. The State Board should pursue a TMDL for temperature in the Los Angeles River as soon as possible.</p> <p>For habitat beneficial use, the Los Angeles Region Basin Plan specifies that water should not be altered more than five degrees Fahrenheit. Though the Los Angeles Region Basin Plan specifies a general temperature range for warm water habitat beneficial use at 80 degrees Fahrenheit, the current limit already surpasses the threshold to prevent significant damage to aquatic life. Mortality rates for zinc are significantly higher at temperatures above 77 degrees Fahrenheit, the same temperature in which pH becomes altered.<sup>30</sup> Fish species native to the Los Angeles River typically require colder temperatures, which means that the mainstem of the Los Angeles River is currently unsuitable for most, if not all, native species of fish when it comes to water temperature.<sup>31</sup></p> <p>As noted in section 8.1.2 of the Staff Report, studies are being conducted to reevaluate the temperature TMDL for the Los Angeles River, but that assessment will not be prioritized until completion of the studies. However, considerable work</p>	<p>The Regional Water Boards, not the State Water Board, undertake the prioritization process to develop TMDLs or other regulatory programs of implementation to address and remedy impaired waterbody-pollutant combinations. See Staff Report section 2.6: Prioritization of TMDLs and other Efforts to Address Impaired Waters.</p> <p>No reach of the Los Angeles River is currently listed as impaired or recommended for listing for temperature. Additionally, the Los Angeles Region is conducting studies to determine if the temperature objectives listed in its Basin Plan and used for assessment should be revised. The more appropriate venue to comment on objectives is the Triennial Review of Water Quality Standards in the Los Angeles Region. A list of items available for public notice can be found on the Basin Plan webpage at <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/</a>. Additionally, comments regarding the Basin Plan or the Triennial Review can be addressed</p>



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	<p>has been completed, to date, that can inform a temperature TMDL for the LA River, and we believe now is the time to begin that process.<sup>32,33</sup> Heal the Bay is also collecting temperature data along the Los Angeles River from Sepulveda Basin down to Long Beach, and would be happy to make our data available to the State Board. We request that the Board make transparent the plan and methods used to pursue a temperature TMDL for the LA River, timing for the process, and what is still needed.</p> <p>With threats of increased freshwater temperatures due to climate change and anthropogenic activity, a TMDL must be implemented to properly assess damage to aquatic ecosystems, to create and implement a remediation plan, and to protect areas from further risk. Considering all of this information, <u>we urge the board to pursue a TMDL for temperature in the Los Angeles River as soon as possible.</u></p> <p>Footnote 30: United States Geological Survey. 2018. Water Science School Temperature and Water. Available at: <a href="https://www.usgs.gov/special-topics/water-science-school/science/temperature-and-water#:~:text=Warm%20water%20holds%20less%20dissolved,aquatic%20life%20at%20higher%20temperatures">https://www.usgs.gov/special-topics/water-science-school/science/temperature-and-water#:~:text=Warm%20water%20holds%20less%20dissolved,aquatic%20life%20at%20higher%20temperatures</a></p> <p>31 Resource Conservation District of the Santa Monica Mountains. 2017. A Longitudinal Temperature Profile of the Los Angeles River From June Through October 2016: Establishing a Baseline. Available at:</p>	<p>to Dr. Stefani Daryanto by sending an email to: <a href="mailto:Stefani.Daryanto@waterboards.ca.gov">Stefani.Daryanto@waterboards.ca.gov</a>.</p> <p>The Los Angeles Regional Water Board will be carrying out studies to assess the suitability of current temperature objectives, not to reevaluate temperature TMDLs. There are no TMDLs for temperature in the Los Angeles Region. Please see Staff Report section 8.7.1: Los Angeles Scheduling and Efforts to Address Impaired Waters for scheduling and efforts to address impaired waters in the Los Angeles Region. Comments about specific TMDLs and TMDL development should be addressed to the Los Angeles Regional Water Board's <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">Total Maximum Daily Load program</a> (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p> <p>The commenter is invited to submit their temperature data, ensuring that it meets formatting and quality assurance requirements detailed in section 6.1.4 of the Listing Policy and the notice of solicitation (Listing Policy, Section 6.1.1.), during the next data solicitation period. Visit the <a href="https://www.waterboards.ca.gov/water_issues/programs/surface_water_quality_assessment/">Surface Water Quality Assessment Program's webpage</a> to sign up for the Integrated Report's email list to receive notifications and the latest updates, including notices about data solicitation (<a href="https://www.waterboards.ca.gov/water_issues/programs/surface_water_quality_assessment/">https://www.waterboards.ca.gov/water_issues/programs/surface_water_quality_assessment/</a>).</p>

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	<p><a href="https://www.rcdsmm.org/wp-content/uploads/2016/04/2016-LA-River-Temp-Report.pdf">https://www.rcdsmm.org/wp-content/uploads/2016/04/2016-LA-River-Temp-Report.pdf</a></p> <p>32 Id.</p> <p>33 Abdi, Reza; et al. 2022. Thermal Suitability of the Los Angeles River for Cold Water Resident and Migrating Fish Under Physical Restoration Alternatives. doi.org/10.3389/fenvs.2021.749085. Available at: <a href="https://www.frontiersin.org/articles/10.3389/fenvs.2021.749085/full">https://www.frontiersin.org/articles/10.3389/fenvs.2021.749085/full</a></p>	
023.38	Thank you for the opportunity to comment on the Draft 2024 California Clean Water Act Section 303(d) List and Integrated Report.	Comment noted.

**Letter 24: Mark Norton, Lake Elsinore and Canyon Lake TMDL Task Force**

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024.01	The Lake Elsinore and Canyon Lake Nutrient TMDL Task Force (TMDL Task Force) appreciates the opportunity to comment on the 2024 Draft Integrated Report.	Comment noted.
024.02	The TMDL Task Force does not agree with the proposed recommendation to maintain impairment listings for Lake Elsinore for DDT and PCBs. The data relied on to maintain the listing for DDT in Lake Elsinore are based on elevated fish	Changes to listing recommendations were not made in response to this comment; however, additional LOEs

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	<p>tissue concentrations observed from a State Water Resources Control Board (State Water Board) 2007 study, and for PCBs, this 2007 study and a study going back to 1994. These older studies are not reflective of current fish tissue data. Moreover, and as discussed below, the fish tissue concentrations from the 2007 study shows a dramatic decline as compared to previous data from the 1980s, indicating that there is a trend in the decline of DDT and PCBs in fish from Lake Elsinore. This, and other evidence, support a decision of delisting for DDT and PCBs in Lake Elsinore.</p> <p>In 2019, LESJWA, on behalf of the TMDL Task Force, commissioned a study to evaluate how fishery management in Lake Elsinore could be used to improve water quality under a pending revision to the 2004 TMDL and to evaluate trends in PCB and DDT fish tissue concentrations over time. Among other things, the 2019 study included collection and tissue analysis of various fish species. The fish tissue results from the 2019 study, as well as the Quality Assurance Project Plan, were submitted to CEDEN in response to the 2024 Integrated Report Data Solicitation Notice. In summary, 10 composite results from collected fish tissue are well below the OEHHA Fish Contaminant Goals of 15 ng/wet g and 2.6 ng/wet g for Total DDT and Total PCBs, respectively. For Total DDT, the results ranged from 0.24 ng/wet g to 3.20 ng/wet g; for Total PCBs, the results were 6 composite samples of non-detect (ND) and the highest result was 1.53 ng/wet g.</p>	<p>were added to account for fish tissue samples that were inadvertently excluded.</p> <p>The study undertaken in 2019 to collect various fish species and analyze fish tissue for PCBs and DDT is appreciated, especially considering that the statewide program to assess bioaccumulation of various analytes in fish tissue could not adequately sample Lake Elsinore in 2017 due to the lake's shallow depth and lack of visibility from algae. In 2017, only two bass were caught at one location and although carp were seen at both locations, carp were not selected for analysis of PCBs or DDT. The statewide program samples various lakes on a 10-year cycle, so as noted in the comments provided, the last year that fish tissue data were collected for Lake Elsinore occurred in 2007.</p> <p>The ongoing efforts to reduce the carp population and stock bigger sport fish is applauded. Carp disturb the bottom of the lake and can resuspend sediments releasing nutrients for algae growth. The lake is now dominated by smaller fish (e.g., ~96% of the fish are less than 3.5 cm in length).</p> <p>The QAPP for the 2019 study to collect fish stated that the targeted fish were carp, largemouth bass, crappie, and channel catfish and that the goal was to collect 15 individuals of each species which would then be composited into 3 composites with at least 3 fish per composite. Carp and largemouth bass that were of similar length to those caught in 2007 were targeted. For</p>

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		<p>comparison, in 2007, 10 carp were collected with total lengths ranging from 460-518 mm and 22 largemouth bass were collected ranging in total length from 195-395 mm (ref 3476). Three largemouth bass assessed in 2019 had total lengths ranging from 170-214 mm. No bluegill or channel catfish have been assessed prior to 2019, although bluegill were observed, but not caught, in 2007.</p> <p>The number of samples needed to delist a waterbody using Table 4-1 requires a minimum of 28 samples with 2 or fewer exceedances. While the commenters want to use Section 4-10 "Trends in Water Quality" to remove the current listings for PCBs and DDT in Lake Elsinore, at this time there is not sufficient data to propose a delisting. (See section 4-10, which requires for a delisting, "The factors for assessing trends in water quality (section 3.10) are not substantiated (steps 1 through 4) or impacts are no longer observed (step 5).") Steps 1 through 4 in section 3.10 are: 1. Use data collected for at least three years; 2. Establish specific baseline conditions; 3. Specify statistical approaches used to evaluate the declining trend in water quality measurements; 4. Specify the influence of seasonal effects, interannual effects, changes in monitoring methods, changes in analysis of samples, and other factors deemed appropriate.</p> <p>Although progress has been made to collect additional fish and analyze fish tissue for the contaminants, there are still lingering questions such as the possibility of input of PCBs from disturbance of sediments from the San Jacinto watershed and disturbance of sediments within the lake bottom itself that would allow those contaminants</p>

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		<p>to become bioconcentrated in the food web. As pointed out above, 2019 was the first year that fish tissue from bluegill and channel catfish has been analyzed for PCBs and DDT.</p> <p>One of the requirements in using the trends section of the listing policy is the requirement to use data collected for at least three years and to establish baseline conditions. As explained above, there were no previous fish tissue analyses of channel catfish nor of bluegill, and therefore, the conditions observed in 2019 for these species might serve as the baseline conditions in future assessments.</p> <p>The statewide program specifically targets both top predatory species (e.g., trout and largemouth bass) as well as bottom feeders (e.g., catfish and carp) with high lipid content that accumulate organics. For these reasons, the statewide program did not specifically target bluegill.</p> <p>Santa Ana Water Board staff are committed to working with the commenter on future studies looking at PCBs and DDT in fish tissue in Lake Elsinore.</p>
024.03	<p>The weight of evidence supports delisting of Lake Elsinore for Total DDT and Total PCBs.</p> <p>The multiple lines of evidence that support delisting of Lake Elsinore for these contaminants include all of the following:</p> <ul style="list-style-type: none"> <li>• The pollutants of concern are legacy pollutants that have been banned from use for a number of years.</li> </ul>	<p>Changes listing recommendations were not made in response to this comment; however, additional LOEs were added to account for fish tissue samples that were inadvertently excluded.</p> <p>Please see response to Comment 024.02.</p>

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	<p>Thus, no new sources of DDT and PCBs are being added to the environment and they continue to degrade with time, as is evidenced by the fish tissue data collected for Lake Elsinore.</p> <ul style="list-style-type: none"> <li>• Recent data clearly shows that bioaccumulation of DDT and PCBs in fish tissue is well below applicable OEHHA fish contaminant goals</li> <li>• When the recent data is combined with historical data from the 1980s and 2007, the combined data set provides significant evidence that these legacy pollutants have declined significantly over time to the point that they are no longer bioaccumulating at levels that are of concern in fish in Lake Elsinore.</li> </ul> <p>Accordingly, the TMDL Task Force hereby requests that the DDT and PCBs listings for Lake Elsinore be removed as part of the 2024 Integrated Report process. The TMDL Task Force's request is supported by recent fish tissue analysis data reported to CEDEN on behalf of the TMDL Task Force as well as other site-specific weight of evidence. In summary, the recent data combined with the other evidence shows that Lake Elsinore is attaining standards as it relates to impairment listings based on Total DDT and Total PCBs. Accordingly, pursuant to section 4.11 of the Listing Policy, Lake Elsinore should be delisted for these constituents.</p>	
024.04	<p>Considering the natural variability of TDS in Lake Elsinore, the LECL Task Force disagrees with the proposed decision to list Lake Elsinore for TDS. First, and as noted, the site-specific objective of 2,000 mg/L was based on historical water</p>	<p>In reviewing this comment, changes were made to LOEs and listing recommendations for reasons other than those raised in this comment.</p>

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	<p>quality at the time that the Basin Plan was adopted and was not associated with the WARM beneficial use. The 2024 Draft Integrated Report falsely associates the TDS objective with the WARM beneficial use (LOEs 239961, 239964, 239962, 239963, 239960, 239987). Second, although the Basin Plan includes the site-specific objective for TDS, the Basin Plan also notes that water quality is highly variable. This footnote, which is part of Table 4-1 in the Basin Plan, is further evidence that the site-specific objective for TDS for this Lake is not associated with protecting any specific beneficial use. It also suggests that the objective was not intended to be used for determining impairment because of the Lake’s natural variability. Further, there is no evidence available that suggests that TDS levels in Lake Elsinore are impairing any beneficial use.</p> <p>In light of Lake Elsinore’s uniqueness and historical variability for TDS, there is sufficient evidence for the State Water Board to rely on to decline listing Lake Elsinore as an impaired waterbody.</p>	<p>While reviewing the TDS Decision for Lake Elsinore, Water Board staff revisited the language on page 4-10 of the Basin Plan, which states “The dissolved mineral content of the waters of the region, as measured by the total dissolved solids test (“Standard Methods for the Examination of Water and Wastewater, 16th Ed.,” 1985: 209B (180°C), p. 95), shall not exceed the specific objectives listed in Table 4-1 <u>as a result of controllable water quality factors</u>” (emphasis added). The TDS objective for Lake Elsinore is one of the objectives listed in Table 4-1, and therefore this language applies to this objective.</p> <p>For this listing cycle, and in response to this comment, Water Board staff have not yet undertaken the evaluation of information in the Integrated Report record to determine that the exceedances are the result of controllable water quality factors, which means it is uncertain whether there is sufficient information to evaluate whether the objectives are exceeded as a result of controllable water quality factors.</p> <p>However, the number of exceedances out of the number of samples, using the Listing Policy binomial distribution, indicate beneficial uses may be potentially threatened. Therefore, as an interim approach until waterbody-specific information on controllable water quality factors is evaluated or added to the record, the weight of evidence indicates that there is sufficient information to place this waterbody-pollutant combination in Category 3 of the</p>

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		CWA section 305(b) report portion of the Integrated Report.
024.05	<p>[T]he State Water Board’s use of the 2018 Aluminum Criteria appears to ignore critical qualifying statements from U.S. EPA that are directly applicable to the state’s listing process. Most significantly, it is well understood that total recoverable analytical methods for aluminum likely overestimate the biological available fraction of aluminum – which is the fraction of aluminum that is of concern to aquatic life. (See, e.g., U.S. EPA, Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum (Draft Aluminum TSD), EPA-800-D-21-001, November 2021, p. 22, [“Over the last three decades, the scientific consensus has been that the total recoverable method for aluminum potentially overestimates the biologically available fraction and that a method that better addresses dissolved aluminum and aluminum bound to particulate matter would be useful and more accurately reflect toxicity under natural stream conditions.”].)</p> <p>Because of this concern, U.S. EPA recognizes that analytical methods that measure bioavailable aluminum would provide more accurate information with respect to the toxic fraction of aluminum when measuring aluminum in ambient receiving waters and that analytical methods promulgated under 40 CFR Part 136 may not be appropriate for impaired waterbody listing purposes. (See Draft Aluminum TSD, pp. 22-23.) Specifically, U.S. EPA states the following with respect to</p>	<p>Please see responses to comment 009.04 and 009.05.</p> <p>Decision ID 133722 for San Jacinto River, Reach 1 for Aluminum was revised from “List” to “Do Not List.” See response to comment 024.06 for more information on this change.</p>



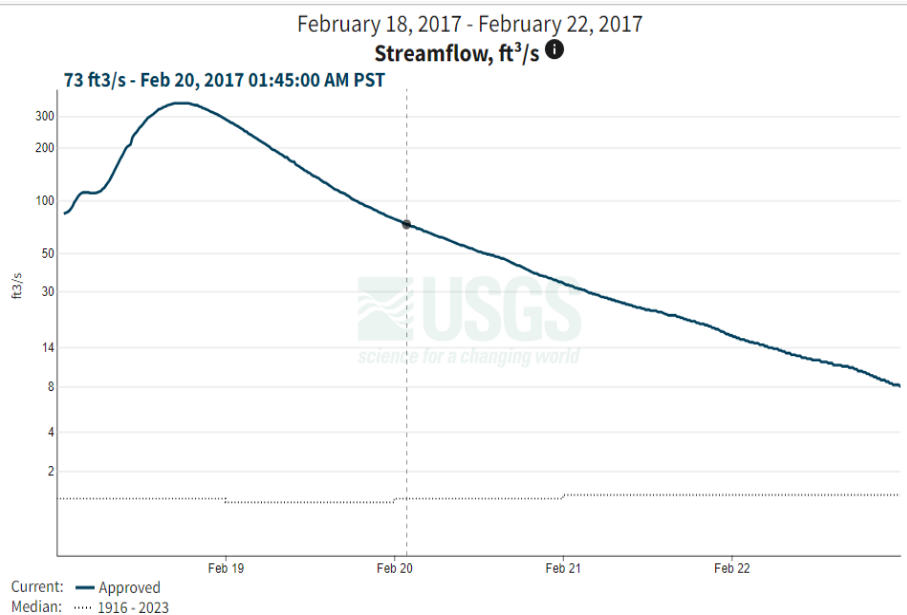
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	<p>using total recoverable aluminum samples for 303(d) listing purposes:</p> <p>EPA's existing regulations applicable to implementation of CWA Section 303 programs, which include assessment and listing of waters, do not require the use of analytical test methods promulgated at 40 CFR Part 136, nor do the regulations apply to the determination of a need for a WQBEL.... A state or authorized tribe is not required to use all available data and information to make listing decisions, including total recoverable data, where it can provide a technical, science-based rationale for the exclusion of such data and information. 40 CFR 130.7(b)(6)(iii). For example, a state or authorized tribe may be able to demonstrate that total recoverable aluminum samples are not representative of water quality conditions because non-toxic forms of aluminum are leading to an exceedance of the criteria. In such cases, the state or authorized tribe may decline to rely on total recoverable data, or may assign greater weight to bioavailable data if it is more representative of water quality for listing purposes.</p> <p>(Draft Aluminum TSD, p. 23.)</p> <p>Taking to heart EPA's comments in the Draft Aluminum TSD and in conjunction with 40 CFR 130.7(b)(6)(iii), the State Water Board should reevaluate its proposed listing of aluminum for San Jacinto River Reach 1. Specifically, the data being relied on to support the listing is in fact total recoverable aluminum data that is magnitudes higher than</p>	

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	dissolved data for the same samples. The dissolved data for the same samples are well below the 2018 Aluminum Criteria.	
024.06	<p>More specifically, Decision ID 133722 states that there are 6 lines of evidence and that two samples exceed the evaluation guideline that is the 2018 Aluminum Criteria. The two samples that exceed the criteria are in fact the total recoverable fraction of aluminum and not the bioavailable fraction. The bioavailable fraction for both samples is well below the criteria. For the 2013 sample (LOE 307254), the total recoverable aluminum fraction was 1150 ug/L as compared to a dissolved fraction of 6 ug/L. For the 2017 sample, (LOE 307270), the total recoverable fraction was 1900 ug/L as compared to a non-detect for the dissolved fraction.</p> <p>Further, the sample taken on February 20, 2017, should be excluded because it was collected after significant storm events and is a sample of stormwater coming over the Canyon Lake spillway.<sup>2</sup> Listing Policy, section 6.1.5.3., states as follows: “Samples should be representative of the critical timing that the pollutant is expected to impact the water body. Samples used in the assessment must be temporally independent. If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.” (Listing Policy, p. 23.) It is well documented that the 2017 sample was taken at the Canyon Lake Spillway, and that the date of the sample followed significant storm events. Thus, the total</p>	<p>Please see response to comments 009.04 and 009.05 regarding use of aluminum total fraction and dissolved fraction data.</p> <p>Changes to the listing recommendation were made in response to this comment.</p> <p>The decision for San Jacinto River, Reach 1 for Aluminum (Decision ID 133722) was changed from “List” to “Do Not List”.</p> <p>In accordance with Section 6.1.5.3 of the Listing Policy, the February 20, 2017 total aluminum sample should be excluded from use as a primary data set supporting the listing decision because the sample was collected after a significant storm event.</p> <p>There were a series of storms in late 2016 and early 2017. The storm event that occurred in February 2017 was preceded by a larger storm event that occurred from January 18 to January 24. According to a news release in the Friday Flyer “Storm rolls through Canyon Lake, leaves behind damage, dam spills and flooding” (2017), (<a href="https://fridayflyer.com/article/2017-01-27/storms-rolls-through-canyon-lake-leaves-behind-damage-dam-spills-and-flooding/">The Friday Flyer   Storms rolls through Canyon Lake, leaves behind damage, dam spills and flooding</a> (<a href="https://fridayflyer.com/article/2017-01-27/storms-rolls-through-canyon-lake-leaves-behind-damage-dam-spills-and-flooding/">https://fridayflyer.com/article/2017-01-27/storms-rolls-through-canyon-lake-leaves-behind-damage-dam-spills-and-flooding/</a>), accessed 8/14/2023), the Elsinore Valley</p>

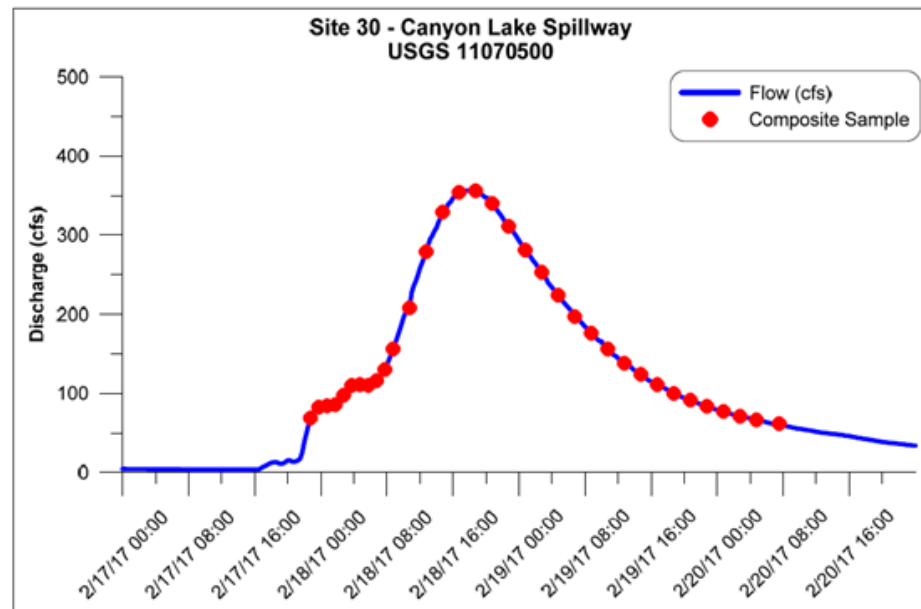
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	<p>recoverable fraction represents significant sediment in the sample, and aluminum was not bioavailable.</p> <p>With the exclusion of the 2017 sample, there remains only one exceedance of the total recoverable fraction, which is the 2013 sample. A single exceedance is not sufficient to support listing on the State’s 303(d) list. (Listing Policy, p. 9.) Further, the 2013 sample appears to be from a Multiyear Report for Wadeable Streams Bioassessment prepared in 2017. However, review of Final Report provides little documentation or information about the location and physical characteristics of for the 2013 sample. Even if the State Water Board does not exclude the questionable 2013 sample, it alone does not support a finding of impairment.</p> <p>Footnote 2: It is a well-known fact that aluminum makes up about 7% of the earth’s crust and is ubiquitous throughout the environment. Stormwater naturally contains sediment that includes aluminum bound to soil particles. Aluminum that is bound to soil, and conveyed during storm events, is naturally occurring and should not be the basis for determinations of impairment.</p>	<p>Municipal Water District (“EVMWD”), was able to flush the two 48 inch gate valves at the base of the dam as part of their routine maintenance program. There’s an overflow pond on the other side of the dam, which is near the location of station 802RCF841 (Canyon Lake Spillway), and adjacent to the Canyon Lake Water Treatment Plant intake. According to the news report, EVMWD also conducted water quality sampling downstream of the dam.</p> <p>Although aluminum sulfate, i.e., alum, was applied to Canyon Lake February 8-13, 2017, it would have settled to the bottom of Canyon Lake prior to the February 18<sup>th</sup> storm event.</p> <p>The USGS gaging station 11070500, San Jacinto River, near Elsinore, CA, with streamflow in cubic feet per second (“cfs”) for the period February 18-February 22, 2017, is shown in Figure 1, below. As depicted in Figure 1, the peak flow was recorded at 356 cfs on February 18, 2017, and by the end of February 20, 2017, the flow decreased to 34.0 cfs.</p> <p>Figure 2, below, obtained from the Final Lake Elsinore and Canyon Lake Watersheds Nutrient TMDL Monitoring 2016-2017 Annual Report (Amec Foster Wheeler, 2017) shows the sampling conducted over the hydrograph for the February 17-20, 2017 storm event. One of those samples collected on February 20, 2017, was analyzed for total aluminum.</p>

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		There is only one other sample (LOE ID 307254) that exceeds the aluminum criterion for total aluminum and one exceedance is not sufficient to support a listing decision.
024.07	Accordingly, the evidence in the record indicates that there is no threat of impairment of the intermittent beneficial uses and that San Jacinto River Reach 1 should not be listed for aluminum.	Changes to listing recommendations were made in response to this comment. For more information, see response to comment 024.06.

**Figure 1:** Streamflow, in cfs, for USGS Gaging Station 11070500 (Canyon Lake Spillway) for the February 2017 Storm Event



**Figure 2:** Composite Samples Taken During Second Storm Event at Canyon Lake Spillway (February 17-20, 2017)



**Figure 2-21.** Hydrograph of Second Storm Event at Canyon Lake Spillway (February 17-20, 2017)

**Letter 25: Erika Bensch, Los Angeles County Sanitation Districts**

No.	Comment	Response
025.01	<p>The Sanitation Districts commend State Board staff for their diligent implementation of the Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (Listing Policy) to produce a Draft List that is generally well-documented and scientifically valid. In addition, the Sanitation Districts greatly appreciate the efforts of the State Board staff to ensure this list was as complete as possible in the data evaluated, particularly the work in including California Integrated Water Quality System (CIWQS) in the development of Lines of Evidence. State Board staff were also very helpful in addressing questions and meeting with us during the preparation of these comments and their assistance was greatly appreciated.</p>	<p>Comment noted.</p>
025.02	<p>The Sanitation Districts have concerns on some aspects of the Draft List, particularly where the listing thresholds used in the Staff Report appear to differ from receiving water quality objectives contained in the Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) and other regulatory programs.</p>	<p>See responses to comment 025.07 for more information on the criteria for chlorine, and response to comments 025.11, 025.18, 025.21, 025.24, and 025.28 regarding assessments for chlorine in specific waterbodies.</p> <p>See response to comments 025.15 and 025.16 for more information on the criteria used for assessments for DDT.</p> <p>All of the freshwater ammonia decisions in the Los Angeles Region were originally evaluated using the wrong water quality objective. See response to comment 025.17 for more information on corrected assessments for ammonia, and Appendix W: List of Los Angeles and</p>

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		Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.
025.03	Additionally, there appear to be data errors that impact some listing decisions. General comments relating to these concerns are provided below and detailed specific comments for each listing are provided in Attachment 1 and appendices to this letter.	<p>Comment noted.</p> <p>See response to comments 25.04 through 025.31 for responses to comments about specific listing recommendations.</p>
025.04	<p>1. Data Were Incorrectly Attributed to Some Reaches</p> <p>The Draft List contains two newly proposed listings based, in part, on data collected from incorrect reaches. Specific listings where this appears to have occurred include the lambda-cyhalothrin listing for Santa Clara River Reach 5; the sediment toxicity associated with the DDT listing for San Gabriel River Reach 1; and the associated sediment chemistry for this DDT listing.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see responses to comments 025.16 and 025.26.</p> <p>Santa Clara River Reach 5 (Blue Cut gaging station to West Pier Hwy 99 Bridge) – Cyhalothrin, Lambda (Decision ID 137137)</p> <ul style="list-style-type: none"> <li>• See response to comment 025.26 for a discussion of the station and data used in this assessment.</li> <li>• Changes to listing recommendation were not made. The listing recommendation is “List on 303(d) list (TMDL required list)”</li> </ul> <p>San Gabriel River Reach 1 – DDT (Dichlorodiphenyltrichloroethane) (Decision ID 149820)</p> <ul style="list-style-type: none"> <li>• See response to comment 025.16 for information on the station that was mapped to San Gabriel River Reach 1 instead of San Gabriel River</li> </ul>

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		<p>Estuary. LOEs associated with this station were removed from the decision, but it did not affect the listing decision.</p> <ul style="list-style-type: none"> <li>The listing recommendation for DDT in San Gabriel River Reach 1 was revised from “List” to “Do Not List” in response to another comment. Please see response to comment 025.15 for further discussion.</li> </ul>
025.05	<p>2. Multiple Duplicative Lines of Evidence (LOEs)</p> <p>The Draft List contains a number of newly proposed listings where specific analytical results and, in some cases, entire LOEs were duplicated for protection of the same Beneficial Use. Specific Reaches where this appears to have occurred include the Santa Clara River Reach 5, San Gabriel River Reach 3, and Coyote Creek.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comments 025.10, 025.11, 025.12, and 025.14 for decisions in Coyote Creek where duplicate LOEs were found. Additionally, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p> <p>No duplicate LOEs were found in a review of LOEs in assessments for Santa Clara River Reach 5 or San Gabriel River Reach 3. Please see response to comment 025.17 for ammonia in San Gabriel River Reach 3. The commenter does not identify specific decisions or pollutants in Santa Clara River Reach 5 where they detected a duplicate LOE or explain in detail the “specific analytical results” that may have been duplicated. The commenter may contact State Water Board staff and provide this information to aid in an inquiry. This can be</p>



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		done by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a> .
025.06	<p>3. The Draft List Includes Unnecessary “TMDL Required” Recommendations for Temperature</p> <p>The Draft List contains proposed “Category 5, TMDL Required” listings for temperature, specifically in Coyote Creek, Rio Hondo Reach 3, San Gabriel River Estuary, San Gabriel River Reach 3, San Jose Creek Reach 1, and South San Jose Creek. The Sanitation Districts acknowledge the elevated temperatures and the need for action. However, the State Water Board provides a subset of category 5 to account for impairments that are being addressed outside of a TMDL. Along these lines, Section 2.2.2 of the Listing Policy state that if a segment has a water quality impairment and the Regional Water Quality Control Board has determined that an existing regulatory program is expected to result in the attainment of the water quality standard within a reasonable, specified time frame that such a (Category 5C) listing would be appropriate.</p> <p>Since 2021, each of the Sanitation Districts’ facilities that discharge to Region 4 inland surface waters have had NPDES permits renewed, and each permit includes a compliance schedule, as allowed by the NPDES Compliance Schedule Policy. These compliance schedules include specific milestones with deadlines, including completion of technical studies and implementation of management actions. Because these compliance schedules are included in the</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the listing recommendations for all the waterbodies provided by the commenter (aside from San Gabriel River Estuary) were revised from “List” to “Do not List” because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by the narrative water quality objective for WARM. Please see response to comment 026.10 for more information.</p> <p>The temperature listing recommendation for San Gabriel River Estuary was revised from “List” to “Do not List” due to the removal of Migratory and Spawn LOEs which used an inappropriate evaluation guideline to assess beneficial use attainment. Please see response to comment 025.30 for more discussion on this issue.</p> <p>The 2024 California Integrated Report does not contain an Integrated Report Condition Category “5C.” The categories in the Integrated Report used to identify an impaired waterbody as being addressed by “an existing regulatory program is reasonably expected to result in the attainment of the water quality standard within a reasonable, specified time frame” (section 2.2.2 of the Listing Policy), often referred to as a TMDL alternative, is Category “4b” or if there is an applicable restoration plan, “5r.”</p>

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	Sanitation Districts' NPDES permits, temperature falls under a Category 5C listing and should not require a TMDL.	<p>Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. Whereas, a TMDL requirement status (e.g., 5C) is applied for each waterbody-pollutant combination. In an effort to improve clarity surrounding the status of a waterbody's condition category, State Water Board staff are working to reconcile references to waterbody condition categories and waterbody-pollutant combination TMDL statuses. See Staff Report section 2.5: Integrated Report Condition Categories for more information.</p> <p>To qualify for a Category 4b or 5r approach to address an impaired waterbody-pollutant combination, evidence must demonstrate reasonable assurance that water quality standards will be attained within a reasonable time period, or there would need to be a plan in place to address the waterbody impairment and a TMDL is not required. Categorizing a waterbody as 5r (formerly 5alt) requires a non-TMDL restoration project or action that may result in attainment of standards, and the TMDL requirement remains. Impaired waters under 5r shall remain on the CWA 303(d) list until water quality standards are achieved or a TMDL is developed. Taking into account the severity of the pollution and uses, such waters might be assigned lower priority for TMDL development as alternative restoration approaches expected to meet water quality standards are pursued in the near-term. (U.S. EPA Memorandum: Information Concerning 2016 Clean Water Act Section 303(d), 305(b), and 314 Integrated Reporting and Listing</p>

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		<p>Decisions, 2015) See section 2.5 of the Staff Report for additional information on Category 4b and 5r.</p> <p>As well, technical studies and the implementation of management actions conducted to comply with an NPDES permit may be sufficient to justify a 4b or 5r categorization for temperature if discharges from NPDES discharges are the only source or cause of temperature exceeding water quality objectives in the waterbody; however, no studies or management actions have been considered for this purpose. The commenter is encouraged to submit technical studies and management action documentation for 4b or 5r consideration. A 4b demonstration would also need to be approved by the U.S. EPA.</p>
025.07	<p>4. Thresholds Used for Chlorine Residual Impairment Listings Are Inconsistent With Basin Plan Objectives</p> <p>The Draft List contains a number of newly proposed listings for chlorine residual that include Coyote Creek, San Gabriel River Estuary, San Gabriel River Reach 2, San Jose Creek Reach 1, and Santa Clara River Reach 5. These listings should be removed for the reasons below.</p> <p><u>The Chlorine Residual Impairment Criterion is Inconsistent with the Basin Plan Water Quality Objective</u></p> <p>The Staff Report fact sheets for the specific listings mentioned above state that freshwater sites with four-day average chlorine residual values above the USEPA recommended</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The waterbodies noted by the commenter were assessed for aquatic life beneficial uses using chlorine criteria recommended by U.S. EPA. The criterion for the protection of aquatic life in freshwater is 11 µg/L calculated as a 4-day average and the criterion for the protection of aquatic life in saline water of 7.5 µg/L calculated as a 4-day average (U.S. EPA Quality Criteria for Water, 1986). These criteria meet the evaluation guideline requirements of section 6.1.3 of the Listing</p>

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	<p>chlorine criterion of 11 micrograms per liter (ug/L) were considered exceedances. Saline samples above 8.2 ug/L (per the California Toxics Rule) were considered exceedances. However, the Basin Plan states that “Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 milligrams per liter (mg/L) and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses.” Further, the objectives used in the fact sheets are below the detection limit of field-based methods, which results in hundreds of non-detect data points being misrepresented. Therefore, a single-test threshold of less than 0.1 mg/L chlorine residual should be used to determine impairments for chlorine residual.</p>	<p>Policy to interpret the chlorine narrative water quality objective in the Los Angeles Basin Plan.</p> <p>The Los Angeles Basin Plan states that “<i>Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses.</i>” Per the explicit first clause of the objective, the 0.1 mg/L objective is used only when testing chlorine residual in discharges to surface water, not in receiving waters themselves. The assessment of chlorine residual in the California Integrated Report is based on the second half of the water quality objective, assessing potential impairment caused by the concentration of chlorine in receiving waters, not those at surface water discharges.</p> <p>The evaluation guidelines used to interpret the Los Angeles Basin Plan chlorine water quality objective in freshwater and saline waters are also the U.S. EPA Criteria which are used to assess chlorine concentrations that cause impairment of freshwater aquatic life beneficial uses and saline water aquatic life beneficial uses, not chlorine concentrations in waste discharges.</p> <p>Additionally, the commenter incorrectly references the California Toxics Rule when identifying the source of the chlorine evaluation guideline for saline waters and incorrectly identifies the saline water evaluation guideline</p>

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		<p>value as 8.2 ug/L. The U.S.EPA Criteria for saline water aquatic life is 7.5 ug/L.</p> <p>The chlorine evaluation guidelines for aquatic life beneficial uses are lower than the method detection limit of 0.1 mg/L referenced by the commenter. Any non-detect results (“ND”) in submitted data cannot be counted toward the total sample count because it cannot be determined if the NDs represent values that are higher or lower than the evaluation guidelines. For further information on this issue, please see response to comment 040.131 on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations. Additionally, see response to comment 025.11 for a discussion of test methods for chlorine, including Alternate Test Procedures.</p> <p>Please see response to comment 025.24 for details regarding revisions to the Chlorine assessment for Santa Clara River Reach 5 (Blue Cut gaging station to West Pier Hwy 99 Bridge) (was named Santa Clara River Reach 7 on 2002 303(d) list).</p> <p>Please see response to comment 025.11 for details regarding revisions to the Chlorine assessment for Coyote Creek.</p> <p>No revisions were made to Chlorine assessments for San Gabriel River Estuary, San Gabriel River Reach 2, or San Jose Creek Reach 1.</p>

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025.08	<p>5. Specific Comments on Individual Reach/Pollutant Listing Decisions</p> <p>In addition to these general comments, the Sanitation Districts have comments on specific listing decisions. As stated above, detailed comments are provided in the appendices to this letter. Because the implications of unnecessary or erroneous listings are substantial, the Sanitation Districts urge the State Board to consider this information in making the appropriate changes to the Draft List.</p>	Please see response to comments 025.10 through 025.31.
025.09	The Sanitation Districts would like to thank the State Board for its efforts up to this point in revising the proposed 2024 303(d) List. We urge the State Board to consider the information and analysis contained in this letter to complete the development of a scientifically and legally defensible list with a sound and consistent basis.	Comment noted.
025.10	<p>Water Body: Coyote Creek</p> <p>Pollutant: Chloride, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Does not meet Listing Criteria; Table 3.2.</p> <p>The State Water Resources Control Board, (State Water Board) is proposing that a new listing for impairment due to</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Responsibility for the assessment of data and mapping for Coyote Creek was transferred from the Santa Ana Regional Water Board to the Los Angeles Regional Water Board as Coyote Creek borders the two Regional Water Boards. During the transfer, LOEs for newly submitted data were inadvertently duplicated and included in many Coyote Creek assessments. Pairs of duplicate LOEs were identified and one LOE was deleted while the other LOE</p>

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	<p>chloride exceedances be made to the 303(d) list for Coyote Creek. The Los Angeles County Sanitation Districts (Sanitation Districts) believe this proposed listing is inappropriate and recommend not listing due to the Lines of Evidence (LOEs) not meeting the listing criteria in table 3.2 of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy).</p> <p>Of the 12 provided LOEs for chloride in Coyote Creek, 4 appear to be duplicative data sets that reference the same sample dates, times, results and number of exceedances (LOEs 240292, 240360, 240291, and 240359 appear duplicative of LOEs 298275, 298114, 295274, and 298112, respectively). Overall, regardless of whether the duplicates are included, the total number of exceedances is still below the minimum number necessary to list the contaminant for a water body using the binomial distribution.</p> <p>According to Table 3.2 of the Listing Policy, up to 22 exceedances, of 138 samples, are allowable before a listing is necessary. Excluding duplicate LOEs, 4 exceedances have been identified out of 138. In addition, the Sanitation Districts' data appear to be used only to demonstrate compliance with the MCL (impacting the MUD beneficial use), but not WARM beneficial uses. We recommend removing duplicates and reassessing the LOEs to determine compliance with the appropriate beneficial uses.</p>	<p>was retained for the assessment. The listing recommendation for Coyote Creek was revised from "List" to "Do Not List."</p> <p>For a complete list of the duplicate LOE pairs, associated Decision IDs, LOEs retained and LOEs deleted, and changes to decision listing statuses, if applicable, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p> <p>In addition, LOEs associated with the MUN beneficial use have been removed from Coyote Creek and other waterbodies where the use was found to be conditionally designated. See response to comment 007.134 for more information on this issue.</p>

No.	Comment	Response
025.11	<p>Water Body: Coyote Creek</p> <p>Pollutant: Chlorine, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Reanalyze data using Basin Plan Objective</p> <p>Based upon EPA National Recommended Aquatic Life Water Quality Criteria for chlorine, an objective of 11 ug/L was used for assessment of Coyote Creek. Per the Listing Policy, data are excluded if the reporting limit (RL) associated with a measurement is above the objective. Total residual chlorine is routinely monitored in the field at Coyote Creek, with an RL typically between 50 - 100 ug/L. Therefore, an overwhelming majority of LACSD data were excluded from assessment for the purpose of 303d listing.</p> <p>40 CFR Part 136.3 specifies that total residual chlorine (TRC) measurements must be conducted within 15 minutes of sample collection, as light and exposure to air reduce chlorine levels rapidly. Due to the time constraints, receiving water samples are analyzed in the field using portable handheld colorimeters, instead of in the lab using laboratory-maintained instruments. With many more variables including light, dust, humidity, temperature, cross contamination, etc., these uncontrolled field conditions are considerably different than ideal laboratory conditions. As a result, the field conditions may adversely affect the sensitivity of the method. Using the most sensitive analytical method available for chlorine</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Under 40 C.F.R. Part 136, Table IB – List of Approved Inorganic Test Procedures, there are several U.S. EPA approved standard methodologies available to test for chlorine residuals. The commenter is correct in stating that the guidance directs those testing to analyze receiving water samples within 15 minutes of collection. As the commenter used an appropriate method as noted in their NPDES permit and submitted all readily available data per the requirements of the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">June 29, 2020 Data Solicitation Notice</a>, (https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf), the data would have been processed to determine if it meets the minimum quality assurance requirements as outlined in section 6.1.2 (Administration of the Listing Process) and section 6.1.4 (Data Quality Assessment Process) of the Listing Policy.</p> <p>Any changes to the quality assurance requirements for data use would require an amendment to the Listing Policy. Changes to the chlorine residual standard methodologies may require submission of an Alternative Test Procedure (“ATP”) application to the U.S. EPA under 40 C.F.R. § 136.4 and 136.5 or a modification of the methodology under 40 C.F.R. § 136.6.</p>



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	<p>residual, the field RL is almost 10 times higher than the threshold objective of 11 ug/L. This low threshold is not achievable and is inappropriate to apply to the Sanitation Districts' data. Based upon these technical constraints, the Basin Plan objective (0.1 mg/L) for the protection of aquatic life, and permit limits, we recommend reassessing the data using the Basin Plan objective. This would result in a recommendation of Do Not List.</p>	<p>The evaluation guideline used in the listing recommendations for chlorine in the 2024 California Integrated Report is consistent with the water quality objective in the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties ("Los Angeles Basin Plan") as the U.S. EPA Criteria is used to assess chlorine concentrations that cause impairment of beneficial uses, not chlorine concentrations in waste discharges. For Coyote Creek (Decision ID 132541), the evaluation guideline selected to assess chlorine impairment of the WARM beneficial use is the U.S. EPA recommended chlorine criterion for the protection of aquatic life in freshwater of 11 µg/L (4-day average). This criterion meets the evaluation guideline requirements of section 6.1.3 of the Listing Policy. Please see response to comment 025.07 for additional information regarding the chlorine water quality objective in the Los Angeles Basin Plan.</p> <p>Additionally, see response to comment 025.10 regarding the transference of Coyote Creek from the Santa Ana Region to the Los Angeles Region during the 2024 California Integrated Report. For a complete list of the duplicate LOE pairs, associated Decision IDs, LOEs retained and LOEs deleted, and changes to decision listing statuses, if applicable, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p>

No.	Comment	Response
025.12	<p>Water Body: Coyote Creek</p> <p>Pollutant: Cyanide, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Reassess total number of samples given posted LOEs</p> <p>The fact sheets for cyanide in Coyote Creek provide 9 LOEs, however the listing decision only states that 3 LOEs were used for the determination. Of the 9 LOEs, 3 appear to be duplicates (LOEs 298186, 298121, and 298187 appear to be duplicative of LOEs 240445, 240358 and 240441, respectively). Excluding the assumed duplicate data sets, the total number of exceedances should be 11 of 240 samples. This total number of exceedances is below the allowable frequency listed in Table 3.1 of the Listing Policy.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that duplicate LOEs for cyanide in Coyote Creek (Decision ID 132545) were assessed. Duplicate pairs were identified and one LOE was retained while the other was deleted.</p> <p>Below is a list of the duplicate cyanide pairs for Coyote Creek and the action taken.</p> <ul style="list-style-type: none"> <li>• LOE ID 298186 (retained) and LOE ID 240445 (removed)</li> <li>• LOE ID 298187 (retained) and LOE ID 240441 (removed)</li> <li>• LOE ID 298121 (retained) and LOE ID 240358 (removed)</li> </ul> <p>Based on the remaining LOEs, the listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 025.10 for a description of the issue resulting in duplicate Coyote Creek LOEs.</p> <p>Additionally, see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p>

No.	Comment	Response
025.13	<p>Water Body: Coyote Creek</p> <p>Pollutant: Temperature, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Remove from Category 5A (TMDL Required) and move to Category 5C (Completion Date for Action Other than TMDL), and review duplicate LOEs</p> <p>Each of the Sanitation Districts' facilities that discharge to Region 4 surface waters have had permits renewed since 2021 and each permit includes a compliance schedule to address the temperature objective, as allowed by the NPDES Compliance Schedule Policy. Each of these schedules include specific milestones with deadlines, including completion of technical studies and implementation of management actions. These deadlines are different for each permit, but an example is provided for the Long Beach Water Reclamation Plant in Table 1. Inclusion of this compliance schedule in the Sanitation Districts' NPDES permits allows temperature to fall under a Category 5C listing.</p> <p>Appendix A contains the Sanitation Districts' request for the compliance schedule explaining its basis and Appendix B contains the Sanitation Districts' letter of support for the Basin Plan triennial review prioritization wherein Regional Board staff prioritized reassessing the 80° F Basin Plan objective associated with the WARM BU. For these reasons, the</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>However, the listing recommendation was revised from "List" to "Do Not List" because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by the narrative water quality objective for WARM. Please see response to comment 026.10 for more information.</p> <p>Additionally, duplicate LOEs that were included in the Draft 2024 California Integrated Report temperature assessment for Coyote Creek have been removed from this decision. For affected duplicate LOEs, please see Appendix X: List of Los Angeles Regional Water Board Decisions Revised Due to Duplicate LOEs in Coyote Creek.</p> <p>If the Los Angeles Regional Water Board adopts a new temperature objective or uses a different evaluation guideline in a future cycle, all data will be reassessed using the new threshold in the cycle after the adoption.</p> <p>For a discussion on Integrated Report categories, see response to comment 025.06.</p>

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	Sanitation Districts strongly recommends assigning Coyote Creek to Category 5C.	
025.14	<p>Additionally, of 12 LOEs, five appear to be duplicates (LOEs 298312, 298246, 298313, 298244 and 240331 appear to be duplicative of LOES 240332, 240488, 240330, 240491, and 298315, respectively) and one LOE (83872) does not correspond to Coyote Creek data.</p>	<p>Changes to listing recommendations were not made in response to this comment. The duplicative LOEs were removed as described in response to comment 025.13. However, the temperature listing recommendation for Coyote Creek was revised from “List” to “Do not List” because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by the narrative water quality objective for WARM. Please see response to comment 026.10 for more information.</p> <p>LOE 83872 for temperature in Coyote Creek contains data from station “CCBA01.” CCBA01 is a mass emission station for the Coyote Creek drainage area, monitored in fulfillment of requirements of the Orange County MS4 Permit. It is located in Coyote Creek.</p>
025.15	<p>Water Body: San Gabriel River Reach 1</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane), Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List; Reanalysis recommended: LOE from incorrect location; Excluded data due to high RL</p>	<p>Changes to listing recommendations were not made in response to this comment. However, listing recommendation changes were made to ensure compliance with section 6.1.5.3 of the Listing Policy.</p> <p>The commenter is correct that section 6.1.5.5 the Listing Policy states that “<i>When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis.</i>” LOE IDs 254073 and 254142 were not revised</p>

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	<p>Based upon EPA National Recommended Aquatic Life Water Quality Criteria for DDT, an objective of 0.001 ug/L was used for assessment of the San Gabriel River Reach 1. Per the Listing Policy, data are excluded if the reporting limit (RL) associated with a measurement is above the objective. DDT is routinely monitored in the San Gabriel River Reach 1, with a RL of 0.01 ug/L. Therefore, all LACSD data were excluded from assessment for the purpose of 303d listing. LACSD data are assessed using a 40 CFR Part 136, ELAP approved method (EPA 608.3), with a p,p'-DDT RL of 0.01 ug/L. This RL is 10 times higher than the proposed DDT objective of 0.001 µg/L. Some LACSD project samples are analyzed by a subcontracted laboratory using EPA 1699, but method EPA 1699 is neither 40 CFR approved nor ELAP certifiable, so the EPA 1699 data are reported for noncompliance, research purposes only.</p>	<p>to include non-detect data that had quantitation limits exceeding the evaluation guideline. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Regarding laboratory analytical methods, the Clean Water Act and the Listing Policy do not prevent the use of data analyzed with methods not listed in 40 C.F.R. Part 136 for 303(d) listing purposes. In the documentation for U.S. EPA Method 1699, the method is described as being “developed for use in in EPA’s Clean Water Act (CWA) programs.” (<a href="#">Method 1699: Pesticides in Water, Soil, Sediment, Biosolids, and Tissue by HRGC/HRMS (epa.gov).</a>) The 2024 California Integrated Report was prepared to comply with section 303(d) and 305(b) of the Clean Water Act, and as such it is appropriate to use data that meet Listing Policy quality requirements for 303(d) assessments.</p> <p>When summed, LOE IDs 252219 and 252196 have a total of two exceedances out of two samples, leading to a recommendation to list this waterbody pollutant combination. However, both samples were collected on the same day. Section 6.1.5.3 of the Listing Policy states that data collected on the same day shall not be used as the primary data set supporting the listing decision. Accordingly, the beneficial use rating has been revised to</p>

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		<p>“Insufficient Information” and the listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 025.16 for additional detail regarding other revisions to the DDT assessment for San Gabriel River Reach 1.</p>
025.16	<p>One toxicity data set and associated sediment chemistry were assessed for this DDT listing decision; however, the sample site is located in the San Gabriel River Estuary. It is recommended to remove these two LOEs (87869 and 87896) as the site location is not within San Gabriel River Reach 1. The Sanitation Districts recommend reassessing this listing with a higher objective, resulting in a Do Not List.</p>	<p>Changes to listing recommendations were made in response to this comment. The listing recommendation for DDT in San Gabriel River Reach 1 has been revised from “List” to “Do Not List.”</p> <p>The commenter is correct that the LOEs for DDT in sediment (LOE IDs 87869 and 87896) associated with data from sample site 405SGRA2x should be removed from the assessment (Decision ID 149820). These LOEs are from the 2014/2016 California Integrated Report cycle when this station was incorrectly assigned to San Gabriel River Reach 1. In the 2024 cycle, the site was correctly mapped to the San Gabriel River Estuary. These LOEs have been removed from the decision and the Waterbody Fact Sheet has been revised to show that they are no longer associated with this assessment.</p> <p>After removing the LOEs for DDT in sediment, the remaining LOEs (LOE IDs 252219 and 252196) still showed an impairment for DDT in the water column. However, the samples from the two stations were both collected on the same day, February 18, 2016. Section 6.1.5.3 of the Listing Policy states that data collected on</p>

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		<p>the same day shall not be used as the primary data set supporting the listing decision. Accordingly, there are insufficient evidence to evaluate beneficial use support and the listing recommendation has been revised from “List” to “Do Not List.”</p> <p>The selected DDT freshwater criterion continuous concentration was promulgated in the California Toxics Rule (“CTR”). In the CTR, “U.S. EPA established numerical water quality criteria for priority toxic pollutants for California Inland Surface Waters, Enclosed Bays and Estuaries.” (p. 284, <a href="#">Final Functional Equivalent Document Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/ffed_093004.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/ffed_093004.pdf</a>)). Additionally, the criteria in the CTR meet the evaluation guideline criteria detailed in section 6.1.3 of the Listing Policy. 2024 California Integrated Report assessments for DDT in San Gabriel River Reach 1 will continue to use the DDT chronic criterion continuous concentration outlined in the CTR to assess DDT.</p> <p>Please see response to comment 025.15 for additional detail regarding other revisions to the DDT assessment for San Gabriel River Reach 1.</p>
025.17	<p>Water Body: San Gabriel River Reach 3</p> <p>Pollutant: Ammonia, Water</p>	<p>Changes to listing recommendations were made in response to this comment.</p>

No.	Comment	Response
	<p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do not list; Reanalyze to apply region specific criteria; review duplicate LOE</p> <p>San Gabriel River Reach 3 (SGR-R3) is located in southern California, a region determined to be absent of freshwater mussels. Additionally, SGR-R3 is designated as WARM, therefore is defined as absent of salmonid species. The Los Angeles Basin Plan provides ammonia objectives that are appropriate to waters absent of mussels and salmonids, while still protective of early life stage present for sensitive species. When the Los Angeles Basin Plan ammonia criteria are applied to LOE data sets provided for the SGR-R3 listing decision, no ammonia exceedances are observed.</p> <p>Additionally, despite availability within the posted data set for LOE 253272, it appears that WN-RA (Site # 739918) results were not used for this assessment.</p> <p>The Sanitation Districts recommends this data is reanalyzed using region specific ammonia criteria.</p>	<p>The commenter is correct that the data used to assess ammonia in San Gabriel River (Decision ID 150459) were initially evaluated using the incorrect objective. These data have been reevaluated using the 30-day average site-specific objectives (“SSOs”) for ammonia from the Los Angeles Basin Plan. Please see Appendix W: List of Los Angeles and Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.</p> <p>The data associated with WN-RA (Site # 739918) were included in new LOE ID 315763 for the SSO with early life stages (“ELS”) present and LOE ID 315765 for the SSO with ELS absent. Using the correct objectives and including data from the station indicated by the commenter, 3 of 266 samples exceeded the SSO for ammonia in San Gabriel River Reach 3. The listing recommendation was revised from “List” to “Do Not List.”</p> <p>There were no duplicates in the LOEs associated with this decision, either in the LOEs from previous cycles or in the 2024 LOEs using the incorrect objective. LOE IDs 87955 and 87954 may at first look like duplicates because they were both created from the same dataset, using the same stations. The same overall date range is reported for the samples collected in both LOEs, but this date range refers to the entire dataset, not the individual LOEs. LOE ID 87954 only assessed data collected during periods when ELS are presumed to be present, from April 1 to September 30 of each year, and evaluated the data using the SSO equation for use when ELS are present. LOE ID 87955 only assessed data collected during</p>



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		<p>periods when ELS are presumed to be absent, from October 1 of one year to March 31 of the next year, and evaluated the data using the SSO equation for use when ELS are absent. Certain waterbodies in the Los Angeles Region, including San Gabriel River Reach 3, use SSOs that vary depending on time of year. The SSOs for ammonia can be found in Chapter 3 of the Basin Plan (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf</a>).</p> <p>The two SSOs for San Gabriel River Reach 3 (ELS present, ELS absent) can be found in Table 3-4 on page 3-14 of the Basin Plan.</p> <p>The LOEs associated with Decision ID 150459 in the Waterbody Fact Sheet for the Draft California 2024 Integrated Report are provided below.</p> <p>LOE ID 253272 (deleted)  11 exceedances of 35 samples  Monitoring site: 739917  Dates of collection: 2015-02-04 to 2020-07-01  Source: Whittier Narrows Water Reclamation Plant</p> <p>LOE ID 253315 (deleted)  18 exceedances of 63 samples  Monitoring site: 742412  Dates of collection: 2011-06-06 to 2020-07-01  Source: San Jose Creek Water Reclamation Plant</p> <p>LOE ID 87955  0 exceedances of 49 samples</p>

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		<p>Monitoring sites: Whittier Narrows/San Jose Creek R11 (SG-R11), Whittier Narrows/San Jose Creek R10 (SG-R10), and Whittier Narrows RA (WN-RA)            Dates of collection: June 2005 to October 2009            Source: Sanitation Districts of Los Angeles County            Objective: SSO, ELS absent</p> <p>LOE ID 87954            0 exceedances of 49 samples            Monitoring sites: Whittier Narrows/San Jose Creek R11 (SG-R11), Whittier Narrows/San Jose Creek R10 (SG-R10), and Whittier Narrows RA (WN-RA)            Dates of collection: June 2005 to October 2009            Source: Sanitation Districts of Los Angeles County            Objective: SSO, ELS present</p>
025.18	<p>Water Body: San Gabriel River Reach 3</p> <p>Pollutant: Chlorine, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Reanalyze data using Basin Plan Objective</p> <p>Based upon EPA National Recommended Aquatic Life Water Quality Criteria for chlorine, an objective of 11 ug/L was used for assessment of San Gabriel River Reach 3. Per the Listing Policy, data are excluded if the reporting limit (RL) associated with a measurement is above the objective. Total residual chlorine is routinely monitored in the field at San Gabriel River</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 025.11 regarding 40 C.F.R. Part 136 and the chlorine evaluation guideline.</p>

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	<p>Reach 3, with an RL typically between 50 - 100 ug/L. Therefore, an overwhelming majority of LACSD data were excluded from assessment for the purpose of 303d listing.</p> <p>40 CFR Part 136.3 specifies that total residual chlorine (TRC) measurements must be conducted within 15 minutes of sample collection, as light and exposure to air reduce chlorine levels rapidly. Due to the time constraints, receiving water samples are analyzed in the field using portable handheld colorimeters, instead of in the lab using laboratory-maintained instruments. With many more variables including light, dust, humidity, temperature, cross contamination, etc., these uncontrolled field conditions are considerably different than ideal laboratory conditions. As a result, the field conditions may adversely affect the sensitivity of the method. Using the most sensitive analytical method available for chlorine residual, the field RL is almost 10 times higher than the threshold objective of 11 ug/L. This low threshold is not achievable and is inappropriate to apply to the Sanitation Districts' data.</p> <p>Based upon these technical constraints, the Basin Plan objective (0.1 mg/L) for the protection of aquatic life, and permit limits, we recommend reassessing the data using the Basin Plan objective. This would result in a recommendation of Do Not List.</p>	
025.19	<p>Water Body: San Gabriel River Reach 3</p> <p>Pollutant: Temperature, Water</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the listing recommendation was revised from "List" to "Do Not List"</p>

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	<p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Remove from Category 5A (TMDL Required) and move to Category 5C; review averaging of data sets for consistency</p> <p>Each of the Sanitation Districts' facilities that discharge to Region 4 surface waters have had permits renewed since 2021 and each permit includes a compliance schedule, as allowed by the NPDES Compliance Schedule Policy. Each of these schedules include specific milestones with deadlines, including completion of technical studies and implementation of management actions. These deadlines are different for each permit but an example is provided for the San Jose Creek Water Reclamation Plant in Table 1. Inclusion of this compliance schedule in the Sanitation Districts' NPDES permits allows temperature to fall under a Category 5C listing.</p> <p>Appendix A contains the Sanitation Districts' request for the compliance schedule explaining its basis and Appendix B contains the Sanitation Districts' letter of support for the Basin Plan triennial review prioritization wherein Regional Board staff prioritized reassessing the 80° F Basin Plan objective associated with the WARM BU. For these reasons, the Sanitation Districts strongly recommends assigning San Gabriel River Reach 3 to Category 5C</p>	<p>because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by the narrative water quality objective for WARM. Please see response to comment 026.10 for more information.</p> <p>Additionally, please see response to comment 025.06 and 025.13 for more information on Integrated Report Condition Categories.</p>
025.20	<p>Additionally, it appears that one older data set LOE averaged temperature results (unclear if it was a rolling average or monthly), however the three more recent data set LOEs were</p>	<p>These LOEs were reviewed for consistency. Temperature data in waterbodies in the Los Angeles Region including San Gabriel River Reach 3 are not averaged except when</p>

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	<p>not averaged. It is recommended that the data sets are reviewed for consistency.</p>	<p>they are not temporally independent, such as data collected on the same day from the same station. Section 6.1.5.6 of the Listing Policy says, "For data that is not temporally independent (e.g., when multiple samples are collected at a single location on the same day), the measurements shall be combined and represented by a single resultant value. If the averaging period is not stated for the standard, objective, criterion, or evaluation guideline, then the samples collected less than 7 days apart shall be averaged."</p>
025.21	<p>Water Body: San Jose Creek Reach 1</p> <p>Pollutant: Chlorine, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Reanalyze data using Basin Plan Objective</p> <p>Based upon EPA National Recommended Aquatic Life Water Quality Criteria for chlorine, an objective of 11 ug/L was used for assessment of San Gabriel River Reach 3. Per the Listing Policy, data are excluded if the reporting limit (RL) associated with a measurement is above the objective. Total residual chlorine is routinely monitored in the field at San Jose Creek Reach 1, with an RL typically between 50 - 100 ug/L. Therefore, an overwhelming majority of LACSD data was excluded from assessment for the purpose of 303d listing.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 025.11 regarding 40 C.F.R. Part 136 and the chlorine evaluation guideline.</p>

No.	Comment	Response
	<p>40 CFR Part 136.3 specifies that total residual chlorine (TRC) measurements must be conducted within 15 minutes of sample collection, as light and exposure to air reduce chlorine levels rapidly. Due to the time constraints, receiving water samples are analyzed in the field using portable handheld colorimeters, instead of in the lab using laboratory-maintained instruments. With many more variables including light, dust, humidity, temperature, cross contamination, etc., these uncontrolled field conditions are considerably different than ideal laboratory conditions. As a result, the field conditions may adversely affect the sensitivity of the method. Using the most sensitive analytical method available for chlorine residual, the field RL is almost 10 times higher than the threshold objective of 11 ug/L. This low threshold is not achievable and is inappropriate to apply to the Sanitation Districts' data.</p> <p>Based upon these technical constraints, the Basin Plan objective (0.1 mg/L) for the protection of aquatic life, and permit limits, we recommend reassessing the data using the Basin Plan objective. This would result in a recommendation of Do Not List.</p>	
025.22	<p>Water Body: San Jose Creek Reach 1</p> <p>Pollutant: Temperature, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the listing recommendation was revised from "List" to "Do Not List" because there is an absence of data indicating that the exceedance is due to a waste discharge as indicated by</p>

No.	Comment	Response
	<p>Comment &amp; Recommendation: Remove from Category 5 (TMDL Required) and move to Category 5C; review averaging of data sets for consistency</p> <p>Each of the Sanitation Districts' facilities that discharge to Region 4 surface waters have had permits renewed since 2021 and each permit includes a compliance schedule to address the temperature objective, as allowed by the NPDES Compliance Schedule Policy. Each of these schedules include specific milestones with deadlines, including completion of technical studies and implementation of management actions. These deadlines are different for each permit, but an example is provided for the Long Beach Water Reclamation Plant in Table 1. Inclusion of this compliance schedule in the Sanitation Districts' NPDES permits allows temperature to fall under a Category 5C listing.</p> <p>Appendix A contains the Sanitation Districts' request for the compliance schedule explaining its basis and Appendix B contains the Sanitation Districts' letter of support for the Basin Plan triennial review prioritization wherein Regional Board staff prioritized reassessing the 80° F Basin Plan objective associated with the WARM BU. For these reasons, the Sanitation Districts strongly recommends assigning San Jose Creek Reach 1 to Category 5C.</p>	<p>the narrative water quality objective for WARM. Please see response to comment 026.10 for more information.</p> <p>Additionally, please see response to comment 025.06 and 025.13 for more information on Integrated Report Condition Categories.</p>
025.23	<p>Additionally, it appears that one older data set LOE (88011) averaged temperature results (unclear if it was a rolling average or monthly), however the four more recent data set LOEs (256048, 255987, 256007, 255817) were not averaged.</p>	<p>Temperature data are not averaged except when they are not temporally independent, such as data collected on the same day from the same station. Section 6.1.5.6 of the Listing Policy says, "For data that is not temporally</p>

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	<p>It is recommended that the data sets are reviewed for consistency and accuracy.</p>	<p>independent (e.g., when multiple samples are collected at a single location on the same day), the measurements shall be combined and represented by a single resultant value.”</p> <p>LOE ID 88011 for temperature in San Jose Creek Reach 1 (SG Confluence to Temple St.) contained many pairs of temperature readings collected on the same day at the same station, most of which were duplicate records; and were therefore, averaged. This was particularly true for stations SJC-C1 and SJC-C2. No other averaging was performed on these data.</p>
025.24	<p>Water Body: Santa Clara Reach 5</p> <p>Pollutant: Chlorine, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Reanalyze data using Basin Plan Objective</p> <p>Based upon EPA National Recommended Aquatic Life Water Quality Criteria for chlorine, an objective of 11 ug/L was used for assessment of Santa Clara Reach 5. Per the Listing Policy, data are excluded if the reporting limit (RL) associated with a measurement is above the objective. Total residual chlorine is routinely monitored in the field at Santa Clara Reach 5, with an RL typically between 50 - 100 ug/L.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 025.11 regarding 40 C.F.R. Part 136 and the chlorine evaluation guideline. Additionally, please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations. If the data quality issues are resolved for this dataset, it may be considered in a future California Integrated Report.</p>



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	<p>Therefore, an overwhelming majority of LACSD data were excluded from assessment for the purpose of 303d listing.</p> <p>40 CFR Part 136.3 specifies that total residual chlorine (TRC) measurements must be conducted within 15 minutes of sample collection, as light and exposure to air reduce chlorine levels rapidly. Due to the time constraints, receiving water samples are analyzed in the field using portable handheld colorimeters, instead of in the lab using laboratory-maintained instruments. With many more variables including light, dust, humidity, temperature, cross contamination, etc., these uncontrolled field conditions are considerably different than ideal laboratory conditions. As a result, the field conditions may adversely affect the sensitivity of the method. Using the most sensitive analytical method available for chlorine residual, the field RL is almost 10 times higher than the threshold objective of 11 ug/L. This low threshold is not achievable and is inappropriate to apply to the Sanitation Districts' data.</p> <p>Based upon these technical constraints, the Basin Plan objective (0.1 mg/L) for the protection of aquatic life, and permit limits, we recommend reassessing the data using the Basin Plan objective. This would result in a recommendation of Do Not List.</p>	
025.25	<p>Water Body: Santa Clara Reach 5</p> <p>Pollutant: Cyanide, Water</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List</p> <p>The fact sheets for cyanide in Santa Clara Reach 5 provide 9 LOEs, accounting for a total of 290 samples which result in 14 exceedances of cyanide. According to Table 3.1 of the Listing Policy, up to 23 exceedances would be acceptable before being required to be listed; therefore it is recommended that Santa Clara Reach 5 be reassessed and designated as Do Not List for cyanide.</p>	<p>To achieve a total sample count of 290 samples, the commenter is combining cyanide data reported in the total fraction (four LOEs totaling 33 samples with 7 exceedances) and cyanide for which the fraction was not reported (five LOEs totaling 257 samples with 7 exceedances). With the laboratory information available and no fraction reported, the water fraction (i.e., total or dissolved) of the five LOEs cannot be determined. Without the fraction information, it is inappropriate to assume that the data from the five LOEs can be combined with data confirmed to be in the total fraction. Data for the cyanide assessment of Santa Clara Reach 5 (Decision ID 137059) were tallied separately by the total fraction and by the not reported fraction in order to maintain the integrity of each fraction assessment.</p>
025.26	<p>Water Body: Santa Clara Reach 5</p> <p>Pollutant: Cyhalothrin, Lambda, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not list</p> <p>Cyhalothrin, Lambda was listed according to section 3.6 of the Listing Policy, using sediment toxicity as a line of evidence. The toxicity LOE (247694) used for this listing is associated with a site not located within Santa Clara Reach 5. Instead, it is from San Antonio Creek, a completely different</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>LOE 247694 is for station 403S39062 (Santa Clara River). The referenced data file is reference 5228. An error in the reference file truncated the data provided to the public, preventing access to the full data set that was used to create LOEs. The only station shown in the truncated data set was in San Antonio Creek, making it appear as if that station was the source of the data. The correct station information was used to create this line of evidence. Reference 5228 has been revised to include the full dataset and is available for viewing in associated Waterbody Fact Sheets. It can also be downloaded from</p>

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	watershed. Therefore, listing Santa Clara Reach 5 for cyhalothrin, lambda is inappropriate.	<p data-bbox="1186 233 2013 380"><a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2020/ref5228.xlsx">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2020/ref5228.xlsx</a>. See response to comment 021.17 for more detail on the truncated data reference.</p> <p data-bbox="1186 423 1976 570">Additionally, LOE 247694 did not contribute to the impairment, which was for cyhalothrin, lambda in water, not in sediment. There is insufficient information to determine beneficial use support in the sediment matrix.</p>
025.27	<p data-bbox="283 646 1165 1029">Additionally, two LOEs (262542, 262755) provide 24 data points that are not accounted for in the total listing decision. The same two LOEs state that three samples were excluded due to the RL being above the water quality threshold of 0.3 ng/L. A third LOE (310485) provides an exceedance that does not have an associated RL or MDL. The application of the data quality criteria appear inconsistent. Given this information, it is recommended that Santa Clara Reach 5 be designated as Do Not List for Cyhalothrin, Lambda as it does not meet the listing requirements of the Listing Policy.</p>	<p data-bbox="1186 646 1961 716">Changes to listing recommendations were not made in response to this comment.</p> <p data-bbox="1186 756 2007 1182">See principal response 3.2 Data Not Used for Assessments for details regarding reasons why data were screened out from LOE IDs 262545 and 262755. The six data points that were mentioned in the text of these LOEs as not used for assessment were all non-detect results where the method detection limit was greater than the evaluation guideline for cyhalothrin, lambda. In contrast, the data used for assessment in LOE ID 310485 was able to be detected by the analytical laboratory methods. This detected value was greater than the cyhalothrin, lambda evaluation guideline.</p> <p data-bbox="1186 1222 1961 1409">Additionally, the data record associated with LOE ID 310485 was collected by the Surface Water Ambient Monitoring Program (“SWAMP”), a major monitoring program in California whose data are considered of adequate quality per section 6.1.4 of the Listing Policy.</p>

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025.28	<p>Water Body: San Gabriel River Estuary</p> <p>Pollutant: Chlorine, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List – Reanalyze data using Basin Plan Objective</p> <p>Based upon EPA National Recommended Aquatic Life Water Quality Criteria for chlorine, an objective of 11 ug/L was used for assessment of San Gabriel River Estuary. Per the Listing Policy, data are excluded if the reporting limit (RL) associated with a measurement is above the objective. Total residual chlorine is routinely monitored in the field the San Gabriel River Estuary, with an RL typically between 50 - 100 ug/L. Therefore, an overwhelming majority of LACSD data were excluded from assessment for the purpose of 303d listing.</p> <p>40 CFR Part 136.3 specifies that total residual chlorine (TRC) measurements must be conducted within 15 minutes of sample collection, as light and exposure to air reduce chlorine levels rapidly. Due to the time constraints, receiving water samples are analyzed in the field using portable handheld colorimeters, instead of in the lab using laboratory-maintained instruments. With many more variables including light, dust, humidity, temperature, cross contamination, etc., these uncontrolled field conditions are considerably different than ideal laboratory conditions. As a result, the field conditions may adversely affect the sensitivity of the method. Using the</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 025.11 regarding 40 C.F.R. Part 136 and the chlorine evaluation guideline.</p> <p>For San Gabriel River Estuary (Decision ID 138355), the evaluation guideline selected to assess chlorine impairment of both beneficial uses is the U.S. EPA recommended chlorine criterion for the protection of aquatic life in saline water of 7.5 µg/L (4-day average). This criterion meets the evaluation guideline requirements of section 6.1.3 of the Listing Policy.</p>

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	<p>most sensitive analytical method available for chlorine residual, the field RL is almost 10 times higher than the threshold objective of 11 ug/L. This low threshold is not achievable and is inappropriate to apply to the Sanitation Districts' data.</p> <p>Based upon these technical constraints, the Basin Plan objective (0.1 mg/L) for the protection of aquatic life, and permit limits, we recommend reassessing the data using the Basin Plan objective. This would result in a recommendation of Do Not List.</p>	
025.29	<p>Water Body: San Gabriel River Estuary</p> <p>Pollutant: Temperature, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Remove from Category 5 (TMDL Required) and move to Category 4B</p> <p>Each of the Sanitation Districts' facilities that discharge to Region 4 surface waters have had permits renewed since 2021 and each permit includes a compliance schedule, as allowed by the NPDES Compliance Schedule Policy. Each of these schedules include specific milestones with deadlines, including completion of technical studies and implementation of management actions. These deadlines are different for each permit but an example is provided for the Long Beach Water Reclamation Plant in Table 1. Inclusion of this</p>	<p>Changes to listing recommendations were made but not in response to requests in this comment. Please see response to comment 025.30 regarding appropriate temperature objectives for San Gabriel River Estuary.</p> <p>The listing recommendation has been revised from "List" to "Do Not List."</p> <p>Please see response to comment 025.06 for discussion about categories in the California Integrated Report.</p>

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	<p>compliance schedule in the Sanitation Districts' NPDES permits allows temperature to fall under a Category 5C listing.</p> <p>Appendix A contains the Sanitation Districts' request for the compliance schedule explaining its basis and Appendix B contains the Sanitation Districts' letter of support for the Basin Plan triennial review prioritization wherein Regional Board staff prioritized reassessing the existing Basin Plan temperature objective associated. For these reasons, the Sanitation Districts strongly recommends assigning San Gabriel River Estuary to Category 5C</p>	
025.30	<p>Additionally, the majority of the LOEs for this listing were assessed for fish migration and spawning, using rainbow trout for evaluation. Rainbow trout are considered an inland freshwater fish and is therefore inappropriate to evaluate temperature of the San Gabriel River Estuary with a freshwater criterion.</p>	<p>Changes in listing recommendations were made in response to this comment.</p> <p>The evaluation guideline for assessing support of the Cold Freshwater Habitat ("COLD") beneficial use is designed to protect endangered coastal rainbow trout, <i>Oncorhynchus mykiss</i>, and its anadromous form, the steelhead trout. The Southern California steelhead is a distinct population of steelhead trout and is present in several streams and estuaries in the Los Angeles Region, including the San Gabriel River Estuary. Unlike rainbow trout, which spend their entire life cycle in streams and lakes, steelhead migrate to the ocean and return to freshwater to spawn. The two forms of <i>O. mykiss</i> have different life cycles and tolerances for environmental parameters, including temperature. It is not known without undertaking additional study if the evaluation guideline for temperature designed for rainbow trout is appropriate for</p>

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		<p>protecting southern steelhead. Since the San Gabriel River Estuary is not designated with the COLD beneficial use, it is currently not appropriate to apply the evaluation guideline for rainbow trout to the beneficial uses of Migration of Aquatic Organisms (“MIGR”) and Spawning, Reproduction, and/or Early Development (“SPWN”). These data may be evaluated in the future if an appropriate evaluation guideline or numeric water quality objective is identified for the MIGR and SPWN beneficial uses.</p> <p>The LOEs associated with SPWN (LOE IDs 267152, 255942, 255898, 255900, 255899, and 255919) and MIGR (LOE IDs 255749, 256069, 256006, 255835, 256004, and 266718) will not be considered in assessing temperature in San Gabriel River Estuary (Decision ID 136100). No new data were assessed this cycle and the listing recommendation has been revised from “List” to “Do Not List.”</p>
025.31	<p>Water Body: San Gabriel River Estuary</p> <p>Pollutant: Toxicity, Water</p> <p>Listing: List on 303(d) List (TMDL Required List)</p> <p>Comment &amp; Recommendation: Do Not List; Inappropriate use of a freshwater species for marine toxicity</p> <p>The San Gabriel River Estuary is being proposed for 303d listing due to toxicity (Section 3.6 of the Listing Policy). The</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The assessment for toxicity in San Gabriel River Estuary (Decision ID 138429) contains two LOEs for sediment toxicity and three LOEs for water toxicity. The LOEs for sediment toxicity, LOE IDs 244364 and 244338, each have 10 exceedances out of 10 samples. The sediment toxicity tests were performed using <i>Hyalella azteca</i> and <i>Chironomus dilutus</i>. These are organisms intended for</p>

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	<p>majority of toxicity exceedances come from one duplicated toxicity data set.</p> <p>However, the referenced toxicity tests used <i>Hyalella azteca</i>, an invertebrate approved by the EPA for assessing toxicity in freshwater sediments, with a salinity tolerance ~ 15ppt. The San Gabriel River Estuary salinity profile found bottom salinities above 30 ppt. Therefore, it is inappropriate to use <i>Hyalella</i> toxicity data for this listing.</p>	<p>assessing sediment toxicity in freshwater habitats, not marine sediment. Salinity data collected at the monitoring station show salinity well above that tolerated by these organisms. It is inappropriate to assess these data and the LOEs have been removed from the decision. There are no other data for sediment toxicity, and no impairment in water toxicity. The listing recommendation has been revised from “List” to “Do Not List.”</p>

**Letter 26: Katherine Rubin, Los Angeles Department of Water and Power**

No.	Comment	Response
026.01	<p>1. The 45-day comment period does not provide enough time to review the large amount of data that is being presented for the Draft List.</p> <p>LADWP acknowledges the immense effort from the Regional Water Quality Control Boards' staff and the SWRCB's staff to collect, organize, and analyze the available data to assess the data for water quality impairments based on water body and pollutant. LADWP also appreciates the organization of the Lines of Evidence (LOE) and fact sheets that were provided for review. Although the data were organized and provided in multiple formats (written and data sheets), due to the large amount of material being presented, it is difficult to identify</p>	<p>Comment noted. See principal response 3.5 for Data Submission Timeline and the Public Process.</p>



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	<p>and examine all the data within the provided 45-day comment period.</p> <p>Therefore, LADWP recommends providing additional time to review all LOE and in the future allow for a minimum 90-day comment period.</p>	
026.02	<p>2. Stakeholder engagement with the Regional Water Quality Control Boards (RWQCBs) should be completed prior to the State Water Board Hearings and Adoptions.</p> <p>In previous listing cycles, the Regional Water Quality Control Boards (RWQCBs) provided public outreach and met with stakeholders to discuss the Draft List prior to the SWRCB public hearing of the Draft List. Stakeholders engaging with the RWQCBs prior to the SWRCB public hearing allowed for discussion and clarity on the LOE from the staff from each region who are familiar with the waterbodies and the data that are specific to the regions in the listing cycle. LADWP found the discussions with the RWQCBs valuable to mitigating some concerns prior to the public hearing.</p> <p>LADWP recommends returning to the public process to engage stakeholders prior to the SWRCB public hearing so that comments can be discussed and concerns can potentially be resolved at the regional level prior to the SWRCB public hearing.</p>	<p>The State Water Board administration of the public process is consistent with section 6.2 of the Listing Policy. If the State Water Board administers and considers a region's proposed list on behalf of a Regional Water Board, the State Water Board shall adopt the list at a public hearing. Such consideration and adoption shall occur after the State Water Board provides advance notice in the affected region and opportunity for public comment and responds to all comments. Having the State Water Board administer the public process reduces the time it takes to develop the California Integrated Report by removing duplicative public processes. However, commenters are able to engage with the State or Regional Water Boards regarding the Integrated Report via public comment or reaching out to Water Boards staff. Additionally, see principal response 3.5 for Data Submission Timeline and the Public Process.</p>
026.03	<p>3. The Elderberry Forebay waterbody is not listed for the COMM beneficial use in the Basin Plan for the Coastal</p>	<p>Changes to listing recommendations were made in response to this comment. Please see section 8.1.4.2 of</p>

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	<p>Watersheds of Los Angeles and Ventura Counties (Basin Plan), is not open to the public, and fishing is not allowed in the waterbody.</p> <p>In the fact sheet Appendix B1, the Elderberry Forebay LOE 244737, 94647, 307703, 244865, and 94684 for dieldrin, mercury, and polychlorinated biphenyls (PCBs), states that the Ocean Commercial and Sport Fishing (COMM) beneficial use for Elderberry Forebay is not supported.</p>	<p>the Staff Report for additional discussion of commercial and sport fishing in Elderberry Forebay.</p> <p>The commenter is correct that Elderberry Forebay is not designated for the Commercial and Sport Fishing (“COMM”) beneficial use in the Basin Plan and there is documentation that shows that the use is not occurring and is not an existing beneficial use. “Elderberry Forebay is a small reservoir at the northern end of Castaic Lake used for hydroelectric purposes (DWR, 2007). Fishing is not permitted at Elderberry Forebay; however, because it is thought that fish can move from Elderberry Forebay to Castaic Lake, some fish contaminant data collected from this water body were used in the development of fish consumption advice [sic] for Castaic Lake.” (<a href="https://oehha.ca.gov/media/downloads/advisories/castaic_lakelagreport012017.pdf">Health Advisory and Guidelines for Eating Fish from Castaic Lake and Castaic Lagoon</a> (Los Angeles County, page 10) (<a href="https://oehha.ca.gov/media/downloads/advisories/castaic_lakelagreport012017.pdf">https://oehha.ca.gov/media/downloads/advisories/castaic_lakelagreport012017.pdf</a>)). However, the fish tissue data show exceedances and indicate that it may not be safe to consume fish or shellfish from Elderberry Forebay if it was designated for COMM or fishing were to be allowed.</p> <p>The Elderberry Forebay Waterbody Fact Sheets and listing recommendations have been revised such that COMM LOEs for Elderberry Forebay were not used to consider placement on the 303(d) list. See Section 3.11 of the Staff Report for additional information on assessing data for waters that are not designated with the COMM beneficial use. For waterbodies such as Elderberry Forebay where COMM is not designated and there is</p>

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		<p>insufficient information to demonstrate COMM is occurring or may exist, data were evaluated for the 305(b) portion of the integration report. Where the tissue samples exceed the COMM beneficial use evaluation guideline at a frequency greater than what is allowed by Table 3.1 of the Listing Policy, the waterbody-pollutant combinations were recommended for placement in Category 3, indicating there is insufficient data and/or information to make a beneficial use support determination but the data and/or information indicates beneficial uses may be potentially threatened. Where the tissue samples do not exceed the COMM beneficial use evaluation guideline at a frequency greater than allowed by Table 3.1 of the Listing Policy, the waterbody-pollutant combinations were recommended for placement in Category 2, indicating there are insufficient data and/or information to determine core beneficial use support.</p> <p>As a result of the revised COMM beneficial use assessment approach for Elderberry Forebay, the following listing recommendations were revised from “List” to “Do Not List” with recommended Category 3 placement for COMM:</p> <ul style="list-style-type: none"> <li>• Dieldrin (Decision ID 138944)</li> <li>• PCBs (Polychlorinated biphenyls) (Decision ID 138952)</li> </ul> <p>The following listing recommendations remained “List”:</p> <ul style="list-style-type: none"> <li>• Mercury (Decision ID 149540) – recommended Category 3 placement for COMM beneficial use;</li> </ul>

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		<p>however, the Wild Habitat beneficial use LOEs indicate that the WILD beneficial use is not supported.</p> <p>The following listing recommendations remained “Do Not List” with recommended Category 2 placement for COMM:</p> <ul style="list-style-type: none"> <li>• Chlordane (Decision ID 138943)</li> <li>• Mirex (Decision ID 154758)</li> <li>• Hexachlorobenzene/HCB (Decision ID 154757)</li> <li>• Lindane/gamma Hexachlorocyclohexane (gamma-HCH) (Decision ID 138950)</li> <li>• Endrin (Decision ID 138946)</li> <li>• DDT (Decision ID 149538)</li> <li>• Heptachlor epoxide (Decision ID 138948)</li> <li>• Endosulfan (Decision ID 138945)</li> <li>• Selenium (Decision ID 154759)</li> </ul>
026.04	<p>In fact, Elderberry Forebay was built for the operation of LADWP's Castaic Power Plant, a hydroelectric power plant, and recreation and/or public use is not allowed. To ensure the protection of the infrastructure and grid reliability, Elderberry Forebay is never open to the public and fishing is not allowed. Therefore, Elderberry Forebay should not be assigned the COMM beneficial use or evaluated using these objectives since the Basin Plan does not list it as a beneficial use and there is no public access, recreation, or fishing allowed in this waterbody.</p>	<p>Please see response to comment 26.03.</p>

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	<p>Additionally, LADWP provided similar comments for the 2016 Draft List when the same LOE were listed for Elderberry Forebay for dieldrin, mercury, and PCBs. The SWRCB's response to the comment resulted in the LOE, based on the COMM beneficial use, being removed from the assessment of Elderberry Forebay for the final 2016 CWA 303(d) list.</p> <p>LADWP recommends removing the LOE for Elderberry Forebay based on the COMM beneficial use since the waterbody is not listed for the COMM beneficial use in the Basin Plan and public access and recreation, including fishing, is not allowed in the Elderberry Forebay.</p>	
026.05	4. The Bull Creek chlorine listing is based on an incomplete set of data due to not using the Basin Plan for the evaluation guideline and the data that is being assessed is not consistent with the Listing Policy Section 6.1.5.3 Temporal Representation.	See response to comments 026.06 and 026.07.
026.06	Although the sample size of 2 is being used for the assessment, there were 419 samples collected for chlorine for the 2 sample locations within Bull Creek. The Fact Sheet Appendix B1 states that 418 of the 419 samples for each sample location were not included in the assessment due to the laboratory reporting limit (0.1 mg/L) being above the evaluation guideline being used for the assessment. The 418 data points that were not included in the assessment were non-detect (ND) results due to the results being lower than the method detection limit and reporting limit of 0.1 mg/L. The	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The Chlorine, Total Residual water quality objective in Chapter 3 of the Los Angeles Basin Plan is:</p> <p><i>“Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses.”</i></p>

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	<p>detection limit of 0.1 mg/L is consistent with the Total Residual Chlorine Section in Chapter 3 of the Basin Plan, which states that chlorine residual shall not be present in the surface water discharges at concentrations that exceed 0.1 mg/L. This water quality objective of 0.1 mg/L should be the guideline used to assess Bull Creek for impairment because the Basin Plan establishes the water quality objectives necessary to protect the beneficial uses of the waters within the watershed. Therefore, the 418 ND results for each location should be included in the sample size for the assessment because the results are below the water quality objective of 0.1 mg/L that is established for chlorine in the Basin Plan. When all of the data points are considered for the assessment using the 0.1 mg/L water quality objective from the Basin Plan, the sample size is 838 ( 419 data points for 2 locations). According to Table 3.1 in the Listing Policy, a sample size between 830-842 needs to have a minimum of 72 exceedances to list the pollutant. Since there are only 2 exceedances in the 838 sample size, Bull Creek would not be considered impaired for chlorine and should not be listed on the Draft List.</p>	<p>The numeric water quality objective of 0.1 mg/L is applicable to surface water <i>discharges</i> [emphasis added]. The second half of this objective states that chlorine “shall not persist in receiving water at any concentration that causes impairment of beneficial uses.” This narrative objective is applicable to the ambient surface water and requires selection of an evaluation guideline that is protective of the beneficial use. For Bull Creek this beneficial use is WARM. The evaluation guideline selected to assess chlorine impairment of the WARM beneficial use in Bull Creek is the chlorine freshwater chronic U.S. EPA National Water Quality Criterion for aquatic life (11 µg/L chlorine). This criterion meets the evaluation guideline requirements of Section 6.1.3 of the Listing Policy.</p> <p>Because the chlorine evaluation guideline for WARM is lower than the method detection limit of 836 entries of the data available for Bull Creek, those non-detect results (“ND”) cannot be counted toward the total sample count as it cannot be determined if the NDs are higher or lower than the evaluation guideline.</p> <p>Additionally, please see response to comment 026.07 for detail regarding a revision to Decision ID 139717 listing recommendation due to lack of temporal representation.</p>

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026.07	<p>Additionally, the two individual data points that are currently being used to assess Bull Creek for chlorine impairment were collected on the same day, August 20, 2013. The Listing Policy Section 6.1.5.3 states that "samples used in the assessment must be temporally independent. If the majority of the samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision." Since the two samples being used for the chlorine assessment were collected on the same day, the data should not be used to support the listing of chlorine since it does not follow the Listing Policy Section for temporal representation.</p>	<p>The commenter is correct that the exceeding chlorine samples for Bull Creek (Los Angeles County) were collected on the same day (Decision ID 139717). Listing Policy Section 6.1.5.3 states that if the majority of samples were collected on the same day, those data shall not be used as the primary data supporting a listing decision. The beneficial use support rating for the LOE IDs 253851 and 253893 has been revised to "Insufficient Information" and the listing recommendation has been revised from "List" to "Do Not List."</p>
026.08	<p>Therefore, LADWP recommends removing the chlorine listing for Bull Creek because based on the Basin Plan water quality objective and the sample size of 838, the 2 data exceedances do not meet the Listing Policy's minimum necessary exceedances to list Bull Creek as impaired for chlorine. Additionally, the 2 data points that were assessed for the LOE are not consistent with the Listing Policy requirements for temporal representation and thus, does not provide sufficient evidence to list Bull Creek for chlorine.</p>	<p>Please see response to comments 026.06 and 026.07.</p>
026.09	<p>5. The temperature listings for the Los Angeles River and San Gabriel River should not be based on annual data and the listings should wait until the temperature studies noted in the Staff Draft are completed.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Temperature assessments for the Los Angeles and San Gabriel rivers used samples that are discrete, and</p>

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		<p>temporally and spatially independent, not annual averages. The references to averages in older LOEs, such as LOE ID 87965 for temperature in San Gabriel River Reach 3 (Whittier Narrows to Ramona), refer to averaging that is done when samples are not independent, such as for samples collected on the same day.</p> <p>If listing recommendations to list are approved and the Los Angeles Regional Water Board adopts a new temperature objective or uses a different evaluation guideline in a future cycle, all data will be reassessed using the new threshold in the cycle after the adoption.</p>
026.10	<p>In the fact sheet of the Draft List, Appendix B1, the LOE for the Los Angeles Region temperature listings cite the following evaluation guideline for the COLD beneficial use: "Inland Fishes of California (Moyle 1976) states that for rainbow trout the optimum range for growth and completion of most life stages is 13-21 degrees C (page 129)."<sup>1</sup> However, the link provided in the listing decision documents is to Moyle (2002)<sup>2</sup>, which does not contain the language cited in the evaluation guideline. Rather, Moyle (2002) includes a discussion of temperature ranges to support growth of rainbow trout. Thus, the evaluation guideline for the COLD beneficial use is outdated and should not be used.</p> <p>For the WARM beneficial use, the temperature LOE evaluation guidelines in Appendix B1 states, "water temperature shall not be altered by more than 5 deg. F above</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The water quality objectives for temperature applicable to waterbodies in the coastal watersheds of Los Angeles and Ventura counties (that are not enclosed bays and estuaries) are:</p> <p><i>"The natural receiving water temperature of all regional waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses. Alterations that are allowed must meet the requirements below.</i></p> <p><i>For waters designated WARM, water temperature shall not be altered by more than 5 °F above the natural temperature. At no time shall these WARM-designated</i></p>



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	<p>the natural temperature. At no time shall these WARM-designated waters be raised above 80 deg. F as a result of waste discharges." However, the basis for the evaluation of the WARM beneficial use is unclear because the listing decisions do not specify how or if the RWQCB evaluated natural temperature, or whether temperatures above 80° F were determined to exceed that threshold as a result of waste discharges.</p> <p>Footnote 1: The correct quotation from Moyle (1976) is "Optimum temperatures for growth and for completion of most stages of their life history seem to be 13 to 21 °C."</p> <p>Footnote 2: Moyle, P.B. 2002. <i>Inland Fishes of California</i>. Revised and Expanded. University of California Press, Berkeley and Los Angeles, CA.</p>	<p><i>waters be raised above 80 °F as a result of waste discharges.</i></p> <p><i>For waters designated COLD, water temperature shall not be altered by more than 5 °F above the natural temperature." (LA Basin Plan, Chapter 3, pg. 3-44)</i>  <a href="#">Chapter 3: Water Quality Objectives (ca.gov)</a></p> <p><u>COLD Beneficial Use Assessments</u></p> <p>The commenter is correct that in the Draft 2024 Integrated Report the evaluation guideline field of LOEs associated with the COLD beneficial use in the Los Angeles Region incorrectly referenced Moyle (1976). The field has been updated to reflect Moyle (2002) and now reads "<i>Inland Fishes of California (Moyle 2002) identifies a temperature range below 21 degrees as suitable for survival with minimum mortality (page 276).</i>"</p> <p>Please see response to comment 040.132 for additional discussion on assessments of temperature data for protection of the COLD beneficial use.</p> <p><u>WARM Beneficial Use Assessments</u></p> <p>The portion of the water quality objective for temperature that corresponds with the WARM beneficial use is described, in part, with reference to natural temperature. However, pursuant to Section 6.1.5.9 of the Listing Policy, the natural receiving water temperature need not be used to assess the water quality objective if the data are unavailable. Section 6.1.5.9 instructs that an alternative approach to assess temperature impacts should be used</p>

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		<p>in the absence of data on natural receiving water temperatures.</p> <p>Natural receiving water temperature data are not available. As a result, an alternative approach to assess temperature impacts is employed. Recent temperature data may be compared to the temperature requirements of aquatic life in the waterbody to assess the WARM beneficial use based on peer reviewed literature. However, evaluation guidelines are not available that represent standards attainment or WARM beneficial use protection per Listing Policy section 6.1.3, such as peer-reviewed literature, for warm freshwater aquatic life species most sensitive to temperature. Therefore, this narrative portion of the temperature water quality objective for assessing for the WARM beneficial use cannot be further evaluated.</p> <p>The other narrative temperature water quality objective for WARM states that, “At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharges.” The commenter is correct that the water quality objective’s use of the metric 80°F may not be assessed as a maximum “do not exceed threshold” in the absence of data indicating that the exceedance is due to waste discharges causing or contributing to the exceedance. For Los Angeles Region waterbodies assessed for the WARM beneficial use for temperature during the 2024 California Integrated Report, with the exception of Balboa Lake (Decision ID 139040), it is currently unknown whether temperatures above 80°F are due to waste discharge(s). Therefore, temperature data from waterbodies other than Balboa Lake that exceeded</p>

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		<p>the 80°F portion of the objective were not used to list a waterbody as impaired on the 303(d) list (Category 4 or 5) as a result of this comment. However, exceedances of 80 °F at a frequency greater than what is allowed in Table 3.2 of the Listing Policy indicate that the WARM use may be potentially threatened, and a Category 3 placement for temperature data assessed for the WARM beneficial use is, therefore, recommended. Category 3 is the category that most closely fits the situation as it identifies that the use may be potentially threatened and more information is needed to make an impairment determination.</p> <p>The 2024 California Integrated Report Los Angeles Region temperature listing recommendations were updated as a result of the revised WARM beneficial use assessment approach.</p> <p>The following temperature listing recommendations were revised from “Do Not Delist” to “Delist”:</p> <ul style="list-style-type: none"> <li>• Bouquet Canyon Creek (Decision ID 139462)</li> <li>• San Gabriel River Reach 1 (Estuary to Firestone) (Decision ID 138240)</li> <li>• San Gabriel River Reach 2 (Firestone to Whittier Narrows Dam) (Decision ID 138297)</li> <li>• Santa Clara River Reach 6 (W Pier Hwy 99 to Bouquet Cyn Rd) (Decision ID 137185)</li> </ul> <p>The following temperature listing recommendations were revised from “List” to “Do Not List”:</p> <ul style="list-style-type: none"> <li>• Coyote Creek (Decision ID 132570)</li> </ul>

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		<ul style="list-style-type: none"> <li>• Rio Hondo Reach 3 (above Spreading Grounds) (Decision ID 139831)</li> <li>• San Gabriel River Reach 3 (Whittier Narrows to Ramona) (Decision ID 138700)</li> <li>• San Jose Creek Reach 1 (SG Confluence to Temple St.) (Decision ID 138750)</li> <li>• South San Jose Creek (Los Angeles County) (Decision ID 139914)</li> <li>• Zone Ditch 1 (LA River Watershed) (Decision ID 139785)</li> <li>• Los Angeles River Reach 1 (Estuary to Carson Street) (Decision ID 138014) was revised from “List” to “Do Not List” because the WARM beneficial use assessment inappropriately applied Listing Policy Table 3.1 exceedance frequency requirements for toxicants rather than Listing Policy Table 3.2 exceedance frequency requirements for conventional pollutants such as temperature. Additionally, the LOEs for Migration of Aquatic Organisms (“MIGR”) and Spawning, Reproduction, and/or Early Development (“SPWN”) beneficial uses were removed from the assessment as additional study is necessary to determine if the evaluation guidelines currently available are suitable for assessing MIGR and SPWN beneficial uses in this waterbody. No other LOEs are available to assess temperature in this waterbody.</li> </ul> <p>The following temperature listing recommendations remain unchanged:</p>

No.	Comment	Response
		<ul style="list-style-type: none"> <li>• Santa Clara River Reach 11 (above Santa Felicia Dam) (Decision ID 136966) remains “List” because the waterbody remains impaired for temperature based on exceedances of the COLD beneficial use evaluation guideline.</li> <li>• Balboa Lake (Decision ID 139040) remains “List” based on exceedances of the WARM beneficial use objective. This waterbody is fed almost exclusively by effluent from the Donald C Tillman Water Reclamation Plant and temperature exceedances in the waterbody correspond to discharge of effluent above 80F. Therefore, it can reasonably be understood that the impairment is a result of waste discharge.</li> </ul> <p>Finally, the Los Angeles Regional Water Board is in the process of revising the Basin Plan temperature objectives. When a new water quality objective(s) is adopted to assess beneficial use support, all readily available data will be reassessed with the new objective and listing recommendations may be revised as appropriate. In the meantime, for WARM beneficial use assessments, if in the future it can be shown that the temperature exceedances result from waste discharge, temperature data will be reevaluated to determine WARM beneficial use impairment.</p>
026.11	For select listings (e.g., those based on migration or spawning beneficial uses, which were evaluated using the Moyle (1976) evaluation guideline), it does not appear that the temperature measurements used to evaluate listing were representative of conditions that fish would experience. For example,	<p>The listing recommendation for temperature in Los Angeles River Estuary has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 040.132.</p>

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	<p>temperature data for the Los Angeles River estuary appear to have been collected in only May and June, but spawning is likely from February (Moyle 2002 at p. 278). Similarly, winter-run steelhead, which account for those present in southern California streams, move upstream in the December-March time period (Moyle 2002 at p. 279). Furthermore, data used to evaluate potential impairments for temperature should be checked for consistency with Section 6.1.5.2 of the State Listing Policy, which specifies that "samples should be representative of the water body segment," and Section 6.1.5.3, which states that "samples should be representative of the critical timing that the pollutant is expected to impact the water body." The SWRCB should ensure that only temperature data from critical periods are used to assess related beneficial uses such as spawning and migration.</p>	
026.12	<p>The Draft List also notes that temperature TMDLs are scheduled to be adopted by 2037. Therefore, it would seem prudent to wait until the next listing cycle in 2030 to assess available temperature data using temperature objectives that may be adopted or modified once the temperature and beneficial use studies are completed.</p>	<p>The California Water Quality Assessment ("CalWQA") database assigns a default 13-year schedule date for the development of a TMDL or alternative restoration project. However, development of a TMDL or alternative may take longer than 13 years and each Regional Water Board prioritizes its own TMDL development. The TMDL completion date is defined as the date the Regional Water Board adopts the TMDL.</p> <p>As the commenter correctly noted, in the Los Angeles Region, the development of new TMDLs for temperature are not prioritized (Staff Report section 8.3.2:</p>

No.	Comment	Response
		<p>Waterbodies and/or Pollutants Not Prioritized for TMDL Development).</p> <p>When/If new temperature objectives are adopted in the Los Angeles Region, temperature data will be reassessed during subsequent Los Angeles Region Integrated Report cycle.</p> <p>Additionally, the Water Boards are required to evaluate all readily available data and information, which is defined as “data and information that can be submitted to CEDEN, or if the type of data and information cannot be accepted by CEDEN, it is submitted directly to the State Water Board following a procedure established during the data solicitation process.” (See Staff Report section 1.3: The Listing Policy). Readily available temperature data that are representative of current water quality conditions when assessing waterbodies for the Integrated Report were used to make the listing recommendations so long as those data met Listing Policy data quality requirements.</p>
026.13	For the reasons listed above, LADWP recommends that the listing for the water bodies within the Los Angeles Region for temperature should not be listed during the current listing cycle.	Changes to listing recommendations were only made in response to comments 026.10 and 026.11. Please see response to comments 026.09, 026.10, 026.11, and 026.12 for all responses to temperature comments.

**Letter 27: Rob Carson, Marin County Stormwater Pollution Prevention Program**

No.	Comment	Response
027.01	<p>The proposed actions for waterbodies in Marin County include proposed listings for a number of tributaries to waterbodies already known to be impaired and already subject to adopted Total Maximum Daily Load (TMDLs). However, the draft report also contains a proposed new listing that appears to be based on insufficient data to compare to established objectives and cites a beneficial use that is prohibited at the particular location.</p>	<p>Changes to listing recommendations were not made in response to this comment. With regard to the first part of the comment, the comment letter does not identify the specific tributaries or waterbodies that are known to be impaired and subject to a TMDL, so it is not possible to respond to this portion of the comment. The other portion of the comment concerns the proposed listing for Agate Beach. Please see response to comments 027.03 – 027.06.</p>
027.02	<p>It is important to address these issues since inaccurate 303(d) listings of pollutant and waterbody combinations have material impacts and divert resources. Stormwater permits trigger additional and specific requirements for 303(d) listed waterbodies, which can range from extensive additional monitoring to additional treatment controls at various scales (on-site to regional facilities). Universally, the 303(d) list impacts prioritization processes and, therefore, the allocation of limited public resources. The 303(d) list also communicates to the public the status of Marin’s waterways. As such, it is critical that these assessments, even in draft form, are accurate.</p>	<p>Comment noted. Changes to listing recommendations were not made in response to this comment. Please see the response to comments 027.03 – 027.06 concerning the recommended Agate Beach PAH listing.</p>
027.03	<p>The specific concern is about the proposed listing for Polycyclic Aromatic Hydrocarbons (PAHs) at the Pacific Ocean at Agate Beach (Marin County), based on analytical results from three discrete grab samples collected over three</p>	<p>Changes to listing recommendations were not made in response to this comment. The PAH data were collected in November 2013, February 2014 (multiple dates), February 2015 (multiple dates), and April 2015 (multiple</p>



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	<p>years at the sampling location "402MAR010-REC". The selection of three datapoints from the available dataset of twelve results appears to skew the evidence for listing. We are requesting that the Water Board provide the analysis used to assess compliance with a 30-day average concentration water quality objective using single grab samples. The sampling results cited for the listing were post-storm samples that had corresponding pre-storm samples collected the day before. However, the pre-storm sample results do not appear to have been included in the analysis. Why were additional data collected at the site that showed concentrations lower than the 30-day objective not included in the analysis for the listing decision?</p>	<p>dates). These were the only data available in the CEDEN database when the system was queried. It is possible that the commenter is referring to the fact that some of the data from these sampling dates were not-detectable or not quantifiable. All detectable and quantifiable data available in CEDEN were used in the assessment. The assessment was based on more than three discrete grab samples as explained in the response to comment 027.04.</p>
027.04	<p>As an example, although 30-day average concentration of PAHs at the Pacific Ocean at Agate Beach is unknown (i.e. no sampling has been conducted to establish such a 30-day average), if one takes the two samples that were collected in the same 30-day periods (i.e. the pre-storm and the post-storm samples) and calculates an average, the resulting concentrations are below the 0.0088 ug/L Water Quality Objective for PAHs <u>in every single case</u>.</p>	<p>Changes to listing recommendations were made in response to this comment. Decision ID 149013 has been changed from "List" to "Do not List", and the waterbody Pacific Ocean at Agate Beach (Marin County) has been moved from Category 5 to Category 3, insufficient information but beneficial uses may be threatened.</p> <p>PAHs (polynuclear aromatic hydrocarbons) is defined in the California Ocean Plan (p. 67) as: "the sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno 1,2,3-cd]pyrene, phenanthrene and pyrene."</p>

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		<p>The water quality objective for PAHs contained in the Ocean Plan is 0.0088 µg/L as a 30-day average. Evaluating the water quality objective necessarily requires summing 30 days of data for the sum of all the PAH chemicals and dividing by 30 days (averaging 30 days of data).</p> <p>There is uncertainty in how to count non-detected data (data with levels below the laboratory minimum detection limit) and data that are detected but not quantified (data with levels above the laboratory minimum detection limit but below the quantitation limit) when summing PAHs.</p> <p>Listing Policy section 6.1.5.5 instructs: “When available data are less than or equal to the quantitation limit and the quantitation limit is less than or equal to the water quality standard, the value will be considered as meeting the water quality standard, objective, criterion, or evaluation guideline. When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis. The quantitation limit includes the minimum level, practical quantitation level, or reporting limit.”</p> <p>While Listing Policy section 6.1.5.5 directs the use or non-use of data that are less than or equal to a quantitation limit, the Listing Policy’s direction is dependent on knowing the value of the water quality standard, objective, criterion, or evaluation guideline. While there is a detection limit and quantitation limit for each individual</p>

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		<p>PAH chemical, the Ocean Plan's objective for PAHs is expressed as the sum of numerous PAH chemicals. It is not clear how to apply Listing Policy section 6.1.5.5 when summing PAH chemicals.</p> <p>Non-detect and detected-not-quantified values are often replaced with zeros or do not use the results prior to summing the results from each PAH chemical reported at the same station on the same day. However, this practice can skew the sample count to only those samples that exceed the objective and may not be appropriate when a significant number of samples are below detection limits or quantitation limits. Given that for the Pacific Ocean at Agate Beach, anthracene was detected on only 10% of the sampling dates, phenanthrene 40% of the time, pyrene just 30% of the sampling dates, and the rest of the data were non-detect or detected-not-quantified data, it is not certain if there are sufficient exceedances of the PAHs objective out of the total samples.</p> <p>LOE ID 289095 summarizes the data and the Ocean Plan's 0.0088 µg/L total PAH objective. Decision ID 149013 is a listing decision. The Ocean Plan contains a list of PAHs that should be summed for comparison to the 0.0088 µg/L 30-day objective. These chemicals or species are:</p> <ul style="list-style-type: none"> <li>• acenaphthylene, anthracene</li> <li>• 1,2-benzanthracene</li> <li>• 3,4-benzofluoranthene</li> <li>• benzo[k]fluoranthene</li> </ul>

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		<ul style="list-style-type: none"> <li>• 1,12-benzoperylene</li> <li>• benzo[a]pyrene</li> <li>• chrysene</li> <li>• dibenzo[ah]anthracene</li> <li>• fluorene</li> <li>• indeno[1,2,3-cd]pyrene</li> <li>• phenanthrene</li> <li>• pyrene</li> </ul> <p>For the data at Agate Beach, the only three PAH species that had detectable results that also passed the data quality checks were: phenanthrene, pyrene, and anthracene. However, even these species were only detectable some of the time. For example, here is a summary of the data for these three species.</p> <p>Anthracene had a detectable concentration of 0.0124 µg/L (2015-02-07), and the detection limit ranged from 0.0028 to 0.0051 µg/L. There were non-detect or non-quantifiable anthracene data on 90% of the sampling dates: 2013-11-18, 2015-04-07, 2014-02-25, 2015-04-06, 2015-02-05, 2014-02-06, 2014-02-05, 2014-02-26, and 2013-11-20.</p> <p>Phenanthrene had detectable concentrations of 0.00938 µg/L (2014-02-26), 0.00529 µg/L (2013-11-20), 0.058 µg/L (2015-02-07), and 0.0118 µg/L (2014-02-25), and the detection limit ranged from 0.005 to 0.01 µg/L. There were non-detect or non-quantifiable phenanthrene data</p>

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		<p>on 60% of the sampling dates: 2015-02-05, 2013-11-18, 2015-04-07, 2014-02-06, 2015-04-06, and 2014-02-05.</p> <p>Pyrene had detectable concentrations of 0.0128 µg/L (2015-02-07), 0.00766 µg/L (2014-02-26), and 0.0067 µg/L (2014-02-25), and the detection limit ranged from 0.0038 to 0.0051 µg/L. There were non-detect or non-quantifiable pyrene data on 70% of the sampling dates: 2013-11-18, 2014-02-05, 2014-02-06, 2013-11-20, 2015-04-07, 2015-04-06, and 2015-02-05.</p>
027.05	<p>Another concern about that proposed listing is the beneficial use cited is not permitted at the particular location. The Ocean Plan Water Quality Objective for Total PAHs is meant to protect human health (for carcinogens) when harvesting and consuming shellfish (SHELL). The Pacific Ocean at Agate Beach is part of the Duxbury Reef State Marin Conservation Area and shellfish harvesting is prohibited at that location. So, while SHELL may be an existing beneficial use in the Pacific Ocean along the Marin coast, it is not at the particular location where the listing is being proposed.</p>	<p>Changes to listing recommendations were not made in response to this comment. The SHELL beneficial use applies to waterbodies even if shellfish harvesting is currently prohibited at that waterbody. An existing beneficial use, such as the SHELL use at Agate Beach, is appropriately designated when the waterbody is capable of supporting the use at present or when the use has existed since November 28, 1975. In part, this serves to ensure water quality is sufficient to support shellfish harvesting should harvesting be allowed in the future in the conservation area. If the beneficial use is designated for a waterbody, the water quality objective intended to protect and indicate achievement of the beneficial use must be met.</p>
027.06	<p>We feel that the more appropriate decision would be to remove the proposed listing, or perhaps add the waterbody to</p>	<p>Changes to listing recommendations were made in response to this comment. Decision ID 149013 has been changed from "List" to "Do not List", and the waterbody</p>

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	Category 3, insufficient information but beneficial uses may be threatened.	Pacific Ocean at Agate Beach (Marin County) has been moved from Category 5 to Category 3, insufficient information but beneficial uses may be threatened. Please see response to comment 027.04 for an explanation of the recommended change.

**Letter 28: Karen Holman, Port of San Diego**

No.	Comment	Response
028.01	The District supports the State and Regional Boards' continued efforts to identify and address water quality issues within the Bay and remains committed to working collaboratively with the State and Regional Boards to fulfill our agencies' shared goals.	Comment noted.
028.02	<p>1. The San Diego Bay Strategy is a valuable tool and a viable approach to address San Diego Bay impairments and improve water quality in place of TMDLs.</p> <p>The San Diego Regional Board adopted Resolution R9-2015-0086 in support of the implementation of the Strategy for a Healthy San Diego Bay. The San Diego Bay Strategy guides the Regional Board and its staff in making the most of their resources when taking actions to protect and restore the health of San Diego Bay. This approach will address bay wide pollutants and listings in a manner that takes a holistic vision</p>	Comment noted.

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	<p>of ecological health and overall biological integrity of the Bays' marine ecosystems and communities.</p> <p>Implementing the San Diego Bay Strategy in place of TMDLs is an effective and efficient use of available resources that will lead to actions to protect and restore the health of the Bay. The progress towards beneficial use attainment can be routinely evaluated and an adaptive management approach may be implemented to achieve desired outcomes. The District supports the use of this alternative approach and will coordinate with the San Diego Regional Board to implement the San Diego Bay Strategy.</p>	
028.03	<p>2. The District supports the State Board's approach to SHELL listings as memorialized in Resolution 2022-0006 and discussed in the Draft Report.</p> <p>The District supports the efforts to review and update the SHELL objectives and will coordinate with the Regional Board, as applicable, as it relates to the water quality conditions in San Diego Bay.</p>	Comment noted.
028.04	<p>The District greatly appreciates the State and Regional Boards' efforts and looks forward to continued collaboration on cleanup and monitoring efforts throughout the Bay.</p>	Comment noted.

**Letter 29: Richard Felice**

No.	Comment	Response
029.01	<p>While I commend the efforts of the State Water Resources Control Board in identifying impaired waters since the 2013 Vision was finalized, the need to address non-point sources of pollution remains, and the engagement between stakeholders that the 2022 Vision outlines indicates that the Board intends to engage in a collaborative attempt (along with the Office of Water, CalEPA, NEPA, FRRCC and stakeholders) to adequately describe and prescribe best management practices (BMPs) for nonpoint sources. Furthermore, the charges set by the Farm, Ranch and Rural Communities Federal Advisory Committee (FRRCC) in 2022 provide the methodology for stakeholder engagement, collaboration, and enactment of BMPs to occur.</p>	<p>Comment noted.</p>
029.02	<p>I will conclude my statement by imploring the Board to consider enacting Total Maximum Daily Load (TMDL) standards in accordance with what is achievable through regenerative agriculture, incentivizing the agricultural industry to comply with Best Management Practices (BMPs) that at this point have been proven, in many different climates no less, to preserve the natural environment while not harming agricultural productivity.</p>	<p>Comment noted.</p>
029.03	<p>While I understand the enforcement guidelines of the California State Water Control Board are beholden to the EPA and the Office of Water, pursuant to the Clean Water Act (CWA), the massive amount of data on impaired waters in our</p>	<p>Comment noted.</p>



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	great state gathered by the Board will certainly be a great tool to justify making massive policy changes, including to how water privileges are distributed and enforced, to allow farmers greater flexibility in their irrigation practices.	

**Letter 30: Richard Boon, Riverside County Flood Control and Conservation District**

No.	Comment	Response
030.01	<p>Comment 1. Remove listings with insufficient exceedances to meet the Listing Policy.</p> <p>The listing for microcystins in Lake Hemet is based on one sampling event at multiple sites within the Lake. Per the Listing Policy, data sets that consist primarily of samples collected only on one day should not be the primary data set that supports the listing decision (Section 6.1.5.3 on page 23). Microcystin levels can be significantly impacted by lake levels and temperature. As a result, taking samples on one single day is not representative of the conditions occurring over a larger time frame in the lake.</p> <p>"If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision."</p> <p>The data set collected on one day is the only data set used as the basis for the listing. Therefore, in accordance with the</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The decision for Lake Hemet for microcystins (decision ID: 152870) was revised from "List" to "Do not List."</p> <p>As the commenter highlighted, Listing Policy section 6.1.5.3 states "Samples used in the assessment must be temporally independent. If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision." All samples collected for microcystins in Lake Hemet (Decision ID: 152870) were on a single day (2020-08-20).</p> <p>In accordance with section 6.1.5.3 of the Listing Policy, the samples cannot be used for the primary data set supporting the listing decision since they were all collected on the same day. These are the only samples</p>

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	<p>Listing Policy, this listing should be removed until additional monitoring events are assessed.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>Remove listings for microcystins in Lake Hemet (Decision ID 152870)</li> </ul>	<p>associated with this decision. Therefore, there is no additional data or information to recommend listing at this time. The listing recommendation was revised from “List” to “Do not List.”</p>
030.02	<p>Comment 2. Reassess Ammonia listings in Lake Elsinore and Canyon Lake (Railroad Canyon Reservoir) using the Basin Plan objective.</p> <p>New listings for ammonia proposed in Lake Elsinore and Canyon Lake are based on an evaluation comparing the sample data to the 2013 USEPA recommended ammonia criteria. However, the Santa Ana Basin Plan includes a water quality objective for ammonia. The Basin Plan water quality objective is the currently applicable evaluation threshold for those waterbodies and should be used for the integrated report assessment. The District requests that these listings be reassessed using the Basin Plan objective for ammonia.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>Remove the ammonia listings for Lake Elsinore (Decision ID 150580) and Canyon Lake (Decision ID 150569) that are based on an assessment using the 2013 USEPA ammonia criteria. Reassess the ammonia data using the Basin Plan ammonia objective as the evaluation guideline.</li> </ul>	<p>Changes to LOEs and listing recommendations were reevaluated in response to this comment and some changes were made.</p> <p>In response to this comment, the LOEs were reviewed and it was determined that the Santa Ana Region basin-wide objective is the applicable water quality objective. Ammonia data were reassessed using the Santa Ana Region basin-wide unionized ammonia as N (“UIA”) objective and created new LOEs. Applicable decisions were updated to reflect the changes.</p> <p>Table 4-4 of the Santa Ana Region Basin Plan specifies different equations for calculating the objective. When to use each equation is determined by beneficial use and pH/temperature ranges. These pH and temperature ranges have upper and lower limits. Multiple samples were not included in assessments because the corresponding pH and/or temperature data were outside the ranges specified in Table 4-4 of the Santa Ana Region Basin Plan.</p>

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		<p>Lake Elsinore (Decision ID 150580) and Canyon Lake (Decision ID 150569) continue to exceed the allowable frequency specified in Table 3.1 of the Listing Policy and remain a “List” decision.</p> <p>Please see Staff Report section 7.3: Santa Ana Region 303(d) List Recommendations and Appendix W: List of Los Angeles and Santa Ana Regional Water Boards Decisions Revised Due to Ammonia Reassessments.</p>
030.03	<p>Comment 3. Remove cadmium listing based on use of default translator to convert total data to dissolved for comparison to the objective.</p> <p>The California Toxics Rule (CTR) objectives for cadmium are for the dissolved form of the metal. Per the fact sheet for the new cadmium listing in Santa Ana River, Reach 2, total cadmium data were converted to dissolved using the default CTR translator to compare to the dissolved CTR objective. No evidence is provided in the record that the default translator is applicable to this waterbody and that it is valid to convert total data to dissolved for evaluation purposes. This listing should be removed until collection of dissolved cadmium data confirms the exceedances.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>Remove the cadmium listing for Santa Ana River, Reach 2 (Decision ID 132754) unless the use of the</li> </ul>	<p>Changes to listing recommendations for cadmium in the Santa Ana River, Reach 2 were made in response to comment 017.29.</p> <p>In response to the comment concerning the California Toxics Rule (“CTR”) translator, no site-specific translator has been approved for use by U.S. EPA. Chapter 4 (Water Quality Objectives) of the Santa Ana Region Basin Plan does not specify a site-specific translator for Santa Ana River, Reach 2. The absence of a site-specific translator does not preclude the application of the CTR default translator. In the absence of an approved translator, the CTR default translator should apply.</p>

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	<p>default translator can be justified or collection of dissolved data confirm the listing.</p>	
030.04	<p>Comment 4. Remove specific lines of evidence based on data not located in Santa Ana Reach 3.</p> <p>The listings for bifenthrin, pyrethroids, and toxicity in Santa Ana River, Reach 3 are in part based on lines of evidence from a site that does not appear to be located in Santa Ana River, Reach 3. The samples were collected at monitoring site: 801PFB019 (Prado Flood Control Basin Random Olsen Site 019). The Prado Flood Control Basin is not located within the River and samples from this location should not be used to evaluate listings in the River. The District requests that the listings based on this monitoring location be reassessed.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>Reassess the Bifenthrin (Decision ID 132797), Pyrethroids (Decision ID 132795), and Toxicity (Decision ID 132793) in Santa Ana River, Reach 3 without the samples from monitoring site 801PFB019.</li> </ul>	<p>Changes to LOEs and listing recommendations were not made in response to this comment.</p> <p>Station 801PFB019 (Prado Flood Control Basin Random Olsen Site 019) is located within Santa Ana River, Reach 3. These samples were collected as part of the bioassessment monitoring in the Santa Ana Region. This site was intended to target Santa Ana River, Reach 3 and was confirmed to be within Santa Ana River, Reach 3.</p>
030.05	<p>Comment 5. Remove pyrethroid listings based on incorrect evaluation guideline.</p> <p>The evaluation thresholds used for the bifenthrin listings is either the median or geometric mean of the LC50 values for bifenthrin in sediment (the Fact Sheet states both). The Fact Sheet cites two articles from 2007 as the basis for the</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>In the evaluation guideline section of the Waterbody Fact Sheets for Santa Ana Region assessments of bifenthrin and other pyrethroid pesticides, the term “median lethal concentration” is present. “Median lethal concentration” is</p>

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	<p>evaluation guideline and also refers to two more recent papers that include various LC50 values. The cited papers include a wide range of LC50 values for different species. It is unclear how the evaluation guideline was selected from these four citations and how that selection meets the Listing Policy requirement. Typically, identification of LC50s is an intermediary step to developing guidelines, in that LC50s from multiple species are evaluated using appropriate statistical methodologies to determine threshold values that are predictive of sediment toxicity. In this case, it appears that some calculation (median or geometric mean) of some species LC50s were used for an evaluation threshold. This does not appear to be consistent with the Listing Policy guidelines noted above that require the thresholds be predictive of sediment toxicity.</p> <p>For the pyrethroid listings, the threshold proposed is 1 toxic unit. For comparison, individual pyrethroid concentrations were divided by the respective LC50 and then summed. If the sum was over 1, then an exceedance was recorded. Again, it is unclear to the District how this threshold was determined and how it meets the Listing Policy guidelines.</p>	<p>synonymous with the abbreviation “LC50” and refers to the lethal concentration of a substance at which 50 percent of the population dies. The use of the term “median” in these assessments does not refer to any statistical analysis performed by the Water Boards.</p> <p>The evaluation guideline for bifenthrin and other pyrethroid pesticides in sediment is the LC50 for the pyrethroid pesticide and normalized by the percentage of organic carbon in the sediment sample. The LC50 for pyrethroid pesticides listing recommendations is the geometric mean of LC50 values provided in peer reviewed studies (see list below for studies affiliated with the development of bifenthrin evaluation guideline and other pyrethroid pesticide evaluation guidelines). The use of the geometric mean of LC50 values is supported by U.S. EPA guidance document PB85227049 (“Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses”). This document identifies that the geometric mean should be used to calculate a singular threshold as the distribution of results from toxicity tests are more likely to be lognormal than normal. The use of the geometric mean of LC50s for bifenthrin meets evaluation guideline requirements named in section 6.1.3 of the Listing Policy in that the evaluation guideline is applicable to and protective of the identified beneficial use, scientifically based and peer reviewed, and identifies a range above which impacts will occur.</p>

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		<p>Pyrethroid pesticides in sediment evaluation guidelines with values used to calculate the LC50 geometric mean for Santa Ana Region waterbodies are as follows:</p> <ul style="list-style-type: none"> <li>• Bifenthrin – 0.43 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Amweg et al., 2005. LC50 values – 0.57 µg/g, 0.63 µg/g, and 0.37 µg/g.</li> <li>○ Amweg and Weston, 2007. LC50 value – 0.26 µg/g.</li> </ul> </li> <li>• Cyfluthrin – 1.1 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Amweg et al., 2005. LC50 values – 1.07 µg/g and 1.09 µg/g.</li> </ul> </li> <li>• Lambda-cyhalothrin – 0.44 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Amweg et al., 2005. LC50 values – 0.43 µg/g and 0.46 µg/g.</li> </ul> </li> <li>• Permethrin – 8.9 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Amweg et al., 2005. LC50 values – 17.9 µg/g, 11.1 µg/g, and 3.51 µg/g.</li> </ul> </li> <li>• Cypermethrin – 0.3 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Maund et al., 2002. LC50 values – 0.36 µg/g, 0.6 µg/g, and 0.18 µg/g.</li> </ul> </li> <li>• Deltamethrin – 0.79 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Amweg et al., 2005. LC50 values – 0.87 µg/g and 0.71 µg/g.</li> </ul> </li> <li>• Esfenvalerate – 1.5 µg/g (LC50 geomean) <ul style="list-style-type: none"> <li>○ Amweg et al., 2005. LC50 values – 1.59 µg/g, 1.76 µg/g, and 1.28 µg/g.</li> </ul> </li> <li>• Fenpropathrin – 1 (LC50 geomean) <ul style="list-style-type: none"> <li>○ Ding et al., 2011. LC50 values – 2.2 µg/g, 1.4 µg/g, and 1.1 µg/g.</li> </ul> </li> </ul>

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		<p>The LC50 is not used to determine sediment toxicity. Listing recommendations for pollutants based on the sediment matrix are described in section 3.6 of the Listing Policy and require two LOEs; one LOE summarizing the pollutant concentration in sediment and the other LOE providing sediment toxicity data that can be associated to the pollutant. For bifenthrin and other pyrethroid pesticides, the LC50 is the evaluation guideline for the pollutant concentration LOE, not the sediment toxicity LOE.</p> <p>Regarding additive pyrethroids listing recommendations, the evaluation guideline for the protection of aquatic life is one toxic unit equivalent (Amweg et al. 2006). A toxic unit equivalent is equal to the sum of all individual pyrethroids concentrations from a single sample, each having their reported concentration divided by their respective evaluation guideline (geometric mean LC50) prior to being summed.</p>
030.06	<p>Additionally, the District request that the Staff Report and adopting resolution for the Integrated Report discuss the upcoming Urban Pesticides Amendments and note that no new TMDLs to address the pyrethroid listings will be developed until the Urban Pesticides Amendments become effective. At that point, the waterbodies will be reassessed to determine if any should be categorized in Category 4b or 5-ALT as being addressed by a program other than a TMDL. Like the Trash Amendments, it is anticipated that the Urban</p>	<p>See principal response 2.3 for discussion regarding the Statewide Urban Pesticides Provision Project.</p>

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	<p>Pesticides Amendments will contain a statewide approach for addressing pesticides that would be sufficient to serve as an alternative to a TMDL for waterbodies impacted by urban sources of pesticides. Developing TMDLs prior to the Urban Pesticides Amendment could create challenges for implementing coordinated monitoring programs and implementation actions at the Statewide level that are necessary to fully address pesticide impairments due to the limited authority local agencies have to restrict pesticide use in their communities.</p>	
030.07	<p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Reassess the following pyrethroid listings in Riverside County waterbodies using an evaluation guideline that meets the requirements of the Listing Policy: <ul style="list-style-type: none"> <li>○ Pyrethroids in Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel) (Decision ID 133189)</li> <li>○ Bifenthrin in Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel) (Decision ID 133192)</li> <li>○ Pyrethroids in Santa Ana River, Reach 3 (Decision ID 132795)</li> <li>○ Bifenthrin in Santa Ana River, Reach 3 (Decision ID 132797)</li> </ul> </li> <li>• Include language in the Staff Report and the Adopting Resolution that no new pesticide TMDLs will be</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 030.05 for discussion regarding pyrethroid sediment evaluation guideline selection. In addition, see principal response 2.3 for Statewide Urban Pesticides Provision Project.</p>



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	developed until after the Urban Pesticide Amendments are adopted.	
030.08	<p>Comment #6. Remove pH listings where there is no evidence demonstrating that pH exceedances are a result of controllable water quality factors.</p> <p>The waterbodies listed for pH do not appropriately demonstrate that the pH exceedances were a result of controllable water quality factors as required in the Basin Plan. Multiple waterbodies are proposed to be listed for pH. As stated in the Fact Sheet and according to the Santa Ana Region Basin Plan.<sup>1</sup> <i>"The pH of inland surface waters shall not be raised above 8.5 or depressed below 6.5 as a result of controllable water quality factors."</i> [emphasis added]. However, it was not demonstrated that the pH exceedances were a result of controllable water quality factors as opposed to natural causes. Therefore, the Water Board should either provide evidence that the pH exceedances were a result of controllable water quality factors and detail its findings in the Fact Sheets, or, if no such evidence exists, the listings should be removed.<sup>8</sup></p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Remove the pH listings for the following waterbodies as there is no data provided in the Fact Sheet that demonstrate that pH exceedances are the result of controllable water quality factors: <ul style="list-style-type: none"> <li>○ Temescal Creek, Reach Ia, Decision ID 133762</li> </ul> </li> </ul>	<p>Changes to LOEs and listing recommendations were made in response to this comment.</p> <p>Thank you for noting the oversight. Water Board staff reviewed the pH objective in the Basin Plan with a focus on the language "as a result of controllable water quality factors." Staff agree that this should be considered. For this listing cycle, and in response to this comment, Water Board staff have not yet undertaken the evaluation of information in the Integrated Report record to determine that the exceedances are the result of controllable water quality factors, which means it is uncertain whether there is sufficient information to evaluate whether the objectives are exceeded as a result of controllable water quality factors.</p> <p>However, the number of exceedances out of the number of samples, using the Listing Policy binomial distribution, indicate beneficial uses may be potentially threatened. Therefore, as an interim approach until waterbody-specific information on controllable water quality factors is evaluated or added to the record, the weight of evidence indicates that there is sufficient information to place this waterbody-pollutant combination in Category 3 of the CWA section 305(b) report portion of the Integrated Report.</p>

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	<ul style="list-style-type: none"> <li>○ Canyon Lake (Railroad Canyon Reservoir), Decision ID 132509</li> <li>○ Cucamonga Creek Reach 1 (Valley Reach), Decision ID 132241</li> <li>○ Elsinore, Lake, Decision ID 132523</li> <li>○ Chino Creek Reach 1B (Mill Creek confluence to start of concrete lined channel), Decision ID 133178</li> <li>○ Perris, Lake, Decision ID 133354</li> <li>○ Coldwater Canyon Creek (Riverside and Orange County), Decision ID 133922</li> </ul> <p>Footnote 1: Water Quality Control Plan Santa Ana Region R8 Basin Plan.</p>	<p>In addition, Page 4-2 of the Basin Plan defines “controllable water quality factors” as “both point and nonpoint source discharges, such as conventional discharges from pipes and discharges from land areas or other diffuse sources. Controllable sources are predominantly anthropogenic in nature. Controllable water quality factors are those characteristics of the discharge and/or the receiving water that can be controlled by treatment or management methods. Examples of other activities that may not involve waste discharges, but which also constitute controllable water quality factors, include the percolation of storm water, transport/delivery of water via natural stream channels, and stream diversions.” This language indicates that natural sources, as the commenter mentions, can also be considered in the review of controllable water quality factors. This will be considered in addition to anthropogenic sources at the time the Santa Ana Water Board undertakes this evaluation.</p>
030.09	<p>Comment #7. Remove iron listings unless evaluation guideline can be demonstrated to be total iron criteria.</p> <p>The evaluation threshold shown for the proposed iron listings is based on the United States Environment Protection Agency (USEPA) Gold Book. However, the USEPA Gold Book does not include information on whether the recommended criteria are for total or dissolved iron. The supporting narrative for the recommended criteria discusses the fact that iron has bioavailable forms and when the majority of iron is in other</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 008.16.</p>

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	<p>forms, the toxicity is likely to be reduced, but does not provide clarity on how the relationship between various forms was used to develop the criteria. Additionally, the criteria notes that the ambient conditions will impact the toxicity of iron.</p> <p>"The ferrous, or bivalent (Fe<sup>++</sup>), and the ferric, or trivalent (Fe<sup>+++</sup>) irons, are the primary forms of concern in the aquatic environment, although other forms may be in organic and inorganic wastewater streams. The ferrous (Fe<sup>++</sup>) form can persist in waters void of dissolved oxygen and originates usually from groundwaters or mines when these are pumped or drained. For practical purposes the ferric (Fe<sup>+++</sup>) form is insoluble. Iron and exist in natural organometallic or humic compounds and colloidal forms. Black or brown swamp waters may contain iron concentrations of several mg/l in the presence or absence of dissolved oxygen, but this iron form has little effect on aquatic life because it is complexed or relatively inactive chemically or physiologically."</p> <p>"Ambient natural waters will vary with respect to alkalinity, pH, hardness, temperature and the presence of ligands which change the valence state and solubility, and therefore the toxicity of the metal."</p> <p>All of the listings for iron are based on exceedances of total, not dissolved data and there was no assessment of the relationship between the total data and the bioavailable forms of iron discussed in the criteria. No exceedances of dissolved concentrations were identified, indicating a significant difference between consideration of total and dissolved forms of iron when compared to the criteria. Unless the criteria can</p>	

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	<p>be verified as being for total iron, the iron listings should be removed.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Remove the iron listings for the following waterbodies unless the iron criteria can be verified to be for total iron: <ul style="list-style-type: none"> <li>○ Temescal Creek, Reach 1a, Decision ID 133751</li> <li>○ Perris Valley Storm Drain, Decision ID 133641</li> </ul> </li> </ul>	
030.10	<p>Comment #8. Clarify the toxicity listings are for sediment only.</p> <p>The two new proposed toxicity listings in Chino Creek Reach 1B and Santa Ana River, Reach 3 are both only due to exceedances in sediment. The water column toxicity samples did not exceed the evaluation thresholds. The listings should clearly state that they are for toxicity in sediment, not water.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Designate the new toxicity listings in Chino Creek Reach 1B (Decision ID 133188) and Santa Ana River, Reach 3 (Decision ID 132793) as being in sediment.</li> </ul>	<p>Changes listing recommendations were not made in response to this comment.</p> <p>For both toxicity in Chino Creek Reach 1B (Decision ID: 133188) and Santa Ana River, Reach 3 (Decision ID: 132793), the Waterbody Fact Sheets state under “Regional Board Conclusion” that the listing recommendation is based on “sediment samples” that “exceed the WARM Toxicity guideline.” Additionally, there were no exceedances of water column toxicity samples for either waterbody. Furthermore, the applicable LOEs listed under the Decision ID identify the matrix of the samples. In this case, LOE IDs 238147 and 238152 are identified as sediment samples while LOE IDs 238158 and 238223 are identified as water samples.</p>
030.11	<p>Comment 9. Categorize microcystins in Lake Elsinore in Category 5B based on coverage by an existing TMDL.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

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	<p>The existing Nutrient TMDL for Lake Elsinore and Canyon Lake is designed to address impacts due to excessive and nuisance algae growth in the two lakes. The actions necessary to address harmful algal blooms (microcystins) will be consistent with the implementation actions to address excessive algal growth in Lake Elsinore that are already underway. Therefore, the District requests that the new listings for microcystins in Lake Elsinore be recategorized into category 5B, being addressed by an approved TMDL. A new TMDL is not necessary to address this listing.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Categorize the new 303(d) listing for Microcystins in Lake Elsinore (Decision ID 152868) in Category 5B.</li> </ul>	<p>As part of the 2004 Nutrient TMDL for Lake Elsinore and Canyon Lake, no assessment was made for the nutrient or chlorophyll-A concentrations that control for cyanotoxins (including microcystins). Furthermore, the TMDL did not explicitly consider cyanotoxins or cyanobacteria. Therefore, it is inappropriate to categorize the listing recommendation for microcystins in Lake Elsinore as being covered by an existing TMDL. Actions taken to address nutrients are likely to improve cyanotoxin levels; however, without knowledge of cyanotoxin sources and dynamics, evidence is not available to conclude that the nutrient TMDL's efforts will be sufficient to attain cyanotoxin standards.</p> <p>Additionally, the 2024 California Integrated Report does not contain an Integrated Report Condition Category "5B." See Staff Report, Figure 2-3. As described in that figure, the category used to identify an impaired waterbody as being addressed by a TMDL is Category "4a." Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. A <i>TMDL requirement status</i> within the Integrated Report Condition Category 5 is applied for each waterbody-pollutant combination as an internal tracking mechanism.</p>
030.12	<p>Comment 10. Place aluminum listings in Category 3 until additional information is obtained to determine bioavailability in listed waterbodies.</p> <p>The listings for aluminum in San Jacinto River, Reach 1 and Chino Creek Reach 1B appear to be based on the use of</p>	<p>Please see response to comment 008.05 for information regarding site-specific data and the use of default values. Please also see responses to comments 009.04 and 009.05 regarding the appropriateness of using the total recoverable fraction and the possible future use of a</p>

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	<p>default , DOC, and pH values for the ecoregion. However, the bioavailability of aluminum is greatly influenced by these factors and can vary significantly be event. Using hardness, DOC and pH samples collected at the same time as the aluminum samples to calculate the criteria is important to truly understanding whether or not an impairment exists. Additionally, the observed exceedances appear to have primarily occurred during wet weather events that transported a significant amount of sediment. The corresponding dissolved aluminum concentrations during these events was non-detected. Because aluminum can be naturally occurring in the soils, high total concentrations during a storm event does not necessarily translate to bioavailable aluminum that can cause toxicity. Therefore, the District requests that the new listings for aluminum be recategorized into Category 3 until additional information can be obtained to determine the potential toxicity of aluminum specific to these waterbody conditions.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Categorize the new 303(d) listings for Aluminum in San Jacinto River, Reach 1 (Lake Elsinore to Canyon Lake (Railroad Canyon Reservoir)) (Decision ID 133722) and Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel) (Decision ID 132388) in Category 3.</li> </ul>	<p>bioavailable-focused analytical method when evaluating if aluminum concentrations for the integrated report.</p> <p>The listing recommendation for San Jacinto River, Reach 1 for Aluminum (Decision ID 133722) was revised from “List” to “Do Not List.” See response to comment 024.06 regarding data collected in San Jacinto River, Reach 1 (Lake Elsinore to Canyon Lake (Railroad Canyon Reservoir) and Decision ID 133722.</p> <p>For the waterbody Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel), specifically Decision ID 132388 and LOE ID 307218, the commenter is encouraged to submit evidence that the aluminum data were collected after a storm event. Data or information should be submitted to CEDEN, in conformance with Listing Policy Sections 6.1.2 and 6.1.4 and as specified in the data solicitation notice, for future Integrated Report listing cycles.</p> <p>During the review of waterbody Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel), it was determined that LOE ID 307218 is based on data where the fraction (total or dissolved) was not recorded and cannot be used to make a listing recommendation. The Final Use Rating for LOE ID 307218 has been revised from “Not Supporting” to “Insufficient Information”. Due to this change, Decision ID 132388 was changed from “List” to “Do not List”.</p>

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030.13	<p>Comment 11. Place all existing benthic community effects listings in Category 3.</p> <p>The District and the Santa Ana Region MS4 Permittees appreciate the inclusion of benthic community effects in Category 3 for this listing cycle and request that all existing benthic community effects listings from previous cycles also be moved to Category 3. While we understand the importance of addressing impacts to the benthic community, additional work is needed to define thresholds that reflect the variety of waterbody types and conditions that exist within the region prior to placing these waterbodies on the 303(d) list. Additionally, if benthic community impacts are occurring, the pollutant causing the impact should be listed in Category 5 rather than the benthic community impacts themselves. As a result, we fully support placing the benthic community effects assessments from 2024 in Category 3 to allow for the additional data collection needed to determine the best course of action to protect beneficial uses and request existing Category 5 benthic community effects listings made in previous listing cycles also be placed in Category 3.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Maintain 2024 assessments for Benthic Community Effects in Category 3. Move Benthic Community Effects listings from previous cycles from Category 5 to Category 3. This includes, but is not limited to, existing Category 5 listings in Riverside County: <ul style="list-style-type: none"> <li>○ Murrieta Creek (Decision ID 12449)</li> </ul> </li> </ul>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comment 006.19.</p> <p>In each waterbody, data and information from multiple pollutants may be assessed, resulting in more than one waterbody-pollutant combination listing. A waterbody may have multiple waterbody-pollutant combination listings if multiple pollutants exceed water quality standards in the waterbody. In other words, if (an) other aquatic life pollutant(s) exceed(s) standards in that same waterbody, with benthic community effects listings, then both are placed on the 303(d) list as separate listings. Also, see Staff Report section 3.4: Benthic Community Effects for the importance of biological assessments in the Clean Water Act.</p>



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	<ul style="list-style-type: none"> <li>○ Rainbow Creek (Decision ID 126454)</li> <li>○ Santa Margarita River (Upper) (Decision ID 126468)</li> <li>○ Temecula Creek (Decision ID 126474)</li> </ul>	
030.14	<p>Comment 12. Provide data necessary for a full evaluation of the proposed listings.</p> <p>In several cases, insufficient information was provided to allow a full evaluation of the proposed listings. The District requests that following information be provided full with the revised list to allow a full evaluation:</p> <ul style="list-style-type: none"> <li>● Provide all the supporting calculations and comparisons to the evaluation guidelines, including the calculation of criteria that are based on hardness, pH, temperature, etc. Without this information, it is challenging to determine if the evaluations are correct.</li> <li>● Fix broken links to references. When the reference information is missing, it is challenging to evaluate the basis for the listings.</li> <li>● Provide correct QAPP references. In some cases, lines of evidence in Riverside County cite QAPPs for the Central Coast or other programs, though the data appear to be collected in Riverside County. Confirmation that the QAPP reference is incorrect and not the data would be useful.</li> </ul> <p>Until this information it provided, District is unable to fully assess the proposed new listings for aluminum because it is</p>	<p>Comment noted.</p> <p>Please see principal response 3.3 for Quantitative Analyses and Methodologies regarding data assessment methodologies and information regarding evaluation guideline links.</p> <p>As well, regarding the commenter’s concern about pH data for aluminum assessment, site-specific pH data, if available, were used first when assessing for aluminum using U.S. EPA’s 2018 Aluminum Criteria. If data were insufficient or missing, pH default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default values were provided in Staff Report section 3.1.2: Insufficient pH Data, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion. Please refer to response to comment 008.05 for further information on data used in aluminum assessments.</p> <p>Additionally, as no specific Quality Assurance Project Plans (“QAPPs”) or datasets were noted by the commenter, the State Water Board is unable to confirm if the references of concern are correct. The commenter may contact State Water Board staff to inquire about a</p>



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	<p>unclear what pH were used to calculate the criteria. Additionally, it is unclear how the evaluation threshold for oil and grease was determined from the USEPA Gold Book as that reference does not include the threshold shown in the Fact Sheet.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Provide all supporting calculations and comparisons to the evaluation guidelines for review.</li> <li>• Provide supporting criteria calculations for all aluminum listings in Riverside County.</li> <li>• Provide justification for the evaluation threshold for oil and grease.</li> </ul>	<p>specific QAPP or reference by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>. Please see principal response 3.1 for Readily Available Data Requirements and principal response 3.2 for Data Not Used for Assessments regarding data sufficiency and the quality assurance/QAPP process.</p> <p>Lastly, within the U.S. EPA Gold Book (1986) threshold reference for oil and grease, it is noted that petroleum products can harm aquatic life at concentrations as low as 1 µg/L (Jacobson and Boylan, 1973). The current threshold for impairment noted in the Waterbody Fact Sheets is 0.001 mg/L, which is equivalent to 1 µg/L.</p>

**Letter 31: Terrie Mitchell, Sacramento Regional County Sanitation District**

No.	Comment	Response
031.01	<p>Sacramento River – Sacramento City Marina to Suisun Marsh Wetlands</p> <p>For this reach of the Sacramento River, new 303(d) listings are proposed for the following constituents:</p> <ul style="list-style-type: none"> <li>• Chlorodibromomethane (CDBM)</li> <li>• Dichlorobromomethane (DCBM)</li> <li>• Chloroform</li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5 for a more thorough response to this comment and see Staff Report Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for</p>

No.	Comment	Response
	<ul style="list-style-type: none"> <li>Total trihalomethanes (THMs)</li> </ul> <p>Our comments on these proposed listings are provided below.</p> <p>Based on the information provided in the fact sheets, the proposed listings of the disinfection by-products (DBPs) are based on twelve samples taken in the Sacramento River at Hood by the MWQI program during the period October 5, 2010 to September 7, 2011. Exceedances of California Toxics Rule criteria and Maximum Contaminant Levels (MCLs) are alleged as the basis for the proposed listings.</p> <p>These proposed DBP listings are not consistent with the Listing Policy, as they are not based on actual measurements of the constituents in question using acceptable analytical techniques. Instead, the data used to support the proposed listings are derived from the results of a Trihalomethane (THM) Formation Potential (THMFP) test developed by the Department of Water Resources, which predicts THMs from other measurements. The use of an indirect method of estimating THMs is not an adequate basis for listings. Actual measurements of THMs using available analytical methods and appropriate detection limits (supported by QA/QC) should be the basis for any proposed 303(d) listings for THMs, using adopted California Toxics Rule criteria as the threshold values.</p>	<p>Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
031.02	<p>In light of the lack of any appropriate evidence of exceedances of available water quality criteria or MCLs for</p>	<p>Changes to listing recommendations were made in response to this comment.</p>

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	<p>the DBPs in question, we request that these listings be removed.</p>	<p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5 for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p>
031.03	<p>We note that other proposed listing for the same DBPs are included in the 2024 Integrated Report. Spot checking of the fact sheets and data used to support those proposed listing indicates the same inappropriate reliance on THMFP results. Therefore, we request that proposed listings for CDBM, DCBM, chloroform and TTHMs in the following water bodies be checked:</p> <ul style="list-style-type: none"> <li>• Morrison Creek</li> <li>• Lower American River, Nimbus Dam to Sacramento River confluence</li> <li>• San Joaquin River, Delta Waterways southern portion</li> <li>• San Joaquin River, Stanislaus River to Delta</li> <li>• California Aqueduct</li> <li>• Old River</li> <li>• Yuba River</li> <li>• Butte Creek</li> </ul> <p>If, as is the case in the Sacramento River, THMFP results are the basis for information to support these proposed listings,</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data from trihalomethane formation potential analysis were removed from assessments. Please see Principal Response 5 for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.</p> <p>In addition, the decision for the San Joaquin River, Delta Waterways, southern portion listing recommendation was revised from “List” to “Do Not List” following the removal of data that was determined to not be representative of ambient conditions. See response to comment 014.12 for more information regarding this change.</p>

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	we request that those proposed listings also be removed from the 2024 report.	
031.04	We also wish to offer our support for the comments made on the proposed report by the Central Valley Clean Water Association.	Comment noted. For comments and responses to the letter provided by the Central Valley Clean Water Association, see responses made to Letter #8.

**Letter 32: Karen Newton, Sacramento River Source Water Protection Program**

No.	Comment	Response
032.01	We were ensured by the Central Valley Regional Board that the use of dissolved fraction analysis of these metals would no longer be used by the Regional Board when evaluating compliance with these Secondary MCLs. We have reviewed the Draft Staff Report for the 2024 California Integrated Report and are quite disappointed to see the continued misuse of the dissolved fraction of these metals by the Central Valley Regional Board. Provided below are some specific examples of where the analysis appears to be flawed and needs correction, but it is not intended to be exhaustive.	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The CV-SALTS Basin Plan Amendment includes the following language regarding application of SMCLs to protect the MUN beneficial use:</p> <p style="padding-left: 40px;">For receiving waters that have been deemed exempt from surface water filtration requirements, compliance with chemical constituents in Table 64449-A shall be determined using an unfiltered water sample.<sup>26</sup> For receiving waters that are not exempt from surface water treatment requirements (i.e. 40 CFR Part 141, Subparts H, P, T &amp; W), compliance with the Secondary Maximum Contaminant Levels for aluminum, copper, iron, manganese, silver, zinc, color and</p>

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		<p>turbidity in Table 64449-A will be determined from samples that have been passed through a 1.5-micron filter to reduce filterable residue;<sup>27</sup> metal constituents will then be analyzed using the procedures described in U.S. EPA Approved Methods <sup>28</sup> as appropriate, or other methods approved by the Central Valley Water Board. Because this approach is intended to approximate the level of treatment normally applied to raw surface water sources before such water can be distributed to the public as drinking water, the Central Valley Water Board may adjust the filter size where necessary to more accurately represent site-specific conditions based on scientific evidence submitted for their consideration and after consultation with Division of Drinking Water and public comment. This provision applies solely to evaluating compliance with Secondary Maximum Contaminant Levels for certain metals and does not affect or alter the methods used to evaluate compliance with other water quality objectives that have been established for those same metals (e.g. as Primary MCLs, California Toxics Rule or National Toxic Rule constituents, or constituents with specific objectives listed in this Basin Plan). [ . . . ]</p> <p>The Central Valley Water Board may require unfiltered samples be analyzed concurrently to</p>

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		<p>assess general trends in receiving water quality, implement the state's Antidegradation Policy (Res. No. 68-16), and evaluate potential downstream impacts.</p> <p>[Footnotes:]</p> <p>26 U.S. EPA. National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule. 71 Federal Register: 654-786. January 5, 2006.</p> <p>27 The 1.5-micron filter is the largest filter size in the apparatus section of U.S. EPA Method 2540. The filter is used for removing suspended solids from a solid prior to analysis. Filtering the sample will remove suspended solids that may contribute to turbidity and color in samples that may negatively impact analytical results for metal concentrations while better representing the dissolved solids that may pass through a water treatment plant's filtration system.</p> <p>28 Currently U.S. EPA Approved Methods are 200.7 and 200.8 for metals, Method 180.1 for turbidity and SM 2120 F-2011 for color. U.S. EPA methods are periodically updated and future approved methods may be applicable.</p> <p>Data that were filter using a 1.5 micron filter were not submitted as readily available data in response to the</p>

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		<p>June 29, 2020 data solicitation notice for the 2024 Integrated Report. However, total fraction and dissolved fraction data were readily available.</p> <p>Total fraction data were not used to assess attainment of SMCLs for MUN support in the Central Valley because the CV-SALTS Basin Plan amendment Staff Report noted that “measuring the total amount of an SMCL present in the source water may be an over conservative measure of the SMCL,” which could result in listings in waterbodies that may be supporting beneficial uses (Central Valley Water Board (2018) Final Staff Report. Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to Incorporate a Central Valley-wide Salt and Nitrate Control Program.)</p> <p>Dissolved fraction data were appropriately used to assess attainment of SMCLs for MUN support in the Central Valley. The dissolved sample analysis method involves using a 0.45 micron filter to remove particulate bound constituents prior to sample analysis. Because of this, any dissolved sample exceeding the Secondary MCL would also exceed the Secondary MCL if it were a “filtered” sample using a 1.5 micron filter (i.e., particulates that would pass through a 0.45 micron filter would also pass through a 1.5 micron filter).</p> <p>Once filtered data become available in a future Integrated Report, listings will be updated to include this information. In the interim, the use of the dissolved fraction is</p>

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		<p>considered the best available information to determine beneficial use support and effectively identifies impairments.</p> <p>The use of a 1.5-micron filter to determine compliance with SMCL metals continues to be a requirement of NPDES permits in the Central Valley Region; however, to date, most of the water quality laboratories do not have adequate supply of the 1.5-micron filters for all required water quality samples needing analysis. The Central Valley Regional Water Board will continue to track the implementation of this approach and will update assessments once filtered data are readily available.</p>
032.02	<p>Draft Staff Report: Section 6.2.8 – Secondary MCL (pages 86-87)</p> <p>This section provides a discussion of the Central Valley Regional Board’s CV-SALTS revisions to how the data should be compared to the Secondary MCLs. However, this discussion only addresses the salinity constituents in Table 64449-B, not the metals constituents in Table 64449-A, and nothing about the Secondary MCL Policy that was prepared in Attachment 1 of Resolution R5-2018-0034.</p> <p>We request that this section be expanded to properly describe the CV-SALTS elements related to the metals with Secondary MCLs. The State Board approved the use of total metals analysis, allowing for pre-filter at 1.5 microns, and it should not allow the Central Valley Regional Board to backslide from</p>	<p>Changes to the 2024 Integrated Report Staff Report were made in response to this comment.</p> <p>Section 6.2.8 of the 2024 Integrated Report Staff Report has been revised to describe the implementation of the CV-SALTS Basin Plan amendment guidance for assessment of SMCLs. During the 2024 Cycle, reassessment of data began according to the SMCL Policy included in the CV-SALTS Basin Plan amendment. Reassessment of data were completed for the Sacramento River Basin during the 2024 cycle. Reassessment of data in the San Joaquin River Basin, the Tulare Lake Basin, and the Sacramento-San Joaquin River Delta will be completed during the 2026 and 2028 listing cycles as described in the 2020-2022 Integrated Report Staff Report.</p>



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	<p>this commitment by utilizing dissolved fraction metals analysis as part of its 2024 Integrated Report.</p>	<p>Please see response to comment 032.01 regarding use of dissolved fraction data for assessing metals to Secondary MCLs in the Central Valley.</p>
032.03	<p>Appendix B: Statewide Waterbody Fact Sheets</p> <p>Provided below are three decisions to be used as examples of inappropriate application of metals analytical results to determine if the MUN beneficial use is impaired. This is not an exhaustive review, rather it is intended to highlight the inappropriate application of the dissolved fraction of metals to Secondary MCL constituents in the Sacramento Valley and the need to correct the data evaluation process.</p>	<p>See response to comment 032.01</p>
032.04	<p>Decision ID 153149 – Aluminum for American River, Lower (Nimbus Dam to Confluence with Sacramento River)</p> <p>This decision recommends “Do Not List on 303(d) list (TMDL required list)”. Of the seven Lines of Evidence (LOE) for this decision, two were related to the MUN beneficial use.</p> <p>Both of those were based on use of the dissolved fraction of aluminum data available. The other five LOEs were based on the Cold Freshwater Habitat beneficial use and three of which (314668, 314678, 314659) were based on use of the total fraction of aluminum data available. This indicates that total aluminum data is available to compare to the MUN water quality standard to more accurately assess if the beneficial use is impaired.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>For Decision IDs 153149 and 153090, LOEs with data expressed in the total fraction were used to determine support of the Cold Freshwater Habitat beneficial use because the U.S. EPA’s 2018 Final Aquatic Life Ambient Water Quality Criteria for Aluminum is expressed using the total recoverable aluminum concentration. See response to comment 009.04 for more information.</p> <p>In accordance with the CV-SALTS Basin Plan amendment, LOEs with data expressed in the total fraction were not used to determine support of the Municipal and Domestic Supply (“MUN”) beneficial use</p>

No.	Comment	Response
	<p>Decision ID 153090 – Aluminum for Sacramento River (Knights Landing to Delta)</p> <p>This decision recommends “Do Not List on 303(d) list (TMDL required list)”. Of the six LOEs for this decision, two were related to the MUN beneficial use. Both of those were based on use of the dissolved fraction of aluminum data available. The other four LOEs were based on the Cold Freshwater Habitat beneficial use and two of which (314667 and 314609) were based on use of the total fraction of aluminum data available. This indicates that total aluminum data is available to compare to the MUN water quality standard to more accurately assess if the beneficial use is impaired.</p>	<p>(see response to comment 032.01). Dissolved concentrations were assessed as annual averages.</p>
032.05	<p>Decision ID 116604 – Iron for Deer Creek (El Dorado and Sacramento Counties)</p> <p>This decision recommends “Delist from 303(d) list (TMDL required list)”. Of the 17 LOEs for this decision, nine were related to the MUN beneficial use. Of those, five were based on total metals analysis data and four were based on dissolved metals analysis data.</p> <p>This was the only text that could be located that provided any insight on how the Regional Board implemented the data evaluation process for Secondary MCLs, thus it becomes relevant to all other Secondary MCL assessments. We would note that in 2018 we expressed concern that the Regional Board would not be able to implement the use of a non-standard pre-filter process for samples at 1.5 microns. There</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Although the CV-SALTS Basin Plan Amendment Resolution did not specify the use of dissolved fraction data in lieu of filtered data, the dissolved fraction data are readily available and appropriate for use as described in response to comment 032.01. The lack of a provision in the resolution or amendment language, that the dissolved fraction would not be used is not sufficient justification to utilize the total fraction over the dissolved fraction.</p> <p>The lack of a description about the use of dissolved, filtered, or total fraction data in LOEs is recognized. While language was added to CalWQA decisions for new listings and delistings, adding similar language to LOEs would have been helpful. Water Board staff intend to add</p>

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	<p>is no provision in the Resolution for continued use of dissolved metals analysis and the Central Valley Regional Board never indicated that the lack of a pre-filter method would disallow use of total metals analysis and again rely back on the incorrect assumption that dissolved analysis, at a much smaller pore size, would be allowed for comparison to water quality standards.</p>	<p>more discussion to LOEs in future integrated report cycles as data are reassessed.</p>
032.06	<p>We request that the State Board require the Regional Board to revise the evaluations related to the application of the Secondary MCLs water quality standard comparison for aluminum, copper, iron, manganese, silver, and zinc related to the MUN beneficial use in the Sacramento Valley to remove the use of dissolved metals analysis and require comparison to total metals analysis.</p>	<p>See response to comments 032.01 and 032.02</p>
032.07	<p>We further request that the State Board require that the Central Valley Regional Board provide insight on how they are implementing this pre-filtering method in a timely manner to ensure that dischargers are able to take advantage of the pre-filter prior to total metals analysis. A delay in implementation should not allow continued use of the dissolved metals data since it has been determined to be inappropriate.</p>	<p>Comment noted. Please see response to comments 032.01 and 032.05 for additional information on metals analysis.</p>

**Letter 33: Arlene Chun, San Bernardino County Flood Control District**

No.	Comment	Response
033.01	<p>A. Chino Creek Reach 1B</p> <p>1. Aluminum (132388)</p> <p>Recommended Action: Remove Aluminum listing until the data and calculations are provided for review.</p> <p>Based on the review of the State Water Board’s use of the 2018 Aluminum Criteria, the listing appears to ignore critical qualifying statements from USEPA that are directly applicable to the state’s listing process. Most significantly, it is well understood that total recoverable analytical methods for aluminum likely overestimate the biological available fraction of aluminum – which is the fraction of aluminum that is of concern to aquatic life. (See, e.g., USEPA, Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum (Draft Aluminum TSD), EPA-800-D-21-001, November 2021, p. 22.)</p>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comments 009.04, and 009.05 for discussion on total and dissolved aluminum data. Also, see Appendix R: List of Calculated Aluminum Criteria for Aquatic Life Assessments.</p> <p>However, during the review of waterbody Chino Creek Reach 1B (Mill Creek confluence to start of concrete lined channel), it was determined that LOE ID 307218 is based on data where the fraction (total or dissolved) was not recorded and cannot be used to make a listing recommendation. The Final Use Rating for LOE ID 307218 has been revised from “Not Supporting” to “Insufficient Information.” Due to this change, Decision ID 132388 was changed from “List” to “Do not List.”</p>
033.02	<p>Because of this concern, USEPA recognizes that analytical methods that measure bioavailable aluminum would provide more accurate information with respect to the toxic fraction of aluminum when measuring aluminum in ambient receiving waters and that analytical methods promulgated under 40 CFR Part 136 may not be appropriate for impaired waterbody listing purposes. (See Draft Aluminum TSD, pp. 22-23.)</p>	<p>Please see response to comment 009.05 for more information on the analytical methods for aluminum.</p>

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033.03	<p>Taking to heart EPA’s comments in the Draft Aluminum TSD and in conjunction with 40 CFR 130.7(b)(6)(iii), the State Board should reevaluate its proposed listing of aluminum for Chino Creek Reach 1B. Specifically, the data used to support the listing is, in fact, total recoverable aluminum; this data is <u>magnitudes</u> higher than dissolved data for the same samples. The dissolved data for the same samples is well below the 2018 Aluminum Criteria (Draft Aluminum TSD, p. 23.)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comments 009.04, and 009.05 for discussion on total and dissolved aluminum data.</p> <p>However, during the review of waterbody Chino Creek Reach 1B (Mill Creek confluence to start of concrete lined channel), it was determined that LOE ID 307218 is based on data where the fraction (total or dissolved) was not recorded and cannot be used to make a listing recommendation. The Final Use Rating for LOE ID 307218 has been revised from “Not Supporting” to “Insufficient Information”. Due to this change, Decision ID 132388 was changed from “List” to “Do not List”.</p>
033.04	<p>More specifically, Decision ID 132388 states that there are 3 lines of evidence and that two samples exceed the evaluation guideline of the 2018 Aluminum Criteria. The State Board admits that there is no pH data and that median pH values were used. The Decision presented data that has missing samples as presented below:</p> <ul style="list-style-type: none"> <li>• Missing Total Hardness Samples: 09/07/2011, 01/23/2012, 05/08/2013, 11/09/2015, 02/01/2016, 05/02/2016, 11/13/2019 (7 of the 13 samples used).</li> <li>• Missing pH Samples: 01/23/2012, 11/09/2015, 02/01/2016, and 05/02/2017 (4 of the 13 samples used).</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 008.05 for more information about default values. If data were insufficient or missing, total hardness, DOC, and pH site-specific values, then default values based on U.S. EPA’s Level III Ecoregions and developed by U.S. EPA or the State Water Board were used. These default values were provided in the Staff Report in section 3.1.2, Table 3-1: Total Hardness, DOC, and pH Default Values for each Level III Ecoregion.</p>

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	In the data presented, the median pH value(s) is/are not included or documented. This data is required to provide adequate review and analysis.	
033.05	It is also confirmed that the samples that exceed the criteria are, in fact, the total fraction of aluminum and not the dissolved fraction. The dissolved fraction for all sample samples are shown as "NA". It appears that "NA" is the same as "ND" in this data.	Please see response to comments 009.04, and 009.05 for discussion on total and dissolved aluminum data.
033.06	Based on the provided spatial data for the monitoring location 745836, it appears that the data is describing discharge from the regional plant and is not spatially representative of conditions that exist in this reach. Additional information (i.e. a site-specific monitoring plan describing the station's location) is required in order to assess the appropriateness of using this data in making a 303(d) listing.	Changes to listing recommendations were not made in response to this comment.  Station code 745836 does not describe a discharge location. Per Order No. R8-2015-0036, station code 745836 (station name: R-003D) describes a receiving water station. Accordingly, this station is appropriate for surface water quality assessment.
033.07	Accordingly, the evidence in the record indicates that there is no threat of impairment of the intermittent beneficial uses and that Chino Creek Reach 1B should not be listed for aluminum.	Comment noted. Please see responses to comments 033.01 through 033.06.
033.08	2. Chloride, as CaCO <sub>3</sub> , Nitrogen and TDS (133160, 133191,150866, 133186)  Recommended Action: Reanalyze listings and the recirculate data for additional public review.	In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised in this comment.

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	<p>Previous Regional Board Findings still remain true: "While this number of exceedances would normally provide sufficient justification in favor of placing this water segment-pollutant combination on the CWA section 303(d) List, none of the exceedances would cause an impairment of any of the beneficial uses assigned to this waterbody (REC1, REC2, WARM, WILD, RARE). Table 4-1 of the Region 8 Basin Plan identifies site specific water quality objectives based on historical values of Total Dissolved Solids, Hardness, Sodium, Chloride, Total Inorganic Nitrogen, Sulfate and Chemical Oxygen Demand, that were intended to be protective of the groundwater aquifers underlying those surface waterbodies identified in Table 4-1. Regional Board staff have recognized that the Groundwater Recharge beneficial use is more correctly assessed using actual groundwater data rather than by monitoring surface waters. Region Board Resolution No. R8-2004-0001 deleted the groundwater objectives for individual minerals from the Basin Plan, but not the individual mineral objectives for all surface waters."</p> <p>Based on the provided spatial data for the monitoring location 745836, it appears that the data is potentially describing discharge from the regional plant and is not spatially representative of conditions that exist in this reach. Additional information (i.e. a site-specific monitoring plan describing the station's location) is required in order to assess the appropriateness of using this data in making a 303(d) listing.</p> <p>These listings need to be reanalyzed and the data provided for additional public review.</p>	<p>Santa Ana Water Board staff reviewed the objectives in Table 4-1 of the Basin Plan for Total Dissolved Solids, Hardness, Sodium, Chloride, Total Inorganic Nitrogen, and Sulfate. These objectives also have associated narrative language on pages 4-10, 4-11, 4-14, 4-18, and 4-19 of the Santa Ana Basin Plan. The narrative components of these objectives state that the numerical values shall not be exceeded as a result of controllable water quality factors.</p> <p>Santa Ana Water Board staff has not yet undertaken the evaluation of information in the integrated report record to determine if exceedances are the result of controllable water quality factors, which means there is insufficient information to conclude the objectives are exceeded as a result of controllable water quality factors.</p> <p>However, in several circumstances, the number of exceedances out of the number of samples, using the Listing Policy binomial distribution for conventional or other pollutants, indicate beneficial uses may be potentially threatened. Therefore, as an interim approach until waterbody-specific information on controllable water quality factors is evaluated and added to the record, the weight of evidence indicates that there is sufficient information to place these waterbody-pollutant combinations in Category 3 of the CWA section 305(b) report portion of the integrated report.</p> <p>In addition, a Basin Plan amendment is being considered to provide clarity to the water quality objectives in Table</p>



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		<p>4-1 as to what beneficial uses they protect, as well as to applicable averaging periods that should be used.</p> <p>Station code 745836 does not describe a discharge location. Per Order No. R8-2015-0036, station code 745836 (station name: R-003D) describes a receiving water station. Accordingly, this station is appropriate for surface water quality assessment.</p>
033.09	<p>B. Day Creek</p> <p>Ammonia (150576)</p> <p>Recommended Action: Reassess the listing based on the Basin Plan.</p> <p>The new listing for ammonia proposed in Day Creek is based on an evaluation comparing the sample data to the 2013 USEPA recommended ammonia criteria. However, the Santa Ana Basin Plan includes a water quality objective for ammonia. The Basin Plan water quality objective is the currently applicable evaluation threshold for those waterbodies and should be used for the integrated report assessment. The District requests that these listings be reassessed using the Basin Plan objective for ammonia.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct and ammonia data were reassessed using the Santa Ana Region basin-wide unionized ammonia as N (UIA) objective and created new LOEs. Applicable decisions were updated to reflect the changes.</p> <p>Table 4-4 of the Santa Ana Region Basin Plan specifies different equations for calculating the objective. When to use each equation is determined by beneficial use and pH/temperature ranges. These pH and temperature ranges have upper and lower limits. Multiple samples were not used in the assessments because the corresponding pH and/or temperature data were outside the ranges specified in Table 4-4 of the Santa Ana Region Basin Plan.</p> <p>Day Creek (Decision ID 150576) no longer has enough samples due to corresponding pH and/or temperature data being outside specified ranges and does not exceed</p>



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		<p>the allowable frequency specified in Table 3.1 of the Listing Policy. Therefore, the Day Creek ammonia listing recommendation was revised from “List” to “Do not List.”</p> <p>Please see Staff Report section 7.1.8: Ammonia Reassessments and Appendix W: List of Los Angeles and Santa Ana Regional Water Board Decisions Revised due to Ammonia Reassessments of the Staff Report for more information.</p>
033.10	<p>C. Lake Gregory (80105)</p> <p>Chlordane</p> <p>Recommended Action: Please provide additional information.</p> <p>The State Board provides the rules for summing chlordane and chlordane isomers/metabolite:</p> <p>...sum of cis-Chlordane, trans-Chlordane, cis-Nonachlor, trans-Nonachlor, and oxychlordane) if both chlordane and isomers/metabolite are in the data. If only chlordane is in the data use chlordane. If only the isomers/metabolite are in the data then sum and use the isomers/metabolite.</p> <p>The State Board is silent on how "NDs" of chlordane isomers/metabolites are treated regarding summing. Please provide the methodology and assumptions used in summing isomers/metabolites that were ND.</p>	<p>Lake Gregory is located within the jurisdiction of the Lahontan Regional Water Board. No changes to the 303(d) list for waterbodies in the Lahontan Region are proposed in the 2024 California Integrated Report. Changes to the 303(d) list for the Lahontan Region were last made in the 2018 California Integrated Report. Additional changes for the Lahontan Region would be proposed in the 2026 California Integrated Report. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding on and off-cycle assessments via the rotating basin approach.</p> <p>The summing of chlordane and chlordane isomers or metabolites in tissue is conducted using the same procedure as other summing pollutants in the tissue matrix. The results of each non-detect (“ND”) isomer or metabolite is converted to zero prior to being summed with the other isomers/metabolites reported at the same station on the same day.</p>

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		<p>Commenters are encouraged to reach out to Water Boards staff regarding summing pollutants and data analysis if further questions persist. Additionally, see principal response 3.3 for Quantitative Analyses and Methodologies regarding current data assessment processes.</p>
033.11	<p>D. Lake Havasu (131268)</p> <p>Low Dissolved Oxygen</p> <p>Recommended Action: Provide additional data.</p> <p>Exceedances should be calculated on an event basis, not multiple stations for a singular event. Data collected in 2015 should be treated as a single event with regards to exceedances due to samples being taken 1 day apart. Additionally, there is no sampling information that discusses depth collected, as well as additional information with regards to lake turnover. These are useful information in assessing the context in which dissolved oxygen readings were collected. Additional information on whether fish kills have occurred would be useful lines of evidence to determine whether or not low oxygen truly contributed to degradation of the COLD Beneficial Use.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Section 6.1.5 of the Listing Policy states, “Before determining if water quality standards are exceeded, the Regional Water Boards have wide discretion establishing how data and information are to be evaluated, including the flexibility to establish water segmentation, as well as the scale of spatial and temporal data and information that are to be reviewed.”</p> <p>As stated in section 6.1.5.2 of the Listing Policy, “Samples should be representative of the water body segment. To the extent possible, samples should represent statistically or in a consistent targeted manner the segment of the water body. Samples collected within 200 meters of each other should be considered samples from the same station or location. However, samples less than 200 meters apart may be considered to be spatially independent samples if justified in the Waterbody Fact Sheet.”</p>

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		<p>Listing Policy section 6.1.5.3 provides, “In general, samples should be available from two or more seasons or from two or more events when effects or water quality objective exceedances would be expected to be clearly manifested.”</p> <p>Finally, Listing Policy section 6.1.5.6 states, “To be considered temporally independent, samples collected during the averaging period shall be combined and considered one sampling event. For data that is not temporally independent (e.g., when multiple samples are collected at a single location on the same day), the measurements shall be combined and represented by a single resultant value. For dissolved oxygen measurements, the minimum value shall be used to determine compliance with the water quality objective. If the averaging period is not stated for the standard, objective, criterion, or evaluation guideline, then the samples collected less than 7 days apart shall be averaged.”</p> <p>In Decision ID 131268, multiple exceedances were recorded at three separate stations during two singular events between 09/01/2015 and 10/20/2015.</p> <p>Despite the samples being collected during two singular events, the spatial segments are located greater than 200 meters apart, thus representing individual exceedances.</p> <p>Additionally, no fish kill data were received for Lake Havasu during the 2024 California Integrated Report data</p>

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		solicitation period. However, fish kill data can be submitted and may be considered in future California Integrated Report cycles.
033.12	<p>E. Santa Ana Reach 3</p> <ol style="list-style-type: none"> <li>1. Bifenthrin (132797)</li> <li>2. Pyrethroids (132795)</li> <li>3. Toxicity (132793)</li> </ol> <p>Recommended Action: Reassess listings based on monitoring location.</p> <p>Remove specific lines of evidence based on data not located in Santa Ana Reach 3. The listings for bifenthrin, pyrethroids, and toxicity in Santa Ana River, Reach 3 are in part based on lines of evidence from a site that does not appear to be located in Santa Ana River, Reach 3. The samples were collected at monitoring site: 801PFB019 (Prado Flood Control Basin Random Olsen Site 019). The Prado Flood Control Basin is not located within the River and samples from this location should not be used to evaluate listings in the River. The District requests that the listings based on this monitoring location be reassessed.</p>	<p>Changes listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 030.04.</p>
033.13	<p>F. Santa Ana Reach 6 (133272)</p> <p>Iron</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 008.16.</p>

No.	Comment	Response
	<p>Recommended Action: The listing should be removed unless the data analysis is corrected.</p> <p>The evaluation threshold shown for the proposed iron listings is based on the United States Environment Protection Agency (USEPA) Gold Book. However, the USEPA Gold Book does not include information on whether the recommended criteria are for total or dissolved iron. The supporting narrative for the recommended criteria discusses the fact that iron has bioavailable forms and when the majority of iron is in other forms, the toxicity is likely to be reduced. Additionally, the criteria notes that ambient conditions will impact the toxicity of iron.</p> <p>This listing for iron is based on exceedances of total, not dissolved data. No exceedances of dissolved concentrations were identified. Unless the criteria can be verified as total iron, the iron listing should be removed.</p>	
033.14	<p>G. San Timoteo Reach 1A (97215) and Reach 2 (97273)</p> <p>Indicator Bacteria</p> <p>Recommended Action: Data needs to be reanalyzed based on Basin Plan.</p> <p>These decisions were based on a sufficient number of exceedances of the E. coli geometric objective to trigger a “Not Supporting” listing. The Region 8 Basin Plan states that where a representative E. coli geometric mean can be calculated, single sample maximum values shall not be used</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Decision IDs 97215 and 97273 for indicator bacteria in San Timoteo Creek Reach 1A and San Timoteo Creek Reach 2 are from a prior listing cycle. No new data or information were received for these waterbody-pollutant combinations and thus the listing recommendation will remain ‘List on 303(d) list’ until newer information is available to evaluate whether the waterbody meets the revised water quality objective. However, Decision IDs 97215 and 97273 were updated to reflect accurate</p>

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	<p>for assessment (page 4-17, footnote 3); therefore the <i>E. coli</i> single sample maximum objective line of evidence was not used in the Final Use Rating.</p>	<p>sample and exceedance counts for <i>E. coli</i> and total coliform LOEs were removed from the final use ratings.</p> <p>Additionally, application of the new objective does not change the listing recommendation. The <i>E. coli</i> geomean objective used in the 2016 California Integrated Report was 126/100mL per the Santa Ana Region Basin Plan, and the new objective for <i>E.coli</i> is a geomean not to exceed 100 cfu/100mL per the 2019 Bacteria Provisions. Therefore, any exceedances under the old objective would still be an exceedance under the new objective as the new objective is more stringent than the old.</p> <p>Finally, the Listing Policy does not preclude the use of older data. Therefore, the older data will continue to be considered and older LOEs may be retired when newer data are available. Please see principal response 3.4 for Inclusion of Older Data and Staff Report section 3.5: Bacteria and REC-1 Beneficial Use, for information on historical bacterial data and the current bacteria water quality objectives.</p>
033.15	<p>Additionally, Enterococcus, Fecal Coliform and Total Coliform objectives no longer apply to the REC 1 Beneficial Use for fresh waters in Region 8. As such the Total Coliform lines of evidence are to be retired.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 033.14 regarding the bacteria objectives used for Decision IDs 97215 and 97273.</p>

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033.16	<p>Also, these reaches of San Timoteo are both natural, rural areas inhabited with large wild burro populations.</p>	<p>Comment noted. The Listing Policy does not account for the evaluation of natural source background. The purpose of the Listing Policy is to assess applicable water quality standards as they exist in applicable basin plans regardless of the relative feasibility of a TMDL to regulate all applicable pollutant sources. Pollutant loading originating from natural sources are beyond the Water Boards' ability to correct.</p>
033.17	<p>H. Silverwood Lake (76279)</p> <p>PCBs</p> <p>Recommended Action: Listing data should be reanalyzed.</p> <p>There should be no new anticipated polychlorinated biphenyls (PCBs) because manufacturing this substance (synthetic organic compound) stopped in 1977 and its application was banned in 1979; therefore, it will not be handled or form part of any applications. Listing it will not change any source control which is already in place.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Silverwood Lake is located within the jurisdiction of the Lahontan Regional Water Board. Changes to the 303(d) list for the Lahontan Region were last made in the 2018 California Integrated Report. Additional changes for the Lahontan Region would be considered for the 2026 California Integrated Report when the region is on-cycle. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding on and off-cycle assessments via the rotating basin approach.</p> <p>The 2018 listing of "Do not Delist" for polychlorinated biphenyls ("PCBs") in Silverwood Lake, Decision ID 76279, is justified by the readily available data from the lake, assessed in accordance with the Listing Policy.</p> <p>Despite the U.S. EPA banning the production of PCBs in 1979, the pollutant is still closely monitored in ambient waterbodies. PCBs are found on the U.S. EPA Toxic</p>

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		<p>Pollutant List and Priority Pollutant List (40 C.F.R. Part 423, Appendix A), requiring states and authorized tribes to adopt water quality criteria, sufficient enough to protect the designated use of waterbodies for toxic pollutants. Additionally, under Clean Water Act section 303(c)(2), whenever reviewing, revising, or adopting new water quality standards, states must adopt numeric criteria for all toxic pollutants listed pursuant to section 307(a)(1) for which criteria have been published under section 304(a), which includes PCBs.</p> <p>The identification of waters impaired by PCBs require placement on the 303(d) list and may require specific control measures intended to remedy these specific impairments. In accordance with section 4.11 of the Listing Policy, a waterbody will only be removed from the 303(d) list if the weight of evidence for the waterbody indicates attainment of a beneficial use.</p>
033.18	<p>Data collected by the SWAMP Bioaccumulation Oversight Group prompted the Office of Environmental Health Hazard Assessment (OEHHA) to issue a fish consumption advisory in August of 2013 for Silverwood Lake based on elevated levels of PCBs. This work was completed over a decade ago; before this listing is determined, at a minimum, additional data should be collected.</p> <p>Data for this line of evidence for Silverwood Lake was collected at 1 monitoring site [ Silverwood Lake - 628PSW035]. Two samples were collected from 2 locations.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 033.17 regarding Silverwood Lake’s location in the Lahontan Region and the timeline for data assessments in the Lahontan Region.</p> <p>While the data collected by the SWAMP Bioaccumulation Oversight Group prompted a fish consumption advisory in Silverwood Lake in August of 2013, an additional five</p>



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	<p>Individual sample locations consisted of an area within a given waterbody from which fish tissue samples were collected. The number of sample locations per waterbody was based on the overall size of the waterbody (SWAMP, 2010).</p>	<p>LOEs were available for assessment of polychlorinated biphenyls (“PCBs”) in Silverwood Lake (Decision ID 76279) in the 2018 California Integrated Report. The listing recommendation of “Do not Delist” is justified by the readily available data from the Lake, assessed in accordance with the Listing Policy.</p> <p>Though the LOEs consist of older data, there is no express provision in the Listing Policy precluding the use of older data for assessment purposes, except in section 6.1.5.3, which states that, if the implementation of a management practice(s) has resulted in a change in the water body segment, only recently collected data [since the implementation of the management measure(s)] should be considered. Unless newer data are received for PCBs, older data will be used to make listing recommendations.</p> <p>Please see principal response 3.4 for Inclusion of Older Data. Additionally, please refer to section 6.1.5 of the Listing Policy regarding spatial and temporal sampling requirements.</p>
033.19	<p>I. Big Bear Lake (132505)</p> <p>PCBs</p> <p>Recommended Action: Listing data should be reanalyzed.</p> <p>There should be no new anticipated polychlorinated biphenyls (PCBs) because manufacturing this substance (synthetic</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The listing recommendation of ‘Do not Delist’ for polychlorinated biphenyls (“PCBs”) in Big Bear Lake, Decision ID 132505, is justified by the readily available</p>

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	<p>organic compound) stopped in 1977 and its application was banned in 1979; therefore, it will not be handled or form part of any applications. Listing it will not change any source control which is already in place.</p>	<p>data from the Lake, assessed in accordance with the Listing Policy.</p> <p>The identification of waters impaired by PCBs require placement on the 303(d) list and may require specific control measures intended to remedy these specific impairments. There is currently a Nutrient TMDL for Dry Hydrologic Conditions in place in Big Bear Lake. In accordance with section 4.11 of the Listing Policy, a waterbody will only be removed from the 303(d) list if the weight of evidence for the waterbody indicates attainment of a beneficial use. Unless newer data received for PCBs indicates the waterbody is no longer impaired, the current listing of “Do not Delist” will remain.</p> <p>Please see response to comment 033.17 regarding the banning of PCBs and the continued assessment of the pollutant under the Clean Water Act.</p>
033.20	<p>Data for this line of evidence for Big Bear Lake was collected at 1 monitoring site [Big Bear Lake BOG – 801PBB131]. Samples were collected from 3 locations. Individual sample locations consisted of an area within a given waterbody from which fish tissue samples were collected. Four out of 12 samples exceeded. A total of 9 filet composite samples of largemouth bass and 3 filet composite samples of carp were collected. Largemouth bass were collected in 1994-95 and 2000-01. Carp were collected in 2000-01. The guideline was exceeded in all three carp samples and one largemouth bass</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>LOEs 760 and 81258 are consist of samples taken from 1994 to 2007. These LOEs were the basis for listing and not removing Big Bear Lake from the 303(d) list for PCBs in prior integrated reports. For the 2024 Integrated Report, LOE 238482 has two of three samples exceeding the applicable evaluation guideline for PCBs. These samples were collected in 2016. This most recent data (2016) confirms that PCBs continue to exceed the</p>

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	<p>sample collected in 2000. Seven smaller size largemouth bass samples had undeletable levels of PCBs (TSMP, 2002).</p> <p>Three stations were sampled: Metcalf and Grout Bays, about 200 yards from the dam along the south shore, and in the vicinity of the mouth of Rathbone Creek.</p> <p>Temporal Representation: Samples were collected annually 1994-95 and 2000-01.</p> <p>This work was completed over a decade ago; before this listing is determined. At a minimum, additional data should be collected. Request that this listing be held while additional data is collected and analyzed.</p>	<p>applicable evaluation guideline. Therefore, Big Bear Lake will remain “Do not Delist” for PCBs as it does not meet the requirements for delisting per section 4.5 of the Listing Policy.</p>
033.21	<p>J. Mojave River (Upper Narrows to Lower Narrows) (102472)</p> <p>Manganese</p> <p>Federal data was used for this listing and a QAPP is not required. The District is requesting to provide evidence that the source is not naturally occurring.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The Mojave River is located within the jurisdiction of the Lahontan Regional Water Board. Changes to the 303(d) list for the Lahontan Region were last made in the 2018 California Integrated Report. Additional changes for the Lahontan Region would be considered for the 2026 California Integrated Report when the region is on-cycle. Please see Principal Response 3.5 for Data Submission Timeline and the Public Process regarding on and off-cycle assessments via the rotating basin approach.</p> <p>In 2018, U.S. Geologic Survey (“USGS”) data were assessed for Mojave River (Upper Narrows to Lower Narrows) to determine beneficial use support and make a</p>

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		<p>listing recommendation for Decision ID 102472. In accordance with section 6.1.4 of the Listing Policy, though all data and information must be considered, the quality of the data used in the development of the section 303(d) list shall be of sufficient high quality to make determinations of water quality standards attainment. Per Listing Policy section 6.1.4, the data from major monitoring programs in California and published USGS reports are considered of adequate quality and thus do not require Quality Assurance Project Plans (“QAPPs”).</p> <p>The Listing Policy does not account for the evaluation of natural source background. The Water Board’s practice to submit suggestions/justification for including a natural source background provision is during the Basin Plan Triennial Review process for each region. Please visit the <a href="https://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/#triennial">Lahontan Water Board Basin Plan Program page (https://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/#triennial)</a> to learn more about this process.</p>
033.22	<p>A. Microcystins</p> <ol style="list-style-type: none"> <li>1. Big Bear Lake (152831)</li> <li>2. Glen Helen Regional Park Lakes (152869)</li> <li>3. Prado Park Lake (152874)</li> <li>4. Yucaipa Regional Lakes Park (152877)</li> </ol> <p>Recommended Action: Listings should be removed.</p>	<p>Changes to listing recommendations were not made in response to this comment. The following are details of the microcystins samples in each lake:</p> <ul style="list-style-type: none"> <li>• Microcystins, Big Bear Lake (Decision ID: 152831): Samples were collected on multiple dates from 2019 to 2020. On multiple occasions, samples exceeded applicable evaluation guidelines for MUN, REC1, and WILD beneficial uses.</li> </ul>

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	<p>These listings for microcystins are generally based on one sampling event at multiple sites within these lakes or one location on one day. Per the Listing Policy, data sets that consist primarily of samples collected only on one day should not be the primary data set that supports the listing decision (Section 6.1.5.3 on page 23). Additionally, most of the samples were taken at shoreline, often in “scum”, conditions and are not representative of the overall lake conditions. A single, short term natural event should also include drought conditions, which each of these lakes frequently experience. The Listing Policy states:</p> <p style="padding-left: 40px;">If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.</p> <p>Therefore, in accordance with the Listing Policy these listings should be removed until additional monitoring events are assessed.</p>	<ul style="list-style-type: none"> <li>• Microcystins, Glen Helen Regional Park Lakes (Decision ID: 152869): Samples were collected on multiple dates from 2019 to 2020. Two of six samples exceeded the applicable evaluation guideline for the MUN beneficial use.</li> <li>• Microcystins, Prado Park Lake (Decision ID: 152874): Samples were collected on two dates in 2020. Two of two samples exceeded the applicable evaluation guideline for REC1 and WILD beneficial uses.</li> <li>• Microcystins, Yucaipa Regional Park Lakes (Decision ID: 152877): Samples were collected on three dates in 2020. Three of five samples exceeded the applicable evaluation guideline for the MUN beneficial use on separate dates.</li> </ul> <p>All sample and exceedance counts described above exceed the allowable frequency specified in table 3.1 and meet the requirements per section 3.7.1 of the Listing Policy. The listing recommendations for all the waterbody-pollutant combinations described above are based on multiple sampling events. Samples are temporally independent per section 6.1.5.3 of the Listing Policy.</p> <p>The evaluation guideline for microcystins applies to all areas of a waterbody, including shorelines. In accordance with section 6.1.5.4 of the Listing Policy, the data are “measured at one or more sites in the water segment.” Having been collected at one or more sites, these data satisfy the requirements of section 6.1.5.4 of the Listing</p>

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		<p>Policy “to place a water segment on the section 303(d) list.”</p> <p>A waterbody experiencing drought does not preclude assessment of data from samples collected during the drought. Droughts often occur over multiple years and do not meet the requirements for a “short-term natural event” as defined by section 6.1.5.3 of the Listing Policy.</p>
033.23	<p>B. Oil and Grease</p> <p>Santa Ana Reach 4 (132875)</p> <p>Recommended Action: Provide additional analysis or remove listing.</p> <p>One line of evidence is available in the administrative record to assess this pollutant. Three (3) of the three (3) samples exceed the WARM oil guideline. Water Board staff assessed Santa Ana Region data for Santa Ana River, Reach 4 to determine beneficial use support and the results are as follows: 3 of the 3 samples exceeded the water quality threshold for Oil and Grease; HEM. Although a total of 7 samples were collected, 4 of these samples were not included in the assessment because the laboratory data reporting limit(s) was above the water quality threshold and therefore the results could not be quantified with the level of certainty required by the Listing Policy Section 6.1.5.5.</p> <p>It is unclear how the evaluation threshold for oil and grease was determined from the USEPA Gold Book; this reference</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, please see response to comment 030.14 regarding the evaluation guideline for oil and grease.</p>

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	<p>does not include the threshold shown in the Fact Sheet. There was no information provided on the evaluation threshold used for this analysis. Please provide additional analysis or remove this listing.</p>	
033.24	<p>C. Pyrethroids</p> <ol style="list-style-type: none"> <li>1. Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel) (133189) Pyrethroids</li> <li>2. Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel) (133192) Bifenthrin</li> <li>3. Santa Ana River, Reach 3 (132795) Pyrethroids</li> <li>4. Santa Ana River, Reach 3 (132797) Bifenthrin</li> </ol> <p>Recommended Action: Remove pyrethroid listings based on incorrect evaluation guidelines.</p> <p>These two waterbodies contain new listings for pyrethroid pesticides in sediment.</p> <p>The evaluation thresholds used for the bifenthrin listings is either the median or geometric mean of the LC50 values for bifenthrin in sediment (the Fact Sheet states both). The Fact Sheet cites two articles from 2007 as the basis for the evaluation guideline and also refers to two more recent papers that include various LC50 values. The cited papers include a wide range of LC50 values for different species. It is unclear how the evaluation guideline was selected from these four citations and how that selection meets the Listing Policy requirement. Typically, identification of LC50s is an intermediary step to developing guidelines, in that LC50s from</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 030.05.</p>

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	<p>multiple species are evaluated using appropriate statistical methodologies to determine threshold values that are predictive of sediment toxicity. In this case, it appears that some calculation (median or geometric mean) of some species LC50s were used for an evaluation threshold. This does not appear to be consistent with the Listing Policy guidelines noted above that require the thresholds be predictive of sediment toxicity.</p>	
033.25	<p>For the pyrethroid listings, the threshold proposed is 1 toxic unit. For comparison, individual pyrethroid concentrations were divided by the respective LC50 and then summed. If the sum was over 1, then an exceedance was recorded. Again, it is unclear how this threshold was determined and how it meets the Listing Policy guidelines.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 030.05.</p>
033.26	<p>Additionally, the District requests that the Staff Report and adopting resolution for the Integrated Report discuss the upcoming Urban Pesticides Amendments and note that no new TMDLs to address the pyrethroid listings will be developed until the Urban Pesticides Amendments become effective. At that point, the waterbodies will be reassessed to determine if any should be categorized in Category 4b or 5-ALT as being addressed by a program other than a TMDL. Like the Trash Amendments, it is anticipated that the Urban Pesticides Amendments may will contain a statewide approach for addressing pesticides that would be sufficient to serve as an alternative to a TMDL for waterbodies impacted by urban sources of pesticides. Developing TMDLs prior to</p>	<p>See principal response 2.3 for Statewide Urban Pesticides Provisions Project.</p>



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	<p>the Urban Pesticides Amendment could create challenges for implementing coordinated monitoring programs and implementation actions at the Statewide level that are necessary to fully address pesticide impairments due to the limited authority local agencies have to restrict pesticide use in their communities.</p>	
033.27	<p>D. pH</p> <ol style="list-style-type: none"> <li>1. Chino Creek Reach 2 (Beginning of concrete channel to confl w San Antonio Creek) (132761)</li> <li>2. Chino Creek Reach 1B (Mill Creek confl to start of concrete lined channel) (133178)</li> <li>3. Cucamonga Creek Reach 1 (Valley Reach) (132241)</li> <li>4. Cucamonga Creek Reach 2 (Mountain Reach) (132841)</li> <li>5. San Antonio Creek (150263)</li> <li>6. Big Bear Lake (132504)</li> <li>7. Day Creek (132827)</li> <li>8. Mill Creek Reach 2 (133003)</li> <li>9. Santa Ana River, Reach 5 (132963)</li> </ol> <p>Recommended Action: Remove pH listings where there is no evidence demonstrating that pH exceedances are a result of controllable water quality factors.</p> <p>The waterbodies listed for pH do not appropriately demonstrate that the pH exceedances were a result of controllable water quality factors as required in the Basin Plan. Multiple waterbodies are proposed to be listed for pH.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 030.08.</p>

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	<p>As stated in the Fact Sheet and according to the Santa Ana Region Basin Plan:</p> <p style="padding-left: 40px;">The pH of inland surface waters shall not be raised above 8.5 or depressed below 6.5 as a result of controllable water quality factors.</p> <p>However, there is no demonstration that pH exceedances were a result of controllable water quality factors, as opposed to natural causes (i.e., high ambient temperature, etc.). Therefore, the Water Board should either provide evidence pH exceedances were a result of controllable water quality factors and include these findings in the Fact Sheets, or, since no evidence is listed in the Fact Sheets, these pH listings should be removed.</p>	
033.28	<p>E. Toxicity</p> <ol style="list-style-type: none"> <li>1. Chino Creek Reach 1B (133188)</li> <li>2. Santa Ana River, Reach 3 (132793)</li> <li>3. Colorado River (77981)</li> </ol> <p>Region 8: The two new proposed toxicity listings in Chino Creek Reach 1B and Santa Ana River, Reach 3 are both only due to exceedances in sediment. The water column toxicity samples did not exceed the evaluation thresholds.</p> <p>Recommended Action: Clearly state that listings are for toxicity in sediment, not water.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 030.10 and 033.29.</p>

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033.29	<p>Region 7: The Colorado River data used was from a single (one) day.</p> <p>Recommended Action: Additional data or sampling be provided before this listing is determined.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The Colorado River is located within the jurisdiction of the Colorado River Regional Water Board. Changes to the 303(d) list for the Colorado River Basin Region were last made in the 2018 California Integrated Report. Additional changes for the Colorado River Basin Region would be considered for the 2026 California Integrated Report when the region is on-cycle. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding on and off-cycle assessments via the rotating basin approach.</p> <p>Decision ID 77981, the listing recommendation for toxicity in the Colorado River, used sampled data across five separate events, including: October 2005, May 2007, April 2008, October 2008, and October 2010. Based on these samples, four LOEs were available to assess this pollutant. Based on the readily available data and information, the weight of evidence indicated that there was sufficient justification against removing this waterbody-pollutant combination from the section 303(d) list in the Water Quality Limited Segments category. For more information regarding spatial and temporal sampling requirements, please see response to comment 033.11 and refer to section 6.1.5 of the Listing Policy.</p>

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033.30	<p>General Comments</p> <p>The District’s review utilized only the 303(d) listing lines of evidence provided on the State Water Board’s Water Assessment website pages. There are multiple issues found in the information which made some analysis difficult.</p> <p>The District recommends:</p> <ul style="list-style-type: none"> <li>• Provide data necessary for a full evaluation of the proposed listings.</li> <li>• Provide additional information or clarification with the revised list to allow a full evaluation. In several cases, insufficient information was provided to allow a full evaluation of the proposed listings.</li> <li>• Provide all the supporting calculations and comparisons to the evaluation guidelines, including the calculation of criteria that are based on hardness, pH, temperature, etc. All of this data is required to verify determinations.</li> <li>• Fix broken links to references.</li> <li>• Provide correct QAPP references. In some cases, lines of evidence cite QAPPs for the Central Coast or other programs, though the data appear to be collected in the correct location/region. Confirmation from the respective Regional Boards indicating that QAPP references are incorrect, not the data, would be useful.</li> </ul>	<p>Comment noted. As no specific Quality Assurance Project Plans (“QAPPs”) or datasets were noted by the commenter, the State Water Board is unable to confirm if the references of concern are correct. The commenter may contact State Water Board staff to inquire about a specific QAPP or reference by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p> <p>Additionally, please see principal response 3.1 for Readily Available Data Requirements and principal response 3.2 for Data Not Used for Assessments regarding data sufficiency and the quality assurance/QAPP process. Also, see principal response 3.3 for Quantitative Analyses and Methodologies regarding data assessment methodologies and information regarding evaluation guideline links.</p>

**Letter 34: Patrick McDonough, San Diego Coastkeeper**

No.	Comment	Response
034.01	<p>In particular, Coastkeeper opposes the Draft 2024 Report’s determination to place new waterbody-pollutant combinations exhibiting significant degraded biology, based on scientifically robust bioassessment data, in Category 3 claiming there is “insufficient data and/or information to make a beneficial use support determination, but data and/or information indicates beneficial uses may be potentially threatened.” (Draft 2024 Report, § 3.4 at 56).</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 034.02.</p>
034.02	<p>The placement of waterbodies which are undeniably biologically impaired into Category 3 is inconsistent with the State Board’s own policies and regulations, as well as the methodologies used by the U.S. EPA and other states. Almost all states use benthic community stream data for 303d listing,<sup>1</sup> and many do not require pollutant impairments “associated with” such bioassessments for 303(d) listing.<sup>2</sup></p> <p>Footnote 1: <a href="https://www.epa.gov/wqc/table-3-application-biocriteria-andor-bioassessment-data-water-quality-programs">https://www.epa.gov/wqc/table-3-application-biocriteria-andor-bioassessment-data-water-quality-programs</a>.</p> <p>Footnote 2: Texas, Illinois, Michigan, and Utah all used bioassessments in their recent 303(d) listings. <a href="https://epa.illinois.gov/content/dam/soi/en/web/epa/topics/water-quality/watershed-management/tmdls/documents/2020-2022-ir-final-6-01-22.pdf">https://epa.illinois.gov/content/dam/soi/en/web/epa/topics/water-quality/watershed-management/tmdls/documents/2020-2022-ir-final-6-01-22.pdf</a>; <a href="https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Programs/WRD/SWAS/2022-Integrated-Report.pdf?rev=0a6b006c0cc44bcd936c75d5608659ed&amp;has">https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Programs/WRD/SWAS/2022-Integrated-Report.pdf?rev=0a6b006c0cc44bcd936c75d5608659ed&amp;has</a></p>	<p>According to the United States Environmental Protection Agency (“U.S. EPA”), California is included in the list of at least 46 United States’ states or territories that use bioassessment data and/or biocriteria to support 303(d) listings (<a href="https://www.epa.gov/wqc/table-3-application-biocriteria-andor-bioassessment-data-water-quality-programs">https://www.epa.gov/wqc/table-3-application-biocriteria-andor-bioassessment-data-water-quality-programs</a>). However, section 3.9 of the Listing Policy states that a waterbody must be placed on the 303(d) list if the biological populations are significantly degraded and “associated” with a pollutant concentrations affecting aquatic life. There is a need to clarify the appropriate approach for associating degraded biological populations with pollutant concentrations under section 3.9.</p> <p>Please also see principal response 4.2 for Category 3 Interim Approach.</p>

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	<p><a href="https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2022/2022-303d.pdf">h=03A5B2B0F3379B07D369F289BA32C483;</a>  <a href="https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2022/2022-303d.pdf">https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2022/2022-303d.pdf;</a>  <a href="https://documents.deq.utah.gov/water-quality/monitoring-reporting/integrated-report/DWQ-2022-002386.pdf">https://documents.deq.utah.gov/water-quality/monitoring-reporting/integrated-report/DWQ-2022-002386.pdf.</a></p>	
034.03	<p>Bioassessment data directly shows that certain waterbodies are impaired for Benthic Community Effects. First, CSCI scores are scientifically robust, and establish impairments such as Benthic Community Effects <i>on their face</i>.</p> <p>The San Diego Regional Water Quality Control Board adopted the use of numeric Biological Objectives. This Action is supported by “State of California standardized methods, peer-reviewed assessment tools, and results from two decades of bioassessment evaluation in the Region.” Furthermore, the scientific basis for this Basin Plan amendment was subject to external scientific peer review pursuant to Health and Safety Code section 57004, and the peer review panel overwhelmingly supported the adoption and implementation of Biological Objectives in the San Diego Basin Plan. (Resolution No. R9-2020-0234, Finding 22).</p> <p>The CSCI reference approach results in scores reflective of human impacts on biological integrity, rather than natural variation, and therefore facilitates “apples to apples” comparisons and determinations of impairments. (See San Diego Regional Board Final Staff Report, Nov. 18, 2020, § 3.3.3.). Use of CSCI methodology results in “residual variation as a signal reflective of the degree and nature of</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 034.02. Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline.</p>

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	<p>anthropogenic stress at play.” (Id. § 2.4) <i>The biological condition of a stream is a comprehensive indicator of the integrity of the stream’s water quality, habitat, and biota.</i> Benthic macroinvertebrates are relatively stationary, ubiquitous, and respond quickly and in diverse ways to environmental stressors. These organisms thus represent an almost ideal indicator group for assessing the biological and ecological integrity of waterbodies.</p> <p>In light of the foregoing, bioassessment data alone can establish impairment for multiple Beneficial Uses. State Board’ uniform list and description of Beneficial Uses includes the following:</p> <p>Warm Freshwater Habitat (WARM) – Includes uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish or wildlife, <i>including invertebrates.</i></p> <p>Cold Freshwater Habitat (COLD) - Includes uses of water that support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish or wildlife, <b>including invertebrates.</b></p> <p>Inland Saline Water Habitat (SAL) - Includes uses of water that support inland saline water ecosystems including, but not limited to, preservation or enhancement of aquatic saline habitats, vegetation, fish, or wildlife, <b>including invertebrates.</b></p> <p>Wildlife Habitat (WILD) - Includes uses of water that support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats,</p>	

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	<p>vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water <i>and food sources</i>.</p> <p>Thus, bioassessment data alone is sufficient for listing impairments for <i>at least</i> these Beneficial Uses, and likely many others.</p>	
034.04	<p>Finally, Coastkeeper supports the Draft 2024 Report’s data corrections and mapping corrections and adjustments for the San Diego Region. Accurate publicly available data and map tools associated with the Integrated Reports are essential for integrity and efficacy. Coastkeeper appreciates the State Board prioritizing resources and technical support necessary for Regional Water Boards to perform updates to the map and resolve longstanding data visualization issues.</p>	<p>Comment noted.</p>

**Letter 35: Rachel Gray, Santa Ana Watershed Project Authority**

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035.01	<p>As a preliminary matter, we first comment that Facts Sheets in Appendix B are at times difficult to follow to determine if there is merely a revision to a previous Fact Sheet or if in fact it is a change in listing. For example, Table 11-1 of the Draft Staff Report indicates that there are no proposed delistings in the Santa Ana Region as part of the 2024 Integrated Report process. However, Appendix B appears to identify five proposed delistings. It is difficult to ascertain from the</p>	<p>Comment noted.</p> <p>The commenter is correct that no new proposed recommendations to delist waterbody-pollutant combinations in the Santa Ana Region were identified in Table 11-1 of the Draft Staff Report. In Appendix B: Statewide Waterbody Fact Sheets, the five recommendations to delist waterbody-pollutant combinations in the Santa Ana Region were</p>



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	<p>language of the Fact Sheet if a previous 2018 delisting decision Fact Sheet is merely being revised, or if in fact these are newly proposed decisions for delisting. We recommend that the Fact Sheets better articulate the status of the waterbody-pollutant combination so that reviewers can better understand the decision that was made previously or a change in decision that is being made with this report.</p>	<p>recommendations made during the 2018 California Integrated Report. To view whether a listing or delisting recommendation is new or revised within a Waterbody Fact Sheet, the commenter can select the Decision ID, for example, Decision ID 132358 for Copper in Anaheim Bay, and will be able to view the ‘Last Listing Cycle’s Final Listing Decision’ as well as the ‘Revision Status.’ To view the listing recommendations for the 2018 California Integrated Report, please see <a href="https://www.waterboards.ca.gov/water_issues/programs/mdl/2018state_ir_reports_final/apx_c_state_factsheets/table_of_contents.shtml">Appendix C: Statewide Waterbody Fact Sheets in the 2018 California Integrated Report</a> (<a href="https://www.waterboards.ca.gov/water_issues/programs/mdl/2018state_ir_reports_final/apx_c_state_factsheets/table_of_contents.shtml">https://www.waterboards.ca.gov/water_issues/programs/mdl/2018state_ir_reports_final/apx_c_state_factsheets/table_of_contents.shtml</a>). For further inquiries on past listing recommendations, commenters may contact State Water Board staff by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p> <p>Additionally, please see principal response 3.3 for Quantitative Analyses and Methodologies regarding Waterbody Fact Sheets updates in the 2024 California Integrated Report.</p>
035.02	<p>We are also concerned that not all readily available data is being considered by the Water Boards in the development of the Draft Report.</p> <p>For TDS and nitrate, many of these site-specific objectives are in place to protect beneficial uses of groundwater in underlying and downstream groundwater management zones.</p>	<p>Comment noted. The commenter is correct that flow data are available from the United States Geological Survey (“USGS”) through their website. However, flow data were not compared to total dissolved solids (“TDS”) data in Reach 2 of the Santa Ana River for the 2024 Integrated Report because available assessment tools lacked the capacity to compile flow data for direct comparison to</p>

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	<p>However, in the Draft 2024 Report, some site-specific objectives were not evaluated based on an absence of high quality, publicly available data not being uploaded into CEDEN. For example, the Basin Plan defines compliance with the TDS objective for Reach 2 of the Santa Ana River as being based on the five-year moving average of the annual TDS content of total flow. Data needed to evaluate compliance in this reach of the Santa Ana River is created by the United States Geological Survey (USGS) and readily and publicly available through their website. In the Draft Report, Reach 2 of the Santa Ana River was not assessed for TDS (LOE95130) because of an alleged lack of flow data necessary to calculate volume weighted average. While perhaps not in CEDEN, the flow data does in fact exist. It is concerning to the BMPTF that the Water Boards are not permitted the flexibility to incorporate readily available data from a well trusted source such as the USGS when the Basin Plan clearly defines how compliance should be determined. The State Board should consider changing the Integrated Report process to allow regional boards the discretion to consider and evaluate additional high quality publicly available data sources that are beyond CEDEN when called for specifically by the Basin Plan.</p>	<p>TDS data for input into LOEs. Santa Ana Regional Water Board staff is committed to finding a solution so that the data can be assessed either off-cycle or the next time the Santa Ana Regional Water Board is on-cycle.</p> <p>Water Board staff reviewed all readily available data submitted per the requirements of the <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">June 29, 2020 Data Solicitation Notice</a>, (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/docs/2024_solicitation_notice_final.pdf</a> ). Readily available data were assembled and evaluated to ascertain adequacy for water quality assessments per section 6.1.1 of the Listing Policy. Data deemed ineligible for water quality assessments were not considered for the 2024 California Integrated Report. Please see principal response 3.1 for Readily Available Data Requirements, principal response 3.2 for Data Not Used for Assessments, and principal response 3.5 for Data Submission Timeline and the Public Process regarding on and off-cycle assessments.</p> <p>Further, a change to the integrated report process is not needed to allow for the discretion to consider and evaluate additional data. The Listing Policy does not limit discretion on the assessment of data. In section 6.1.5 of the Listing Policy, it notes that “the Regional Water Boards have wide discretion establishing how data and information are to be evaluated, including the flexibility to establish water segmentation, as well as the scale of spatial and temporal data and information that are to be</p>

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		<p>reviewed,” which includes determining what would be considered high priority data for a listing cycle.</p> <p>Decision ID 95130 and LOE ID 82387 are from the 2016 listing cycle and did not use flow data. However, Santa Ana Water Board staff decided to write LOEs and decisions in the 2016 listing cycle despite the lack of flow data. In the 2024 listing cycle, Water Board staff opted not to proceed with writing an LOE or decision for TDS in Santa Ana River, Reach 2 because of issues associated with the USGS flow data meant data were insufficient to consider evaluate attainment of the flow-weight annual average objective.</p> <p>Santa Ana Water Board staff also note that the language regarding this objective is undergoing revision and may affect the way in which calculations are performed.</p>
035.03	<p>Generally, we also comment that multiple Fact Sheets and lines of evidence claim that site-specific objectives in the Santa Ana Water Quality Control Plan (Santa Ana Basin Plan) for TDS are to protect the Warm Freshwater Habitat (WARM) beneficial use. As we conveyed in our 2017 comment letter during the previous 303(d) listing cycle, there is no information or evidence in the Santa Ana Basin Plan that suggests that TDS site-specific objectives are set to protect the WARM beneficial use. Rather, the history associated with preparation of the Santa Ana Basin Plan indicates that TDS objectives throughout the basin were set based on existing surface water quality; and, are designed to protect beneficial uses in groundwater that are recharged by the region’s</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised by this comment. Please see response to comment 033.08.</p>

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	<p>surface waters. Further, as documented in the Basin Plan, the TDS site-specific objectives for surface waters vary throughout the Region. If the site-specific objectives were in fact established to protect the WARM beneficial use, they would likely be internally consistent.</p>	
035.04	<p>Considering that there is no information or evidence that ties existing site-specific TDS objectives to the WARM beneficial use, the relevant TDS Fact Sheets need to be revised. It is inappropriate to identify WARM or COLD as de facto beneficial uses associated with site-specific objectives without identifying supporting evidence – none of which exists.</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised in this comment. Please see response to comment 033.08.</p>
035.05	<p>Chino Creek Reach 1B, chloride, sulfates and TDS: In 2018, the Santa Ana Water Board recommended, and the State Board agreed, that Chino Creek 1B should NOT be listed for chloride, sulfates, or TDS because the water quality objectives for these constituents in the Basin Plan are antidegradation targets and not based on levels necessary to protect beneficial uses. Rather, the objectives were set based on historical surface water quality values. Ultimately, using the weight of evidence approach, the Santa Ana Water Board and the State Board agreed that none of the surface water exceedances would impair beneficial uses in Chino Creek 1B. This is clearly documented in the Draft 2024 Integrated Report on Appendix B Fact Sheets for these pollutants as the previous decision. However, now in 2024, the Draft Report recommends that Chino Creek 1B be listed for these same constituents. Nothing in the Draft Report identifies or explains</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised in this comment. Please see response to comment 033.08.</p>

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	<p>a change in circumstances that warrants that Chino Creek 1B be treated differently now as compared to 2018. The objectives in question are still considered to be antidegradation targets based on historical surface water quality values and no evidence is provided to suggest that the relevant beneficial uses are impacted. Moreover, the lines of evidence (LOE) relied on in 2018 are virtually the same LOEs relied on in the 2024 Draft Report, except that one additional LOE appears to have been added to the proposed listings for chloride, TDS and sulfate. (See LOE ID 239730, LOE ID 239734 and LOE ID 239736, respectively.) The new line of evidence appears to be seven samples collected by Inland Empire Utilities Agency (IEUA) as part of their NPDES monitoring program. (See, e.g., LOE ID 239734.) According to the Fact Sheet, this data was collected between July of 2011 through November of 2019, and thus the seven samples represent one data point per year. These seven samples were added to the previous sample size of 472 samples, resulting in 479 samples. The exceedances changed from 79 to 82 due to an additional 4 exceedances. The percentage of exceedance is virtually the same between the previous listing decision and the proposed new decision. Accordingly, there is no significant difference between the evidence evaluated in 2018 as compared to the evidence being relied on in the Draft Report.</p>	
035.06	<p>Chino Creek Reach 1B, sodium: Similar to chloride, sulfates and TDS, the Santa Ana Water Board did not recommend that Chino Creek Reach 1B be listed for sodium in 2018. The documented reason according to the Fact Sheet (Decision ID</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than</p>

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	<p>133183) is because the surface water objective is tied to directly protecting groundwater, which is better measured assessing actual groundwater data. This has not changed since the 2018 Integrated Report. Accordingly, the Santa Ana Water Board should continue to consider the weight of evidence to find that beneficial uses are not being impaired.</p>	<p>those raised in this comment. Please see response to comment 033.08.</p>
035.07	<p>Chino Creek Reach 1B, sodium, chloride, sulfate, and hardness: The Basin Plan was amended in 2021 by the Santa Ana Water Board and the amendments were approved by the State Board in 2022. These amendments include language that clarifies that the water quality objectives in Table 4-1 for sodium, chloride, sulfate and hardness were developed for implementing the Antidegradation Policy and represent baseline water quality as it existed back then. The Basin Plan amendment specifically states that these objectives for certain individual salt ions were not intended to define use-impairment thresholds. The amended language is as follows:</p> <p><i>In addition to the TDS objectives in the Basin Plan, Table 4-1 also specifies water quality objectives for certain individual salt ions (sodium, chloride, sulfate, hardness, etc.) for several stream segments. These other salinity objectives were developed based on limited sampling data collected in the early 1970's for the purpose of implementing the State Water Board's Antidegradation Policy (Res. 68-16). The objectives for sodium, chloride, sulfate, and hardness (shown in Table 4-1) are intended to represent baseline water quality as it</i></p>	<p>In reviewing this comment, changes to listing recommendations were made for reasons other than those raised in this comment. Please see response to comment 033.08.</p> <p>The language in resolution R8-2021-0025 was not intended to affect water quality objectives but rather to better inform the actions of the Basin Monitoring Program Task Force. Resolution R8-2021-0025 was never reviewed or approved by U.S. EPA. Per Section 303(c) of the Clean Water Act, U.S. EPA retains the authority to approve or disapprove new or revised water quality objectives. Since this amendment was never reviewed or approved by U.S. EPA, the water quality objectives specified in Table 4-1 will continue to be considered as such for the purposes of water quality assessment under the Listing Policy.</p> <p>The applicability of the water quality objectives in Table 4-1 will continue to be investigated through the Basin Monitoring Program Task Force.</p>

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	<p><i>existed back then and are not intended to define use-impairment thresholds.</i></p> <p><i>The history of the Basin Plan also shows that such individual salt ion objectives were established for the intervening period to preserve baseline water quality until such time that appropriate water quality objectives designed to protect beneficial uses could be developed and adopted by the Santa Ana Water Board. Under Porter-Cologne, the term “water quality objectives” is actually defined to mean “the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specified area.”<sup>1</sup> Thus, “traditional” water quality objectives should represent use-impairment thresholds rather than baseline water quality. Exceedances of objectives developed from limited sampling data that was designed to represent baseline water quality may indicate that water quality degradation is occurring but should not automatically be construed as evidence that beneficial uses are threatened or impaired.</i></p> <p>(Resolution R8-2021-0025, Attachment B, p. 17.) Because the objectives for the individual salt ions are not use protection thresholds, they should not be used as an evaluation guideline under the State’s Listing Policy or to determine impairment under section 303(d) of the Clean Water Act.</p>	



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035.08	<p>Chino Creek Reach 1B, TDS: As described in the Draft Staff Report, starting on page 90, the site-specific objective for TDS for Chino Creek Reach 1B has historically been considered as an “annual flow-weighted average” because it was intended to protect underlying groundwater, which changes very slowly. The Draft Staff Report identifies how the Santa Ana Water Board staff have historically interpreted the objective as an annual flow-weighted average when applying it in a regulatory setting. The Draft Staff Report also explains that the original Basin Plan had a footnote so designating the objective but that somewhere along the way, the footnote was erroneously dropped from the Basin Plan. Yet, despite this history and clear regulatory application, the Draft Integrated Report indicates that a 7-day averaging period is being used because the Basin Plan does not specify an averaging period. We find this to be unfortunate considering that there is no other evidence provided that suggests beneficial uses are not being attained in Chino Creek Reach 1B.</p>	<p>In reviewing this comment, changes to listing recommendations were made for reasons other than those raised in this comment.</p> <p>The objectives for minerals in the 1975 Basin Plan were established and are currently used for regulatory purposes (i.e., permits, determining compliance) as ‘annual flow-weighted averages.’ The subsequent amendments to the 1975 Basin Plan (1983, 1995, 2004, and 2019) maintained the 1975 antidegradation numbers but did not include the table heading stating the values are annual flow-weighted averages. Application of the 7-day averaging period for the purposes of developing the California Integrated Report does not impose a requirement in permits to regulate TDS using a 7-day averaging period.</p> <p>Santa Ana Water Board staff’s perspective is that omission of the reference to the annual flow-weighted average in the Basin Plan is likely an editorial oversight. Santa Ana Water Board staff is considering adding specificity to the Basin Plan regarding averaging periods in a future Basin Plan amendment. Should the pertinent water quality standards in the Basin Plan be amended (e.g., to include an annual averaging period), data for this waterbody will be reassessed in a subsequent California Integrated Report using the annual flow-weighted averaging period after the Basin Plan is amended.</p> <p>Please also see response to comment 033.08.</p>



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035.09	<p>Consistent with our general comment above, the following LOEs associated with Chino Creek Reach 1B incorrectly identify WARM as the applicable beneficial use for certain site-specific objectives related to salinity and its individual ions: LOEs 239730, 81362, 239735, 239731, 303370, 81369, 239735, 81366, 239736, 81368, and 239734.</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised in this comment. Please see response to comment 033.08.</p>
035.10	<p>Santa Ana River Reach 3, TDS: Like with the salinity site-specific objectives for Chino Creek Reach 1B, the water quality objective for TDS in Reach 3 was not established to protect “Warm Freshwater Habitat” as indicated in LOE ID 82353. Rather, as stated in the Santa Ana Basin Plan and in Regional Board Resolution No. R8-2004-0001, the TDS objective was established to protect agricultural irrigation (AGR) and Orange County’s groundwater supply (GWR). There is no evidence in the Administrative Record to demonstrate that an exceedance of the TDS objective would adversely affect aquatic organisms living in Reach 3 of the Santa Ana River. Even though the Draft Report does not propose to list Santa Ana River Reach 3 for TDS, it is imperative that the identified beneficial uses on all of the Fact Sheets be correct.</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised in this comment. Please see response to comment 033.08.</p>
035.11	<p>Santa Ana River Reach 3, Copper: The Fact Sheet and LOEs associated with Decision ID 132770 show that listing is maintained solely because the 2024 Draft Report maintains in its assessment data from 1994 to 2006. (LOE ID 31371.) This older data is reported as Total Recoverable Copper, which is</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The commenter has provided no evidence to justify why copper results in the total fraction cannot be converted to dissolved using the CTR default translator. The</p>

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	<p>not consistent or comparable to the water quality objective that is a dissolved standard. When the older, unrepresentative data is excluded, there are only 5 exceedances out of 167 samples, which supports delisting the Santa Ana River Reach 3 for copper. LOE ID 31371 is no longer applicable and should be retired. With the removal of this LOE, the remaining data supports delisting under the State’s Listing Policy. Further, the older data fails to be representative because state law has changed significantly. In 2010, SB 346 was signed into law, which banned brake pads from containing more than five percent of copper by weight after January 1, 2021; and, after January 1, 2025, brake pads may not contain more than 0.5 percent copper by weight. Section 4.11 of the Listing Policy allows the Water Boards to delist water segments when there is Situation-Specific Weight of the Evidence that indicates attainment of standards. The more recent copper data for Reach 3 of the Santa Ana River indicates that ambient waters comply with the water quality objective for copper, as expressed in the California Toxics Rule. Because the weight of the evidence indicates attainment, the waterbody should be delisted. Also, the implementation of SB 346 constitutes a change in management practices through source control and has resulted in a change in the waterbody. Because of this significant change, only recently collected (dissolved) data should be considered. (See Section 6.1.5.3 of the Listing Policy.) Collectively, significant evidence and information exists to support delisting of Santa Ana River Reach 3 for copper.</p>	<p>commenter may submit information in a future listing cycle to substantiate this claim. Additionally, the Listing Policy does not preclude the use of older data. Therefore, the older data will continue to be considered. Please see Principal Response 3.4: Inclusion of Older Data.</p> <p>The commenter is correct that according to CA Health and Safety Code § 25250.52 - 25250.53, the sale of brake pads containing more than 5% copper by weight by January 1, 2021, is prohibited, and the sale of brake pads containing more than 0.5% copper by weight by January 1, 2025, is prohibited. Additionally, recent copper data (2009-2020) exhibits a lower exceedance rate than older copper data (1994-2006). However, exceedances do remain for the most recent data.</p> <p>According to the <i>Brake Pad Copper Reduction Status Report 2018</i> published by the California Stormwater Quality Association (CASQA), urban reductions in copper runoff may occur later than previously expected. It goes on to mention that “measurable reductions continue to be likely in the 2020s.” While the laws are in effect, the compliance deadlines for reductions in brake pad copper content do not arrive until 2021. All the data assessed was collected prior to that 2021 deadline. In combination with the CASQA report, it is reasonable to conclude that the reduction in watershed copper concentrations has not yet been observed as a result of this legislation, and it is not appropriate to include this information in the weight of evidence to justify delisting.</p>

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		<p>Therefore, all data and information will continue to be assessed, and that data continues to exceed the allowable frequency in Table 4.1 of the Listing Policy. Copper in Santa Ana River, Reach 3 remains a “Do not Delist” decision for the 2024 Integrated Report. The commenter may submit data to support a possible delisting recommendation.</p>
035.12	<p>Santa Ana River Reach 3, Lead: Similar to copper, the Fact Sheet and LOEs associated with Decision ID 132779, rely on older unrepresented data from 1973 to 2006 to support maintaining the previous listing. Like with copper, the older, unrepresented data was the total recoverable fraction and not the dissolved fraction. The water quality objective for lead is a dissolved standard. More recent, relevant dissolved data clearly shows that there are no exceedances of the applicable site-specific objective. With the removal of LOE IDs 305521 and 305533, there are no exceedances of the lead site-specific objective. It is appropriate for the Water Boards to remove the older data due to implementation of municipal stormwater programs over the last 20 years that have significantly reduced non-stormwater flows into the Santa Ana River that may have contained dissolved levels of copper and lead. Further, there have been statewide legislative mandates that have imposed significant restrictions on motor vehicle brake friction materials. Besides limiting copper, SB 346 also controlled the level of lead that could be in brake materials. Starting on or after January 1, 2014, lead could not exceed 0.1 percent of the weight of brake materials. Thus, these significant management practices and activities make the</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct in stating that CA Health and Safety Code § 25250.51 prohibits the sale of any motor vehicle brake friction materials from containing more than 0.1% lead by weight on or after January 1, 2014. Additionally, in 2010, CA Health &amp; Safety Code § 25215.6 was added and asserts that “No person shall manufacture, sell, or install a wheel weight in California that contains more than 0.1 percent lead by weight.” Furthermore, according to the US Energy Information Administration, leaded gasoline was fully phased out from on-road vehicles in 1996 in the United States. This indicates that implementation of management practices has resulted in a change in the waterbody segment. Therefore, in accordance with Listing Policy section 6.1.5.3, only data collected since the change should be considered.</p> <p>When considering recent lead data (2009-2020), there are no exceedances out of 149 samples of the site-</p>

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	<p>older data unrepresentative subject to retirement and exclusion from use in developing the Draft Report.</p>	<p>specific objective. Only older lead data (1973-2006) contains exceedances (37 exceedances of 91 samples). Therefore, the weight of evidence indicates there is enough information to justify not listing Santa Ana River, Reach 3 for lead on the 303(d) list, and the listing recommendation was revised from "List" to "Do not List."</p> <p>Additionally, the commenter has provided no evidence to justify why lead results in the total fraction cannot be converted to dissolved using the CTR default translator. The commenter may submit information in a future listing cycle to substantiate this claim.</p>
035.13	<p>Santa Ana River Reach 6, TDS: The Fact Sheet for Decision ID 133285 appears to contain errors. Specifically, the Fact Sheet indicates that there are 39 lines of evidence and that there are five out of 16, and then six out of 21 samples that exceed the TDS objective. If the lines of evidence are equal to the number of samples, then there would be 37 lines of evidence. Moreover, there are multiple identified beneficial uses associated with various LOEs but no explanation as to why the identified beneficial use is applicable. Like with our previous comments, the objective of Reach 6 is a site-specific objective based on historical surface water quality. It is inappropriate to randomly identify applicable beneficial uses as being the impaired use when there is no evidence that connects the site-specific objective to the identified use.</p>	<p>In reviewing this comment, changes to LOEs and listing recommendations were made for reasons other than those raised in this comment. Please see response to comment 033.08.</p> <p>Additionally, the number of samples does not equal the number of LOEs. For the dissolved fraction, there are 16 samples. Where the fraction was not recorded, there are 21 samples. While this does equal 37 samples, the number of LOEs in the decision is 39.</p>
035.14	<p>The BMPTF appreciates the amount of effort that goes into developing the Draft Integrated Report and the voluminous</p>	<p>Comment noted.</p>

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	<p>amount of data that must be reviewed with this effort. We further appreciate Santa Ana Water Board staff efforts to reach out to the BMPTF and other stakeholders to discuss some of the data and listings. We look forward to working with the State Board and Santa Ana Water Board staff to address the issues and concerns raised above.</p>	

**Letter 36: Adam Olivieri, Santa Clara Valley Urban Runoff Pollution Prevention Program**

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036.01	<p>We recognize that it is a significant effort for State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (Regional Water Board) staff to compile and analyze the large amount of water quality data during each listing cycle and prepare this assessment according to the State Water Board Listing Policy.<sup>2</sup> We appreciate State/Regional Water Board efforts and we offer a number of improvements to the assessments conducted by your staff using data from Santa Clara County, much of which was collected by SCVURPPP via the MRP.</p> <p>Footnote 2: State Water Resources Control Board. Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d)List. Adopted September 30, 2004 Amended February 3, 2015.</p>	Comment noted.

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036.02	<p>1. The proposed listing of Saratoga Creek on the 303(d) list (Category 5) for Ammonia and Toxicity is inappropriately based on data collected from a different receiving water body. (Applicable Decision ID: 151014 and 142203)</p> <p>The 2024 Integrated Report proposes to include Saratoga Creek on the 303(d) list based on reported occurrences of significant toxicity (Decision ID 142203) and ammonia concentrations (Decision ID 151014). The proposed toxicity listing is based on lines of evidence (LOEs) associated with two sites (i.e., sites 205R01716 and 205STQ010) and the proposed ammonia listing is based on LOEs associated with two sites (i.e., sites 205R04591 and 205R03843). <u>Three of these four sites (i.e., 205STQ010, 205R04591, and 205R03843) are not located on Saratoga Creek</u>, rather they are located on San Tomas Aquino Creek. As illustrated in Figure 1, each creek is a distinct receiving water body with designated beneficial uses listed in the San Francisco Bay Basin Water Quality Control Plan and therefore data collected from each creek should be evaluated separately, not comingled. Because no LOEs used to support the proposed listing for ammonia were actually collected in Saratoga Creek, there is no evidence to support this listing.<sup>3</sup></p> <p>Footnote 3: Data collected at 14 sites located on Saratoga Creek and considered as LOEs by the State Water Board support that ammonia concentrations in Saratoga Creek are well below established Water Quality Objectives (WQOs).</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that the toxicity and ammonia listing recommendations for Saratoga Creek (Decision ID142203 and 151014, respectively) are incorrect. During the mapping process some monitoring stations were incorrectly assigned to Saratoga Creek (WBID CAR2055004019990218133956) rather than San Tomas Aquino Creek (WBID CAR2055004020080624165713).</p> <p>These two creeks merge in the City of Santa Clara (37.3633, -121.9686). The section of the creek downstream of the confluence and continuing to South Bay is considered San Tomas Aquino Creek. This is based on local maps and the San Francisco Bay Regional Water Board’s Basin Plan Table 2-1 which identifies Saratoga Creek as a tributary to San Tomas Aquino Creek. In contrast, the USGS National Hydrography Dataset (“NHD”) incorrectly calls this section Saratoga Creek. The California Integrated Report uses the NHD stream layer for designating LOEs and Decisions, thus explaining the incorrect listing recommendation.</p> <p>The current toxicity listing recommendation for Saratoga Creek has 3 exceedances out of 10 samples for both water and sediment toxicity; however, 2 of the exceedances for both water and sediment toxicity are from station 205STQ010. This station is located on San</p>

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		<p>Tomas Aquino Creek downstream of the confluence. After correcting the waterbody name, Saratoga Creek only has 1 exceedance out of 2 samples for both water and sediment toxicity and therefore does meet the allowable frequency found in Table 3.1 of the Listing Policy. Accordingly, Decision ID 142203 was revised from "List" to "Do not List."</p> <p>There is already a toxicity listing recommendation for San Tomas Aquino Creek (Decision ID 142736) based on 2 exceedances out of 2 samples for water toxicity. Adding 2 exceedances out of 8 new samples for sediment and water will change the number of exceedances to 4 out of 10 samples for water toxicity and 2 exceedances out of 9 samples for sediment toxicity. Accordingly, a listing recommendation remains for toxicity in San Tomas Aquino Creek.</p> <p>Ammonia data from San Tomas Aquino were also incorrectly assigned to Saratoga Creek, resulting in an erroneous listing recommendation for Saratoga Creek (Decision ID 151014). The listing recommendation is based on 2 exceedances out of 19 samples; however, the exceedances are from stations 205R04591 and 205R03843, which are both located on San Tomas Aquino Creek below the confluence. Therefore, there are actually 0 exceedances out of 17 samples for ammonia in Saratoga Creek, and the listing recommendation was revised from "List" to "Do not List."</p>



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		<p>There is currently no listing recommendation for ammonia in San Tomas Aquino Creek, with 0 exceedances out of 9 samples. After assigning the ammonia data to the correct waterbody, Decision ID 151012 was revised and there are 2 exceedances out of 11 samples. This exceeds the allowable frequency listed in Table 3.1 of the Listing Policy and the listing recommendation was revised from “Do not List” to “List.” There was a minor error made by commenter: the station code noted for the toxicity listing is 205R01706, not 205R01716.</p> <p>Additionally, San Tomas Aquino Creek was misspelled as San Tomas Aquinas in CalWQA. The waterbody name has been corrected to San Tomas Aquino Creek (Santa Clara County).</p>
036.03	<p>Similarly, LOEs used to support the proposed listing for toxicity are not associated with Saratoga, with the exception of data collected at one site located on Saratoga Creek (i.e., 205R01716) where significant toxicity was only observed in one sample (i.e., February 16, 2015 with observed significant acute toxicity to <i>Hyalella azteca</i>). No other occurrences of significant toxicity were observed in any samples collected from Saratoga Creek and considered as LOEs in the 2024 Integrated Report. Based on the State Water Board Listing Policy, one occurrence of toxicity observed in a receiving water does not support the listing of that water body on the 303(d) list.</p>	<p>Please see response to comment 036.02 regarding the proposed toxicity and ammonia listing recommendations for Saratoga Creek.</p>



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036.04	<p>Recommendation: Consistent with the State Water Board Listing Policy, do not include Saratoga Creek on the 303(d) list for ammonia because the data used to justify this listing were not collected from this water body. Additionally, do not include Saratoga Creek on the 303(d) list for toxicity because the data used to justify this listing is only based a single occurrence of observed significant toxicity, which does not trigger a listing under the State Water Board Listing Policy.</p>	<p>Please see response to comment 036.02 regarding the proposed toxicity and ammonia listing recommendations for Saratoga Creek.</p>
036.05	<p>2. The proposed listing of San Tomas Aquino Creek (incorrectly identified as Saratoga Creek -see Comment #1) on the 303(d) list (Category 5) for ammonia is based on the inappropriate application of the USEPA chronic (30-day) criteria and an outdated formula to calculate un-ionized ammonia. (Applicable Decision ID: 151014)</p> <p>The 2024 Integrated Report cites the ammonia criteria described in USEPA (2013)<sup>4</sup> as the evaluation threshold used to assess exceedances of water quality standards in receiving waters. USEPA (2013) identifies acute (1-hr average) and chronic (30-day rolling average) criteria for total ammonia as nitrogen (N) that are temperature and pH-dependent. Both temperature and pH have diurnal fluctuations, and therefore significantly influence the calculated temperature and pH-dependent ammonia criteria. As described in USEPA (2013), diurnal fluctuations are one of the reasons why there are both acute and chronic criteria for ammonia. Thus, it is inappropriate to use a chronic (30-day rolling average) criterion to evaluate data derived from a point-in-time “grab”</p>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comment 036.06 regarding the formula used to calculate un-ionized ammonia from total ammonia data.</p> <p>The commenter is incorrect in stating the acute and chronic criteria were created in response to the diurnal fluctuations of temperature and pH and that it is inappropriate to use a chronic criterion to evaluate data from point in time grab samples.</p> <p>U.S. EPA establishes acute and chronic criteria to protect against adverse effects from both short-term (acute) and long-term (chronic) exposure, with the overall objective of protecting aquatic life from lethal as well as sub-lethal effects (e.g., immobility, slower growth rates, reduced reproduction).</p> <p>The chronic criterion is the appropriate threshold for assessment of chronic impacts of a pollutant on aquatic life. The chronic criterion is based on survival and growth</p>

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	<p>sample. Instead, the acute criterion is more appropriate for evaluating data from a single sample event in a receiving water.</p> <p>The proposed 303(d) listing for ammonia in San Tomas Aquino Creek (incorrectly identified as Saratoga Creek – see Comment #1) is based on two single point-in-time grab samples that were collected nearly one year apart (May 29, 2018 and May 7, 2019) at two separate locations approximately 1,000 feet apart (see Figure 1). Data results from the two sampling events are shown with the chronic and acute criteria in Table 1. As illustrated, both grab sample results are well below the USEPA acute criterion.</p> <p>[Table 1: Total ammonia concentrations in water samples collected at two sites in San Tomas Aquino Creek compared to chronic and acute criteria identified in USEPA (2013) is available in Appendix A Tables Associated with Public Comments.]</p> <p>Footnote 4: USEPA Office of Water. 2013. Aquatic Life Ambient Water Quality Criteria For Ammonia – Freshwater 2013. 2013 Freshwater Aquatic Life Ambient Water Quality Criteria for Ammonia (epa.gov)</p>	<p>of test organisms and provide a way to assess for long term impacts of pollutants on organisms. The criterion was not selected due to the sampling regime, but according to the level of protection provided for aquatic life. According to section 6.1.5.6 of the Listing Policy, “If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period.”</p> <p>The commenter is also incorrect in stating Decision ID 151014 is based on two single point-in-time grab samples. Decision ID 151014 is based on 19 samples of ammonia (un-ionized) data and 19 samples of Nitrogen, ammonia (total ammonia). For both ammonia (un-ionized) and nitrogen, ammonia (total ammonia), two of the 19 samples exceed the evaluation guideline, which exceeds the allowable frequency listed in Table 3.1 of the Listing Policy. The water quality objective of 0.025 mg/l for ammonia (un-ionized) is found in San Francisco Bay Regional Water Board’s Basin Plan. The water quality objective for nitrogen, ammonia (total ammonia) is calculated based on the formula listed in U.S. EPA’s 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater document.</p>
036.06	<p>The water quality assessment described in the 2024 Integrated Report also uses un-ionized ammonia (UIA) as a LOE in support of the ammonia listing in San Tomas Aquino Creek (Decision ID 151014). The assessment appears to have used a formula from Emerson et al. (1975)<sup>5</sup> to calculate</p>	<p>Changes to listing recommendations were not made in response to this comment. The current formula used to calculate un-ionized ammonia has been approved for use by U.S. EPA in the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater document. The</p>

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	<p>UIA concentrations. This formula adjusts total ammonia concentrations by ambient pH and temperature measured in the field concurrently with a point-in-time grab sample. The American Fisheries Society (AFS) has recently updated the Emerson et al. (1975) formula and the AFS formula has been used throughout the SF Bay Area by the Regional Water Board and MRP Permittees for over a decade.<sup>6</sup> In addition to pH and temperature, the AFS formula includes ambient electrical conductivity measurements to account for the inverse relationship between UIA and electrical conductivity (i.e., UIA decreases with increasing conductivity). Given the electrical conductivity measurements in San Tomas Aquino Creek (i.e., &gt;1,000 uS/cm), the AFS formula is more appropriate and should be used to calculate UIA concentrations in creeks in the Santa Clara Valley, including San Tomas Aquino Creek. The UIA concentrations calculated using the Emerson et al. (1975) and AFS formulas for the two San Tomas Aquino Creek grab samples used as LOEs in Decision ID 151014 are shown in Table 2, along with total ammonia concentrations, and concurrent field measurements of temperature, pH, and electrical conductivity.</p> <p>[Table 2. Un-ionized ammonia (UIA) concentrations in grab samples collected at two sites in San Tomas Aquino Creek calculated using two different formulas based on ammonia concentrations. Maximum and annual median UIA criteria included in the SF Bay Basin Water Quality Control Plan are shown for comparison is available in Appendix A Tables Associated with Public Comments.]</p>	<p>formula has undergone peer review and was developed to protect aquatic life.</p> <p>Use of un-ionized ammonia data calculated with a different formula would need to be accompanied with or discussed in a Quality Assurance Project Plan (“QAPP”) and meet the minimum quality assurance/quality control requirements outlined in section 6.1.4 of the Listing Policy. Documentation detailing the American Fisheries Society (“AFS”) un-ionized ammonia formula mentioned by the commenter was not provided with the total fraction ammonia data or provided separately to the State Water Board. Until it can be shown that the use of the AFS un-ionized ammonia formula results in high quality data sufficient to make determinations of water quality standards attainment, the formula to calculate un-ionized ammonia found in U.S. EPA’s 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater document will be used.</p>

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	<p>Footnote 5: Emerson, K., R. C. Russo, R. E. Lund, and R. V. Thurston. 1975. "Aqueous Ammonia Equilibrium Calculations: Effects of pH and Temperature." <i>Journal of the Fisheries Research Board of Canada</i> 32:2379–2383.</p> <p>Footnote 6: <a href="https://fisheries.org/wp-content/uploads/2016/03/Copy-of-pub_ammonia_fwc.xls">https://fisheries.org/wp-content/uploads/2016/03/Copy-of-pub_ammonia_fwc.xls</a></p>	
036.07	<p>The 2024 Integrated Report also inappropriately evaluates the calculated UIA concentrations derived from individual grab samples using the annual median UIA Water Quality Objective (WQO) from the SF Bay Basin Water Quality Control Plan (i.e., 0.025 mg/L).<sup>7</sup> A more appropriate <i>maximum</i> UIA ammonia criterion (0.4 mg/L) is included in the Basin Plan for receiving waters in the Santa Clara Basin, including San Tomas Aquino Creek (i.e., Lower Bay). It is inappropriate to evaluate grab sample data using an annual median criterion, particularly for parameters, such as UIA concentrations that fluctuate with ambient conditions. As illustrated in Table 2, the calculated UIA concentrations for the San Tomas Aquino Creek grab samples and more than an order-of-magnitude below the <i>maximum</i> UIA criterion for the Lower Bay.</p> <p>Footnote 7: SF Bay Regional Water Quality Control Board. SF Bay Basin Water Control Plan. Chapter 3 – Water Quality Objectives. <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issue">https://www.waterboards.ca.gov/sanfranciscobay/water_issue</a></p>	<p>The table in section 3.3.20 of the Basin Plan lists three possible UIA objectives: an annual median meant to apply to all waters in the region and two values for the maximum. One of the maximum values applies to Central Bay, and another in Lower Bay. These maximum UIA objectives in the Basin Plan apply to <i>segments</i> of San Francisco Bay, not the <i>watersheds</i> that drain to these parts of the Bay. This is clear from the text of the bullets below the table that explain that “a more stringent maximum objective is desirable for the northern <i>reach</i> of the Bay for the protection of the migratory corridor running through Central Bay, San Pablo Bay, and upstream reaches.”</p> <p>Therefore, the annual median water quality objective from the San Francisco Bay Basin Plan is the only relevant objective against which to assess available data from creeks draining to the Bay since there is no geographic limitation on this objective in section 3.3.20 of the Basin Plan. It is meant to apply in all waters of the region.</p> <p>Although the quantity of available data are limited, these data must be evaluated against the relevant evaluation</p>

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	<a href="https://www.sfbaywaterboard.org/programs/planningtmdls/basinplan/web/docs/ADA_compliance/BP_chapter_3.pdf">s/programs/planningtmdls/basinplan/web/docs/ADA_compliance/BP_chapter_3.pdf</a>	<p>guideline. In fact, section 6.1.5.6 of the Listing Policy states that, “If the water quality objectives, criteria, or guidelines state a specific averaging period and/or mathematical transformation, the data should be evaluated in a consistent manner prior to conducting any statistical analysis for placement of the water on the section 303(d) list. <i>If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period.</i>”</p> <p>In other words, the Listing Policy requires that even the limited available data in these circumstances must be used to represent the annual median in order to compare to the Basin Plan’s water quality objective. It would be helpful to have more data to use in comparison to the annual median. Until then, integrated report assessments will make use of available data and compare these data to the available applicable objective.</p>
036.08	<p>Recommendation: San Tomas Aquino Creek (incorrectly identified as Saratoga Creek – see Comment #1) should be removed from the proposed 303(d) list for ammonia. The water quality assessment conducted as part of the 2024 Integrated Report incorrectly uses the 30-day rolling average (ammonia) and annual median (UIA) criteria to evaluate point-in-time grab samples. The data used to support the listing do not exceed the more appropriate 1-hour (ammonia) and maximum (UIA) criteria. In addition, when UIA is calculated using the more appropriate AFS formula that has been used in the SF Bay Area for over a decade, only one sample</p>	<p>Please see the response to comment 036.06 concerning the issue of the updated AFS formula for calculating UIA prior to comparison to the Basin Plan objective. Please see the response to comment 036.07 concerning the issue of the relevant water quality objective against which to compare UIA data. The San Francisco Bay Regional Water Board’s Basin Plan’s annual median objective is the only relevant objective available for the assessment.</p>

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	<p>exceeds the Basin Plan annual median UIA criterion and therefore this single occurrence of UIA above the median does not trigger a listing under the State Water Board Listing Policy.</p>	
036.09	<p>3. The proposed listing of Berryessa Creek on the 303(d) list (Category 5) for ammonia is based on data collected from two different receiving waters that are inappropriately combined. (Applicable Decision ID: 150860)</p> <p>Data collected from two sites identified in the 2024 Integrated Report as Berryessa Creek were used as LOEs to support the proposed listing of Berryessa Creek for ammonia on the 303(d) list (Decision ID 150860). The two sites, however, are located on different receiving waters that are geographically distinct and listed separately as receiving waters in the SF Bay Basin Water Quality Control Plan with separate and unique Beneficial Uses. The two sites are shown in Figure 2. One site (i.e., 205R03011) is located on Berryessa Creek near the urban boundary and the other site (i.e., 205R04395) is located on Arroyo de los Coches at Levin County Park.</p> <p>Because the sites are located on separate receiving waters, the data collected at each site should be evaluated separately, not comingled. If data collected in Arroyo de los Coches are considered separately from data collected in Berryessa Creek, only one sample collected in Berryessa Creek would have UIA concentrations above the maximum WQO. Based on the State Water Board Listing Policy, one occurrence of elevated UIA observed in a receiving water</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The San Francisco Bay Regional Water Board treats mainstem streams (called Tier 1) and their direct named tributaries (called Tier 2) as independent waterbodies for water quality assessment. In contrast, tributaries to the direct tributaries (called Tier 3) are considered sub-watersheds of Tier 2 creeks for assessment if the Tier 3 and Tier 2 waters have the same COLD and WARM beneficial use designations, have similar land uses, and are in close proximity.</p> <p>The San Francisco Bay Regional Water Board's Basin Plan Table 2-1 indicates the relationship between mainstem (Tier 1) and tributaries (Tiers 2, and higher) using indentation. Table 2-1 indicates that Berryessa Creek is a Tier 1 waterbody because it is indented one level from the mainstem, and Arroyo de los Coches is a Tier 3 waterbody (indented one position more than Berryessa) that is a tributary to Berryessa Creek (Tier 2) and, ultimately, Penitencia Creek (Tier 1, not indented). Arroyo de los Coches and Berryessa Creek have the same WARM and COLD beneficial use designations. Therefore, Arroyo de los Coches should not be mapped</p>

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	does not support the listing of that water body on the 303(d) list.	<p>independently, but rather as a sub-watershed of Berryessa Creek. Likewise, these waterbodies are relatively small, have similar land use, and are within close proximity to each other.</p> <p>The listing recommendation for Berryessa Creek will remain "List" for ammonia; however, the San Francisco Regional Water Board is currently conducting a study across multiple seasons in Berryessa Creek and Arroyo de los Coches to assess ammonia conditions. Data and information from that study may be used to inform the water quality condition in Berryessa Creek and listing recommendations may be revised in a future integrated report, if appropriate.</p>
036.10	<p>Recommendation: Separate data collected on Berryessa Creek from data collected on Arroyo de los Coches because these are two distinct water bodies. After separating data from the two water bodies, consistent with the State Water Board Listing Policy, do not include Berryessa Creek on the 303(d) list for ammonia (UIA) based on the data collected from this water body and the single occurrence of UIA above the applicable WQO.</p>	<p>Please see the response to comment 036.09 regarding the proposed ammonia listing recommendations for Berryessa Creek and Arroyo de los Coches.</p>
036.11	<p>4. Toxicity testing results for <i>C. dubia</i> should not be used as Lines of Evidence (LOE) until laboratory QA procedures are updated and potential causes of unexplained toxicity have been resolved. Applicable Decision ID: 142203</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Data from chronic <i>C. dubia</i> reproduction toxicity tests are appropriate to use for integrated report assessments when those data are of sufficient quality per Listing Policy</p>



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	<p>Statewide, there have been numerous reports of unexplained chronic toxicity to <i>Ceriodaphnia dubia</i> (<i>C. dubia</i>), within and between laboratory variability in the occurrence and magnitude of toxicity, and suspicion of false positive results. Analysis by the State’s Surface Water Ambient Monitoring Program (SWAMP) in conjunction with the Statewide Toxicity Provisions adopted by the State Water Board on December 1, 2020 indicates that variability in <i>C. dubia</i> toxicity could arise from inconsistencies in Quality Assurance (QA) procedures used by laboratories. A Special Study requested by the State Water Board is currently underway based on a work plan developed by the Southern California Coastal Water Research Project (SCCWRP) with oversight from State Water Board staff, in coordination with a stakeholder group. Final recommendations from the Special Study are anticipated in September 2023.<sup>8</sup> As of January 2022, a review of historical data and implementation of a baseline intercalibration study did not result in identification of specific sources of variability among laboratories in <i>C. dubia</i> reproduction. Therefore, the Special Study stakeholder group recently agreed to pursue two options: implementation of a second intercalibration study focusing on a single variable (age of female at test initiation) and laboratory training and education. The Final Guidance Manual will contain recommendations for improvements to laboratory QA procedures associated with the <i>C. dubia</i> toxicity tests and may also yield related findings pertaining to the causes of spurious <i>C. dubia</i> toxicity.</p> <p>Footnote 8: Information on the <i>C. dubia</i> Special Study is available at: <a href="https://www.sccwrp.org/about/research-">https://www.sccwrp.org/about/research-</a></p>	<p>section 6.1.4. The comparison of these data to the toxicity water quality objective used in the listing recommendation for Saratoga Creek (Decision ID 142203) in the 2024 California Integrated Report is consistent with the Water Quality Control Plan for the San Francisco Bay Basin (“San Francisco Bay Basin Plan”) and the State Policy for Water Quality Control: Toxicity Provisions (“Toxicity Provisions”).</p> <p>The Toxicity Provisions were adopted by the State Water Board on December 1, 2020. During the development of the Toxicity Provisions, an analysis was conducted which indicated that most laboratories can perform the chronic <i>C. dubia</i> reproduction test with less than a five percent chance of having a false positive result, which is the acceptable false positive probability value. Even with the additional analysis, some stakeholders were concerned with the reliability and variability of the <i>C. dubia</i> test method. To address stakeholders’ concerns, the State Water Board contracted with SCCWRP to conduct the study titled “Development of Quality Assurance Recommendations for the <i>Ceriodaphnia dubia</i> (“<i>C. dubia</i>”) Toxicity Test.” The purpose of the study is to investigate test conditions and factors that can be controlled to reduce within-test variability and intra-laboratory variability, improve a laboratory’s performance over time, and increase stakeholder and public confidence in the <i>C. dubia</i> chronic reproduction toxicity test. The study is expected to be completed in fall of 2023. For further information on the study, please refer to SCCWRP’s webpage at <a href="#">Ceriodaphnia Toxicity Testing</a></p>



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	<a href="https://www.sccwrp.org/about/research-areas/additional-research-areas/ceiodaphnia-toxicity-testing-quality-assurance/">areas/additional-research-areas/ceiodaphnia-toxicity-testing-quality-assurance/</a>	<p><a href="https://www.sccwrp.org">Quality Assurance - Southern California Coastal Water Research Project (sccwrp.org)</a>  <a href="https://www.sccwrp.org/about/research-areas/additional-research-areas/ceiodaphnia-toxicity-testing-quality-assurance/">(https://www.sccwrp.org/about/research-areas/additional-research-areas/ceiodaphnia-toxicity-testing-quality-assurance/)</a>.</p> <p>The commenter is correct that the study may contain recommendations for improvements to laboratory procedures for the chronic <i>C. dubia</i> reproduction toxicity test. Improvements may make more data available for assessment. However, it is not necessary to wait for the study to conclude before existing quality data are used for integrated report assessments.</p>
036.12	<p>Recommendation: Given the significant uncertainties in <i>C. dubia</i> toxicity test results over the past decade, <i>C. dubia</i> results should not be used as LOE in the 2024 Integrated Report until the State Water Board <i>C. dubia</i> Special Study is complete and recommended next steps have been implemented. Table 3 lists the LOEs included in the 2024 Integrated Report based on <i>C. dubia</i> toxicity test results in Santa Clara County creeks that should not be considered when determining exceedances of water quality standards. Although these changes do not appear to reduce the number of toxicity exceedances below the listing threshold of two tests with toxicity, it is important to acknowledge the significant uncertainties associated with these data and the potentially erroneous <i>C. dubia</i> toxicity results unknowingly reported by SCVURPPP and other agencies over the past decade.</p>	<p>Please see response to comment 036.11.</p>

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	<p>[Table 3. Lines of Evidence based on <i>C. dubia</i> toxicity test results in Santa Clara County that should be eliminated from the 2024 Integrated Report due to significant uncertainties in the validity of the results is available in Appendix A Tables Associated with Public Comments.]</p>	
036.13	<p>5. The proposed listings of the Guadalupe River and Vasona Lake on the 303(d) list (Category 5) for Chlordane (Guadalupe River and Vasona Lake) and DDT (Vasona Lake) does not consider existing TMDLs and other regulatory programs. (Applicable Decision IDs: 141199 and 150933)</p> <p>Consistent with the State Water Board Listing Policy (2015) and USEPA guidance, the State or Regional Water Board may place a receiving water identified as not achieving a water quality standard into a category other than Category 5 (303d list) if specific conditions are present. Specifically, the USEPA allows for receiving waters to be assigned to Category 4 on the 305(b) Integrated Report if one of the following exists:</p> <ul style="list-style-type: none"> <li>A. A Total Maximum Daily Load (TMDL) has been developed and approved by USEPA for the water body-pollutant combination, and the approved implementation plan is expected to result in full attainment of the water quality standard within a reasonable, specified time frame.</li> <li>B. Another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame.</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>There is no U.S. EPA approved TMDL or regulatory program designed to achieve water quality standards with respect to Chlordane or DDT for Guadalupe River and Vasona Lake.</p> <p>The identification of waters impaired by chlordane and DDT (like Guadalupe River and Lake Vasona) require placement on the 303(d) list and may require specific control measures intended to remedy these specific impairments because there are no such waterbody-specific requirements originating from the Diazinon and Pesticide-related Toxicity in Urban Creeks TMDL.</p> <p>The commenter is incorrect that a TMDL exists that is designed or intended to address the chlordane or DDT contamination in urban creeks. The U.S. EPA cancelled all uses of DDT and chlordane in 1972 and 1988, prior to the San Francisco Bay Regional Water Board's adoption of the Diazinon and Pesticide-related Toxicity in Urban Creeks TMDL in 2005. The TMDL was developed to address pesticide-related toxicity caused by diazinon and</p>

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	<p>C. The non-attainment of any applicable water quality standard for the waterbody segment is the result of pollution and is not caused by a pollutant.</p> <p>The State/Regional Water Board proposes to list the Guadalupe River, a SF Bay Area urban creek, and Vasona Lake on the 2024 303(d) list (i.e., Category 5 on the 305(b) report) due to observed concentrations of the legacy pesticides Chlordane, and Vasona Lake due to observed concentrations of the legacy pesticide DDT. The analysis conducted by the State/Regional Water Board, however, does not take into consideration an important fact, the Regional Water Board has adopted a regulatory program that is expected to result in the attainment of all water quality standards associated with pesticides and therefore an existing regulatory program is in place to address the proposed Chlordane listing. In 2005, the Regional Water Board adopted the <i>Water Quality Attainment Strategy (WQAS) and TMDL for Diazinon and Pesticide-related Toxicity in Urban Creeks</i><sup>9</sup> and USEPA later approved the regulatory program in 2007. The implementation plan for this regulatory program was included in the SF Bay Basin Water Quality Control Plan in 2005 and requires actions from municipal stormwater NDPES permittees as well as other regulatory agencies to address all current pesticide-related exceedances of water quality standards and prevent future pesticide-related impacts to receiving waters. Specifically, provision C.9 of the NPDES Municipal Regional Permit (MRP) for stormwater discharges in the SF Bay Area requires permittees to implement pesticide toxicity control programs that focus on source control and pollution prevention</p>	<p>other current or future pesticides, not contamination caused by legacy pesticides such as Chlordane and DDT.</p> <p>The commenter is incorrect in stating that San Francisco Bay Regional Water Board has adopted a regulatory program that is expected to result in the attainment of all water quality standards associated with pesticides and therefore an existing regulatory program is in place to address the proposed Chlordane listing. The requirements in C.9 of the Municipal Regional Stormwater Permit are only intended to be sufficient to reduce impacts from current-use pesticides. There are no specific requirements in the permit to address legacy pesticide contamination from Chlordane or DDT.</p>

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	<p>measures, including integrated pest management (IPM) policies/ordinances, public education and outreach, pesticide disposal, and sustainable landscaping requirements for new and redevelopment projects. These efforts will eventually be supplemented by the statewide Urban Pesticides Amendments which will address pesticide usage via state and federal pesticide regulatory authorities such as the Department of Pesticide Regulation (DPR) and USEPA.</p> <p>Recommendation: Because a regulatory program (i.e., WQAS/TMDL) designed to address all current and future receiving water quality concerns associated with pesticides (including Chlordane and DDT) in SF Bay Area urban creeks has been adopted by the Regional Water Board and approved by the USEPA, the State/Regional Water Board should remove the proposed listings of the Guadalupe River and Vasona Lake on the 303(d) list and instead reassign these water bodies to the 305(b) Integrated Report Category 4A or 4B. There is an established regulatory program that is reasonably expected to result in attainment of the water quality standard for Chlordane, DDT and other pesticides and pesticide-related toxicity.</p> <p>Footnote 9:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issue_s/programs/TMDLs/urbancrksdiazinon/approvedbpa.pdf">https://www.waterboards.ca.gov/sanfranciscobay/water_issue_s/programs/TMDLs/urbancrksdiazinon/approvedbpa.pdf</a>.</p>	
036.14	6. The proposed listing of the Campbell Percolation Ponds and Lake Vasona on the 303(d) list (Category 5) for Polychlorinated Biphenyls (PCBs) does not consider an	Changes to listing recommendations were not made in response to this comment. Campbell Percolation Ponds and Lake Vasona cannot be placed in Category 4A or 4B

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	<p>existing TMDL that will address applicable exceedances of water quality standards. (Applicable Decision IDs: 144711 and 141210)</p> <p>Consistent with the State Water Board Listing Policy (2015) and USEPA guidance, the State or Regional Water Board may place a receiving water identified as not achieving a water quality standard into a category other than Category 5 (303d list) if specific conditions are present. Specifically, the USEPA allows for receiving waters to be assigned to Category 4 on the 305(b) Integrated Report if one of the following exists:</p> <ul style="list-style-type: none"> <li>D. A Total Maximum Daily Load (TMDL) has been developed and approved by USEPA for the waterbody-pollutant combination, and the approved implementation plan is expected to result in full attainment of the water quality standard within a reasonable, specified time frame.</li> <li>E. Another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame.</li> <li>F. The non-attainment of any applicable water quality standard for the waterbody segment is the result of pollution and is not caused by a pollutant.</li> </ul>	<p>because there is no U.S. EPA approved TMDL or regulatory program designed to achieve water quality standards with respect to PCBs for these waterbodies.</p> <p>The identification of waters impaired by PCBs (like Campbell Percolation Ponds and Lake Vasona) require placement on the 303(d) list and may require specific control measures intended to remedy these specific impairments because there are no such waterbody-specific requirements originating from the San Francisco Bay PCBs TMDL.</p> <p>The commenter incorrectly asserts that a TMDL exists that is designed or intended to address the PCBs contamination in either Campbell Percolation Ponds or Lake Vasona. The PCBs TMDL for San Francisco Bay does not apply to Campbell Percolation Ponds or Lake Vasona because these waterbodies are not part of San Francisco Bay, and there was no analysis conducted as part of the TMDL demonstrating that requirements resulting from the San Francisco Bay PCBs TMDL would remedy any impairments in any other waterbody but San Francisco Bay.</p> <p>The commenter also incorrectly states that the San Francisco Bay Regional Water Board has adopted a regulatory program that is expected to result in the attainment of all water quality standards associated with PCBs in all Bay Area receiving waters. The San Francisco Bay Regional Water Quality Control Board is</p>

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		<p>not aware of any regulatory program where such findings have been made.</p> <p>The requirements in the Municipal Regional Stormwater Permit are only intended to be sufficient to reduce PCBs loads to San Francisco Bay and, ultimately, result in attainment of water quality standards in the San Francisco Bay. There are no specific requirements in the permit to address discharges to any particular creek, reservoir, or lake in the watershed draining to San Francisco Bay, and there are no requirements to ensure attainment of water quality standards in any waterbody except for San Francisco Bay. Importantly, it may be possible for stormwater dischargers to meet requirements established pursuant to the San Francisco Bay TMDL without ever implementing control measures that would reduce loading to Lake Vasona, Campbell Percolation Ponds, or any other specific waterbody in the region except for segments of San Francisco Bay. Moreover, the PCBs TMDL for San Francisco Bay did not include any demonstration that requirements implemented through the stormwater program would be sufficient to meet water quality standards in all possible receiving waters in the region. Accordingly, there were never any findings in San Francisco Bay Regional Water Board or State Water Board resolutions asserting that such a demonstration had been made.</p>
036.15	7.The proposed Category 3 listings for benthic community effects are based on water quality thresholds that have not be	Comment noted. Changes to listing recommendations were not made in response to this comment. Please also

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	<p>adopted by the Regional or State Water Board and therefore should not be considered Lines of Evidence (LOE) in the 2024 Integrated Report.</p> <p>There are several new Category 3 listings for Benthic Community Effects that are based on California Stream Condition Index (CSCI) scores below 0.79. We appreciate that the proposed listings were placed in Category 3, which recognizes that there is insufficient data and/or information to make a beneficial use support determination; however, these listings were included despite the fact that neither the Regional Water Board or the State Water Board has established and adopted a water quality objective (WQO) for benthic communities.</p>	<p>see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p>
036.16	<p>Additionally, neither the Regional Water Board or State Water Board have adopted an implementation plan into a Water Quality Control Plan to establish a process for assessing benthic communities in California and determining whether observed ecological conditions are affected by controllable water quality factors. Including water bodies onto Category 3 in the 305(b) report based solely on the CSCI scores sets a bad precedent of using unadopted water quality thresholds to evaluate water quality conditions in water bodies and determining water quality impairments.</p> <p>While <i>characterization</i> of benthic community effects can be based on CSCI scores, which indicates whether, and to what degree, the ecology of a receiving water has significantly deviated from the ecology at “reference” sites; <i>listing</i></p>	<p>Changes to listing recommendations were not made in response to this comment. Please see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 Category 3 Interim Approach.</p>

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	<p>waterbodies on the 303(d) list based on CSCI scores in the absence of a statewide peer-reviewed policy may lead to inconsistent interpretation of the data and inappropriate listings. As a result, although a CSCI score could be used as an interpretive tool for water quality condition, it should not be used as an evaluation guideline for beneficial use attainment or as a WQO.</p>	
036.17	<p>For over a decade, the State Water Board has been working with technical consultants and a dedicated Science Panel, Regulatory Group, and Stakeholder Advisory Group to develop a Biostimulatory and Biointegrity Program.<sup>11</sup> Throughout this process several concerns have been raised regarding use of the CSCI or similar tools within a policy framework. These concerns include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• The CSCI threshold score of 0.79 used in the 2024 Integrated Report is rarely achieved in engineered channels and may not be appropriate for highly modified urban streams that are managed for flood protection.</li> <li>• Low CSCI scores (i.e., below 0.79) may be caused by natural disturbances such as prolonged drought or impacts associated with fire, and not by anthropogenic sources of impairment.</li> <li>• The CSCI tool is only applicable during ecoregion-specific index periods which occur during the dry season when wet weather flows are not present.</li> </ul>	<p>Comment noted. Changes to listing recommendations were not made in response to this comment. The commenter is correct that the Biostimulation, Cyanotoxins, and Biological Condition Provisions are in development. Should the provisions include a numeric water quality objective, process, or policy for the CSCI or benthic community parameters, including methods for urban flood or engineered channels, that metric will be used to reassess data and information in a future integrated report.</p> <p>Please also see principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 for Category 3 Interim Approach.</p> <p>Please also see response to comment 017.07.</p>



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	<p>Recommendation: Do not consider benthic community data as LOEs until the State Water Board has (through a public process) adopted WQOs for Biostimulatory Substances and/or Biological Conditions and an implementation plan for the appropriate use of interpretive tools and the evaluation of WQO attainment.</p> <p>Footnote 11: This program began as two separate projects for wadeable streams (Biostimulatory substances and Biointegrity) which combined in 2016 in recognition of commonalities and linkages between the two projects. The current effort is titled “Biostimulation, Cyanotoxins, and Biological Condition Provisions”.</p>	
036.18	<p>We also support the comments and recommendation submitted by CASQA on the 2024 Integrated Report. Refining the 2024 Integrated Report as described in this letter and in CASQA’s comments will ensure that water quality issues identified by the State and Regional Water Boards in Santa Clara Valley receiving waters are focused and factually-based, and use the most readily available data and appropriate data analysis methods.</p>	<p>Comment noted. For responses to comments submitted by the California Stormwater Quality Association see responses to Letter 6.</p>

**Letter 37: Lisa Bankosh, Santa Clara Valley Water District**

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037.01	<p>Valley Water appreciates the recent collaboration with SF Bay Regional Water Quality Control Board staff Kevin Lunde and Kristina Yoshida on the Central California Coast Steelhead Regional Temperature Study, which included analysis of existing data in our region to determine the relationship between stream temperature and steelhead presence and fitness, and which developed a plan of study to refine protective temperature guidelines for the COLD and MIGR beneficial uses in the San Francisco Bay Basin.</p>	<p>Comment noted.</p>
037.02	<p>1. Data used for proposed listing of Saratoga Creek was collected on San Tomas Aquino Creek.</p> <p>Please revise the analysis accordingly. Three of the four sampling sites are located on San Tomas Aquino Creek a distinct receiving water body. Saratoga Creek should not be included on the 303(d) list for ammonia because the majority of the data used to justify this listing were not collected from this water body and a single occurrence of observed significant toxicity does not trigger a listing under the State Water Board Listing Policy.</p>	<p>Please see the response to comment 036.02 regarding the proposed toxicity and ammonia listing recommendations for Saratoga Creek.</p>
037.03	<p>2. Similarly, the proposed listing of Berryessa Creek for ammonia is based on data collected from two different receiving waters and inappropriately combined. Data were collected from two sites, one on Berryessa Creek and one on Arroyo de los Coches, which are distinct receiving waters.</p>	<p>Please see response to comment 036.09 regarding the ammonia listing recommendations for Berryessa Creek and Arroyo de los Coches.</p>

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	<p>Only one sample collected in Berryessa Creek exceeded the water quality objective; therefore, as above, a single occurrence of exceedance does not trigger a listing.</p>	
037.04	<p>3. Proposed listing of Guadalupe River for Chlordane should be covered under the existing pesticides TMDL for San Francisco Bay urban creeks.</p> <p>The Regional Water Board has adopted a regulatory program that is expected to result in the attainment of all water quality standards associated with pesticides and therefore an existing regulatory program is in place to address the proposed Chlordane listing. Valley Water recommends removing the proposed listing of the Guadalupe River on the 303(d) list and instead reassign the Guadalupe River to the 305(b) Integrated Report Category 4B for Chlordane.</p>	<p>Please see response to comment 036.13 concerning the application of the Diazinon and Pesticide-related Toxicity in Urban Creeks TMDL to legacy pesticides such as Chlordane.</p>
037.05	<p>1. Proposed Listing of Chesbro Reservoir for DDT.</p> <p>The proposed listing of Chesbro reservoir for DDT is based on 1 effective composite (2 composites of 5 carp each averaged because they were not spatially independent). This is an example of a relatively weak line of evidence that technically qualifies under the current listing policy but provides a low level of confidence in the finding of impairment. We recommend not listing this water body until additional supporting lines of evidence are collected.</p>	<p>Changes to the listing recommendations were made in response to this comment.</p> <p>The decision recommendation to list Chesbro Reservoir (original Decision ID 129587; revised Decision ID 154723) was made during the 2020-2022 listing cycle. This recommendation was based on what appeared to be two out of two tissue samples exceeding the water quality thresholds for Total DDT (LOE ID 77291 (2016) and LOE ID 150916 (2020)). In response to this comment, the recommendation was reevaluated, and it was determined that two LOEs were designated with the same station and sampling date. This was an error. The duplicate LOEs</p>

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		<p>(LOE IDs 150916 and 150903) were removed and the resulting Decision ID 154723 has been revised from “List” to “Do not List.”</p> <p>This error occurred because during the 2016 listing cycle, there was a partial submittal of SWAMP-BOG data. During the 2020-2022 listing cycle, the remainder of the data were submitted, which resulted in the duplication of some data. All duplicate entries during the 2020-2022 listing cycle should have been deleted, however, it appears that not all duplicate tissue samples for Lakes and Reservoirs for DDT were deleted. This issue was corrected and 29 duplicate LOEs were retired. This affected 11 waterbodies. Changes to listing recommendations were not made for those waterbodies, excluding Chesbro Reservoir and San Antonio Reservoir.</p>
037.06	<p>2. Proposed listing of Vasona Reservoir and Campbell Percolation Ponds for PCBs (Polychlorinated biphenyls):</p> <p>Proposed PCBs listings for Vasona Reservoir and Campbell Percolation Ponds are based on very few sample exceedances. In addition, PCBs in the watershed are already being addressed through implementation of the PCBs TMDL for San Francisco Bay, and water quality improvements with respect to PCBs are expected throughout the watershed as a result. Actions include clean-up of known and detected PCB hotspots and implementation enhanced municipal street maintenance procedures. Similar to (3), above, Valley Water recommends removing the proposed listing of the Vasona</p>	<p>Changes to listing recommendations were not made in response to this comment. The procedures used to assess these waterbodies and determine impairment are consistent with sections 3.1, 6.1.4, and 6.1.5 of the Listing Policy.</p> <p>Concerning the portion of the comment asserting that a TMDL or regulatory program is already in place to address PCBs in these waterbodies, please see the response to comment 036.14.</p>

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	Reservoir and Campbell Percolation Ponds on the 303(d) list and instead reassign these waterbodies to the 305(b) Integrated Report Category 4B for PCBs.	
037.07	<p>Comment Periods - Valley Water recognizes the very substantial time and effort on the part of water board staff to compile and analyze the large amount of data during each listing cycle and prepare this assessment and appreciates the opportunity to comment on the proposed 303(d) list. To allow our staff the time to thoroughly review and prepare comments, for future iterations of the Integrated Report, we respectfully request a lengthier public comment period. The listing proposals and supporting documentation are complicated and difficult to evaluate in the short time frame provided for review. The public should have ample opportunity to provide public comment, which should be increased to at least 90 days.</p>	<p>Comment noted. See principal response 3.5 for Data Submission Timeline and the Public Process.</p>
037.08	<p><b>Outdated Data</b> - In addition, as our comments above indicate, the guidelines for data use in the listing policy should be revised to more effectively avoid the use of out-of-date, insufficient, or poor-quality data. For example, some of the proposed category 5 listings are effectively based on one or two composites of fish (such as DDT in common carp in Chesbro Reservoir). While these findings technically meet the criteria in the listing policy, using so little data in making listing decisions reduces the confidence in those decisions. We recommend guidance that establishes minimum sample sizes</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Chesbro Reservoir (Decision ID 154724) was placed on the 303(d) list. However, after evaluation of the listing recommendation, flaws in the original listing recommendation were discovered. LOE IDs 150916 and 150903 were duplicates of the 2016 LOEs. These LOEs were retired and the listing recommendation was revised from "List" to "Delist."</p>

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	above those currently in the listing policy to allow for statistical evaluation with sufficient confidence in the results.	Additionally, see principal response 3.2 for Data Not Used for Assessments regarding data quality and principal response 3.4 for Inclusion of Older Data. As well, any changes to the guidelines for data use and the established minimum sample sizes would require an amendment to the Listing Policy. Please see Staff Report section 2.3.4: Binomial Test for Determining Acceptable Exceedances, for further information on sample size requirements.

**Letter 38: Ray Tahir, TECS Environmental**

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038.01	<p>It is a well known fact that a TMDL is predicated on a water quality standard (also referred to in the Los Angeles Basin Plan a water quality objective). Each of the TMDLs for the Los Angeles Basin Plan, which includes the Los Angeles and Ventura Counties, is determined by a number of WQS exceedances found in tables contained in the State’s TMDL Listing Policy. Exceedances are based on water quality sampling and analysis. However, the regional board has went even further by claiming that a pollutant can be a TMDL even if it is not 303(d) listed because it believes it can cause or contribute to an impairment of a downstream reach<sup>1</sup>.</p> <p>Footnote 1: Expressed in a December 20, 2020 letter to Assembly Member Blanca Rubio by regional board Executive Officer Renee Purdy who stated: TMDLs are not placed on or</p>	<p>The Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List or the “Listing Policy” establishes a standard approach for development of the 303(d) list. It provides listing or delisting factors to place or remove a waterbody on the 303(d) list. See Staff Report section 1.3: The Listing Policy for more information.</p> <p>Once a waterbody is placed on the 303(d) list, the Regional Water Boards undertake a prioritization process to develop TMDLs or other regulatory programs of implementation to address and remedy impaired waters (see Staff Report section 2.6: Prioritization of TMDLs and Other Efforts to Address Impaired Waters). However, a 303(d) listing is not a prerequisite for TMDL development.</p>

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	<p>removed from the 303(d) list, and changes to the 303(d) list do not affect established TMDLs.</p>	<p>A TMDL may be developed for waterbodies that are not previously listed as impaired on the 303(d) list. As discussed in the Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (“Impaired Waters Policy”) adopted by State Water Board Resolution 2005-0050 (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/iw_policy.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/iw_policy.pdf</a>):</p> <p>“Where waters are not meeting their beneficial uses from anthropogenic sources of pollutants, the Water Boards will use the Total Maximum Daily Load (TMDL) program to craft an implementation plan to ensure that the waters meet all applicable standards as soon as is practicable” (p. 1). “Irrespective of whether CWA section 303(d) requires a TMDL, the process for addressing waters that do not meet applicable standards must be accomplished through existing regulatory tools and mechanisms” (p. 2). “Existing regulatory tools include individual or general waste discharge requirements (be they under Chapter 4 or under Chapter 5.5 (NPDES permits) of the Porter-Cologne Water Quality Control Act), individual or general waivers of waste discharge requirements, enforcement actions, interagency agreements, regulations, basin plan amendments, and other policies for water quality control” (p. 5).</p> <p>TMDLs are often adopted as basin plan amendments and are one type of program of implementation to achieve water quality objectives authorized under Water Code Section 13242. Establishing programs to achieve water</p>

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		<p>quality objectives are not dependent on the water body first becoming impaired and identified on the 303(d) list. That is to say that a program of implementation to control a pollutant and achieve water quality objectives, including a total maximum daily load, may be established pursuant to state law authority, Water Code section 13242, and the program of implementation is not dependent on the existence of a CWA 303(d) listing for the same pollutant.</p> <p>The criteria that must be met to support a listing on the 303(d) list do not apply to the establishment of a TMDL or its associated program of implementation. When establishing an implementation strategy for a waterbody, the Regional Water Board need not apply the Listing Policy to support the program of implementation. See <i>City of Arcadia v. State Water Resources Control Board</i> (2006) 135 Cal.App.4th 1392,1418; (provisions of the Clean Water Act that require a state to identify impaired waters and develop TMDLs do not indicate that formal designation on a state's 303 (d) list is a prerequisite to a TMDL.)</p>
038.02	<p>Once a numeric water quality standard has been identified and has been deemed to qualify for placement on the 303(d) list as an impairment to a certain reach, the next step is to create a TMDL waste load allocation (WLA), which applies to a receiving water. The WLA also needs to be converted into a water quality based effluent limit (WQBEL), which applies to outfall discharges to determine compliance.</p>	<p>Comment noted. As a clarification to the commenter, a numeric water quality standard is not placed on the 303(d) list. Rather, readily available data are compared to numeric or narrative water quality standards to determine if beneficial uses are attained. If beneficial uses are not attained, the waterbody is considered impaired and the waterbody is placed on the 303(d) list. The next step is to analyze the cause of the impairment to inform appropriate</p>



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		actions for standards attainment as outlined in the Impaired Waters Policy “[t]he first step in addressing a listing is to identify the scope of the problem” (p.3).
038.03	<p>The overarching problem is that no numeric water quality standards are identified in the MS4 permit or Basin Plan. For the Los Angeles River, San Gabriel River, and Dominguez Channel there is no mention of WQS – only WQBELs are mentioned as shown in MS4 permit attachments Q, R, and P. Thus, a very important step has not been performed. Furthermore, the WQBELs contained in the MS4 permit and basin plan require calculation using a formula. It is not known who is responsible for calculating the formula, though it would seem appropriate that the regional board should be the one.</p> <p>This raises the question why are the WQBELs and TMDLs not based on WQS? This can only mean that the WQBELs and TMDLs are not valid. The regional board cannot compensate for the lack of WQS by claiming that it has the authority to determine a TMDL based on its cause and contribute theory.</p> <p>It should be noted that the Santa Ana Regional Board has identified WQS in its MS4 permit and basin plan. In fact, in its basin plan it has devoted Chapter 4 to Water Quality Objectives.</p>	<p>Numeric and narrative water quality objectives can be found in Chapter 3 of the Basin Plan for the Los Angeles Regional Water Quality Control Board (“Basin Plan”) (). These objectives are used to assess beneficial use support under Clean Water Act Sections 303(d) and 305(b), collectively known as the California Integrated Report.</p> <p>After water quality-limited waters are identified in the California Integrated Report, TMDLs are developed. A TMDL contains a calculation of the maximum amount, or loading, of a pollutant allowed to enter a waterbody, factoring in a margin of safety, so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. It also determines a pollutant reduction target and allocates load reductions necessary to the source(s) of the pollutant. TMDLs are not self-implementing; the provisions in a TMDL must be implemented through programs such as National Pollutant Discharge Elimination System (“NPDES”) permits.</p> <p>The function of the Los Angeles Regional Phase I MS4 NPDES permit (“Regional MS4 permit”) is not to determine impairment but to regulate discharges from the Municipal Separate Storm Sewer System (“MS4”) into</p>

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		<p>waters of the U.S. to protect water quality and human health. One of the components of the Regional MS4 permit is Water Quality-based Effluent Limitation (“WQBELs”). WQBELs are any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the U.S., necessary to achieve a water quality standard, in this case, the objectives in the Los Angeles Regional Basin Plan. Pursuant to 40 C.F.R. § 122.44(d)(1)(vii)(B), the WQBELs in the Regional MS4 permit are consistent with the assumptions and requirements of the TMDL waste load allocations assigned to discharges from the MS4. Thus, the TMDL waste load allocations are translated into WQBELs and both are based on the water quality standards found in the Basin Plan. Attachments Q, R, and P to the Regional MS4 permit are not TMDLs but provisions for MS4 discharges in keeping with the respective TMDLs.</p> <p>A more appropriate venue for concerns related to the Regional MS4 permit would be through contacting the Los Angeles Region Storm Water and Municipal Permits program. Contact information and a list of items up for public notice can be found on the program’s <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/">website (https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/)</a>.</p> <p>For more information on TMDL development, please see the Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (<a href="https://www.waterboards.ca.gov/water_issues/programs/t">https://www.waterboards.ca.gov/water_issues/programs/t</a></p>

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		<p><a href="#">mdl/docs/iw_policy.pdf</a>). For specific TMDLs, TMDLs, technical documentation and contact information can be found on the Los Angeles Region's TMDL program page (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p>
038.04	<p>We see no support for the proposition that the regional board has the discretion to place a pollutant on the Clean Water TMDL 303(d) list. It has claimed such authority based on its opinion that (1) a reach which is impaired by a pollutant can cause or contribute to impairing a downstream reach<sup>2</sup>; and (2) a downstream reach can cause an impairment to an upstream reach which the regional board claims in attachment ___ for the San Gabriel River. Clearly both of these opinions are untenable because they are not in keeping with the State's TMDL 303(d) Listing Policy. The policy, which the regional board supports, determines placement of a pollutant on the 303(d) list if monitoring data (lines of evidence) shows exceedances contained in tables for toxic and non-toxic pollutants.</p> <p>Footnote 2: Expressed in a letter to Assembly Member Blanca Rubio by regional board Executive Officer Renee Purdy.</p>	<p>Comment noted. See responses to comments 038.01-038.03.</p> <p>Additionally, neither a Regional Water Board nor the State Water Board has the discretion to place a waterbody on the 303(d) list. Clean Water Act section 303(d) requires all states to review, revise as necessary, and submit to U.S. EPA a list of water quality-limited segments that are not meeting or are not expected to meet water quality standards. Accordingly, the State Water Board submits recommendations to add or remove waterbody segments from the 303(d) list to the U.S. EPA for its consideration. The U.S. EPA then acts to list or delist waters.</p>

**Letter 39: Eric Dubinsky, U.S. Environmental Protection Agency**

No.	Comment	Response
039.01	<p>EPA does not agree that an association between degraded benthic macroinvertebrate communities and at least one pollutant should be demonstrated as a condition to include a waterbody as impaired for benthic community effects on the 303(d) list.</p>	<p>Comment noted. Changes to listing recommendations were not made in response to this comment. See response to comment 034.02. Please also see principal response 4.2 for Category 3 Interim Approach.</p>
039.02	<p>As discussed in EPA’s 2006 Integrated Reporting memo, if a designated (beneficial) use, such as aquatic life, is not supported and the water is impaired or threatened, the fact that the specific pollutant may not be known does not provide a basis for excluding the water from the section 303(d) list.<sup>1</sup></p> <p>Footnote 1: U.S. EPA, Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act, 60, <a href="https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf">https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf</a></p>	<p>Comment noted. Please see response to comment 039.01.</p>
039.03	<p>These waters must be included on the list until the pollutant is identified and a TMDL completed or the state can demonstrate that no pollutant(s) cause or contribute to the impairment.<sup>1</sup> In this case, applicable beneficial uses are cold fresh water habitat (COLD) and warm fresh water habitat (WARM) uses that support aquatic ecosystems, including preservation or enhancement of aquatic habitats or wildlife, including invertebrates.<sup>2</sup></p>	<p>Please see response to comment 039.01.</p>

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	<p>Footnote 1: U.S. EPA, Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act, 60, <a href="https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf">https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf</a></p> <p>Footnote 2: State Water Resources Control Board, Draft Staff Report - 2024 California Integrated Report, 24-25, <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/draft-2024-IRstaff-report.pdf">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024_integrated_report/draft-2024-IRstaff-report.pdf</a>.</p>	
039.04	<p>California must include waterbodies for benthic community effects on the 303(d) list when data and information show significant degradation in macroinvertebrate communities regardless of whether an association with a specific pollutant has been demonstrated. The process of associating degraded biology with pollutants can happen after the waterbody is listed as impaired for benthic community effects. In future listing cycles, a waterbody can be removed from the 303(d) list and placed on the Integrated Report in Category 4c if the assessment of new data and information demonstrates that the biological degradation is not associated with a pollutant and is attributable only to other types of pollution (e.g., flow or habitat alteration).<sup>3,4</sup></p> <p>EPA's 2024 Integrated Reporting memo discusses best practices for identifying the pollutants causing or expected to cause an impairment and states "If the available data and information do not support identification of pollutants causing</p>	Please see response to comment 039.01.

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	<p>or expected to cause the exceedance, identify the pollutant as ‘unknown’ and reassess that determination when additional data and information become available. Subsequent lists provide opportunities to identify pollutants that were previously not known.”<sup>5</sup></p> <p>Footnote 3: U.S. EPA, Guidance for 2006 Assessment, 60.</p> <p>Footnote 4: U.S. EPA, Information Concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions, 13-15,  <a href="https://www.epa.gov/sites/default/files/2015-10/documents/2016-ir-memo-and-cover-memo-8_13_2015.pdf">https://www.epa.gov/sites/default/files/2015-10/documents/2016-ir-memo-and-cover-memo-8_13_2015.pdf</a>.</p> <p>Footnote 5: U.S. EPA, Information Concerning 2024 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions, 18,  <a href="https://www.epa.gov/system/files/documents/2023-03/2024IRmemo_032923.pdf">https://www.epa.gov/system/files/documents/2023-03/2024IRmemo_032923.pdf</a>.</p>	
039.05	<p>EPA discourages use of the term “TMDL Alternative” to refer to “5-alt” or “Alternative Restoration Plans”. EPA uses “TMDL Alternative” to refer to pollution control requirements that obviate the need for a TMDL and are approved by EPA as Category 4b waters.</p>	<p>Comment noted. Please see response to comment 039.06.</p>
039.06	<p>In EPA’s 2024 Integrated Report memo, EPA recommends replacing the term “Alternative Restoration Plan” with “Advance Restoration Plan” and recommends use of</p>	<p>Changes have been made in the 2024 California Integrated Report Staff Report to reflect the recommendations as noted by the U.S. EPA. Additional</p>

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	<p>Subcategory 5r instead of the previously-recommended Subcategory 5-alt to improve public transparency and avoid confusion.<sup>6</sup></p> <p>Footnote 6: U.S. EPA, Information Concerning 2024 Integrated Reporting, 5-6.</p>	<p>language updates within the 303(d) list, 305(b) Report, and CalWQA reports will be conducted during the listing cycle for the 2026 California Integrated Report.</p>

**Letter 40: Jodi Switzer, Ventura County Farm Bureau**

No.	Comment	Response
040.01	<p>In addition to our comments below, FBVC supports the comment letter submitted by The Stakeholders Implementing Total Maximum Daily Loads (TMDLs) in the Calleguas Creek Watershed (Stakeholders).</p>	<p>Comment noted. For responses to comments submitted by Stakeholders Implementing TMDLs in the Calleguas Creek Watershed, see responses to Letter 7.</p>
040.02	<p>In addition, many of the comments included in this letter were submitted during the last listing cycle for the region in 2017, were addressed prior to the adoption of the previous list, and have recurred during this listing cycle. While we understand that this is a significant and challenging undertaking, we request that the Water Board evaluate the listing process to address the systematic issues that consistently cause errors in the proposed 303(d) List. Significant resources are expended to repeatedly review and comment on these issues in every listing cycle.</p>	<p>Comment noted. Please see principal response 3 for Data and Analysis Transparency, and Readily Available Data.</p>

No.	Comment	Response
040.03	<p>Additionally, some of the issues consistently result in the inability of the proposed 303(d) List to be fully vetted and reviewed by FBVC. We therefore ask that the issues identified in this letter be addressed, and that the proposed 303(d) List be revised and released for another 60—day comment period before adoption.</p>	<p>Comment noted. See principal response 3.5 for Data Submission Timeline and the Public Process.</p>
040.04	<p>The comments presented in this letter fall into four general categories:</p> <p>I. New Category 5 listings that should be removed due to incorrect interpretation of the data (e.g., use of data that is not in a receiving water, incorrectly assigned sample locations, comparison of total data to dissolved evaluation thresholds)</p>	<p>See responses to comments 040.10 through 040.89.</p>
040.05	<p>II. Requests for reassessment due to missing data and incorrect application of evaluation thresholds.</p>	<p>See responses to comments 040.90 through 040.134.</p>
040.06	<p>III. New Category 5A listings that should be categorized as Category 5B because TMDLs already exist to address the pollutants.</p>	<p>See response to comment 040.135.</p>
040.07	<p>IV. Errors in the listing information that make it difficult to fully evaluate the listings. Examples include lack of source data that shows how specific analytes, such as pyrethroids, were calculated.</p>	<p>See response to comments 040.136 through 040.140. Also, see Principal Response 3: Data and Analysis Transparency, and Readily Available Data.</p>



No.	Comment	Response
040.08	The remaining sections of this letter provide the detailed list of requested changes to the 303(d) List and the rationale for the requests.	Comment noted. See response to comments 040.09 through 040.140.
040.09	In summary, FBVC request that all waterbody-pollutant combinations in Table 1 not be listed on the 303(d) List, the waterbody-pollutant combinations in Table 2 be reassessed, that certain specified listings be designated as being addressed by a TMDL if an existing TMDL is already in place, and that the errors and inconsistencies identified in Request IV be addressed for all waterbodies.	<p>The decisions referenced in commenter's Table 1 are addressed in responses to comments 040.11 through 040.70.</p> <p>The decisions referenced in commenter's Table 2 are addressed in responses to comments 040.90 through 040.128.</p> <p>Regarding the commenter's request for "certain specified listings be designated as being addressed by a TMDL if an existing TMDL is already in place," see response to comment 040.135.</p> <p>Regarding the commenter's "Request IV" see responses to comments 040.136 through 040.140.</p>
040.10	Based on a review of the proposed Category 5 waterbody-pollutant combinations, FBVC has identified a number of waterbodies that we feel should either be delisted based on available data or proposed listings that should not be listed based on errors in the evaluation. The requested modifications are shown in Table 1, below, with a summary of the justifications for the requested change. A detailed discussion of each of the justifications follows the table.	<p>The decisions referenced in commenter's Table 1 are addressed in responses to comments 040.11 through 040.70.</p> <p>Regarding the responses to the commenter's justification discussion comments. See response to comments 040.71 through 040.89.</p>

No.	Comment	Response
040.11	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station 02D_BROOM is located in an agricultural drain that discharges into Calleguas Creek Reach 2 and the station does not represent ambient surface water in Calleguas Creek Reach 2. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this water so the listing recommendation was removed. Site 02D_BROOM has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>
040.12	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to the listing recommendations were made in response to this comment.</p> <p>Please see response to comment 040.11. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
040.13	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Dimethoate</p>	<p>Changes to listing recommendations were made in response to this comment.</p>

No.	Comment	Response
	<p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Please see response to comment 040.11. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
040.14	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Please see response to comment 007.09.</p>
040.15	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station 02D_BROOM is located in an agricultural drain that discharges into Calleguas Creek Reach 2. The station does not represent ambient surface water in Calleguas Creek Reach 2. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing recommendation has also been removed. Site 02D_BROOM has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>

No.	Comment	Response
040.16	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station 02D_BROOM is located in an agricultural drain that discharges into Calleguas Creek Reach 2. The station does not represent ambient surface water in Calleguas Creek Reach 2. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing recommendation has also been removed. Site 02D_BROOM has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>
040.17	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Nitrogen, Nitrate</p> <p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 040.11. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
040.18	<p>Waterbody: Calleguas Creek Reach 2 (Estuary to Potrero Rd.)</p> <p>Pollutant: Selenium</p>	<p>Changes to listing recommendations were made in response to this comment.</p>

No.	Comment	Response
	<p>Rationale for Removal: Data from agricultural drain (02D_BROOM) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	<p>Please see response to comment 040.11. As there are no data from other stations associated with this listing, the listing recommendation has been removed.</p>
040.19	<p>Waterbody: Calleguas Creek Reach 4 (Revolon Slough)</p> <p>Pollutant: Aluminum</p> <p>Rationale for Removal: Several lines of evidence use data from an agricultural drain (A-1) rather than waterbody</p> <p>Comment #: 1</p>	<p>Please see response to comment 007.17.</p>
040.20	<p>Waterbody: Calleguas Creek Reach 4 (Revolon Slough)</p> <p>Pollutant: Dimethoate</p> <p>Rationale for Removal: Of the two lines of evidence for this listing, one uses data from an agricultural drain (04D_ETTG) rather than a waterbody, and the other lists no exceedances</p> <p>Comment #: 1</p>	<p>Please see response to comment 007.18.</p>
040.21	<p>Waterbody: Calleguas Creek Reach 4 (Revolon Slough)</p> <p>Pollutant: Fenprothrin</p>	<p>Please see response to comment 007.19.</p>

No.	Comment	Response
	<p>Rationale for Removal: Data from agricultural drain (04D_ETTG) rather than waterbody used as basis for listing decision</p> <p>Comment #: 1</p>	
040.22	<p>Waterbody: Camarillo Hills Drain (tributary to Revolon Slough)</p> <p>Pollutant: Toxicity</p> <p>Rationale for Removal: Data from MS4 outfall (MO-CAM) rather than waterbody</p> <p>Comment #: 1</p>	Please see response to comment 007.20.
040.23	<p>Waterbody: La Vista Drain (Ventura County)</p> <p>Pollutant: Fenpropathrin</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain rather than waterbody used as basis for listing decision</li> <li>• One line of evidence references zero exceedances from the incorrect Site and Watershed (Santa Clara Watershed Unknown River Random Site 580)</li> </ul> <p>Comment #: 1</p>	Please see response to comment 007.21.
040.24	Waterbody: La Vista Drain (Ventura County)	Please see the response to comment 007.22.

No.	Comment	Response
	<p>Pollutant: Aluminum</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from agricultural drain rather than waterbody used as basis for listing decision</li> <li>• Two of four lines of evidence reference zero exceedances from the incorrect Site and Watershed (Santa Clara Watershed Unknown River Random Site 580)</li> </ul> <p>Comment #: 1</p>	
040.25	<p>Waterbody: Hueneme Drain</p> <p>Pollutant: Toxicity</p> <p>Rationale for Removal: Data from stormwater outfall site (MO-HUE)</p> <p>Comment #: 1</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station MO-HUE is a stormwater major outfall and does not represent ambient surface water conditions in Hueneme Drain. LOEs associated with this monitoring station have been removed. The listing recommendation was revised from "List" to "Do Not List".</p> <p>Site MO-HUE has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>
040.26	<p>Waterbody: Fox Canyon Barranca (tributary to San Antonio Creek)</p> <p>Pollutant: Toxicity</p>	<p>Changes to listing recommendation were made in response to this comment.</p> <p>The commenter is correct that monitoring station MO-OJA is a stormwater major outfall. The station does not</p>

No.	Comment	Response
	<p>Rationale for Removal: Data from stormwater outfall site (MO-OJA).</p> <p>Comment #: 1</p>	<p>represent ambient surface water conditions in Fox Canyon Barranca. LOEs associated with this monitoring station have been removed. As there are no data from other stations associated with this listing, the listing recommendation has also been removed.</p> <p>Site MO-OJA has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>
040.27	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal:</p> <ul style="list-style-type: none"> <li>• Data from a discharge location (S03D_BARDS) rather than waterbody used as basis for listing decision</li> <li>• Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</li> </ul> <p>Comment #: 1, 4</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that monitoring station S03D_BARDS is located in an agricultural drain that discharges into Santa Clara River Reach 3. The station does not represent ambient surface water in Santa Clara River Reach 3. LOEs associated with this monitoring station have been removed. The listing recommendation was revised from "List" to "Do Not List".</p> <p>Site S03D_BARDS has been flagged as effluent so any data associated with this station will be automatically removed in future listing cycles.</p>
040.28	<p>Waterbody: Tapo Canyon</p> <p>Pollutant: Fenpropathrin</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>



No.	Comment	Response
	<p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	
040.29	<p>Waterbody: Wheeler Canyon/Todd Barranca</p> <p>Pollutant: Fenprothrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>
040.30	<p>Waterbody: Timber Canyon</p> <p>Pollutant: Fenprothrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>
040.31	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Dichlorvos</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p>

No.	Comment	Response
	<p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>However, the data used to develop the Dichlorvos listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136280) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 260341 and 260641 were removed from the decision for Dichlorvos in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation was removed.</p>
040.32	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Naled</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p> <p>However, the data used to develop the Naled listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136340) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>

No.	Comment	Response
		<p>As a result, LOE IDs 263938 and 263958 were removed from the decision for Naled in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.33	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Fenthion</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p> <p>However, the data used to develop the Fenthion listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136342) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 261821 and 261860 were removed from the decision for Fenthion in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>

No.	Comment	Response
040.34	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Naled</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p> <p>However, the data used to develop the Naled listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136824) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 263960 was removed from the decision for Naled in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.35	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Fenthion</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p> <p>However, the data used to develop the Fenthion listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136826) were part of a</p>

No.	Comment	Response
	<p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 261862 was removed from the decision for Fenthion in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.36	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Coumaphos</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p> <p>However, the data used to develop the Coumaphos listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136838) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 259357 was removed from the decision for Coumaphos in Santa Clara River Reach 3</p>

No.	Comment	Response
		<p>(Freeman Diversion to A Street) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.37	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Dichlorvos</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89 for discussion on the use of the U.S. EPA OPP evaluation guideline.</p> <p>However, the data used to develop the Dichlorvos listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136759) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 260423 was removed from the decision for Dichlorvos in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>

No.	Comment	Response
040.38	<p>Waterbody: San Antonio Creek (Tributary to Ventura River Reach 4)</p> <p>Pollutant: Fenpropathrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>
040.39	<p>Waterbody: Boulder Creek (Ventura County)</p> <p>Pollutant: Fenpropathrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>
040.40	<p>Waterbody: Thacher Creek</p> <p>Pollutant: Fenpropathrin</p> <p>Rationale for Removal: Listing based solely on USEPA OPP evaluation guideline, which is not appropriate for use as evaluation guideline to determine impairments</p> <p>Comment #: 2</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>

No.	Comment	Response
040.41	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Turbidity</p> <p>Rationale for Removal: Listing based on an evaluation threshold from a study of impacts of turbidity that is not an appropriate evaluation guideline for the objective.</p> <p>Comment #: 3</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.83 regarding the evaluation guideline for turbidity.</p>
040.42	<p>Waterbody: Canada Larga (Ventura River Watershed)</p> <p>Pollutant: Turbidity</p> <p>Rationale for Removal: Listing based on an evaluation threshold from a study of impacts of turbidity that is not an appropriate evaluation guideline for the objective.</p> <p>Comment #: 3</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.83 regarding the evaluation guideline for turbidity.</p>
040.43	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See Principal Response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>



No.	Comment	Response
040.44	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.45	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.46	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.47	<p>Waterbody: Tapo Canyon</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.48	<p>Waterbody: Tapo Canyon</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.49	<p>Waterbody: Tapo Canyon</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.50	<p>Waterbody: Tapo Canyon</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.51	<p>Waterbody: Wheeler Canyon/Todd Barranca</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.52	<p>Waterbody: Wheeler Canyon/Todd Barranca</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.53	<p>Waterbody: Wheeler Canyon/Todd Barranca</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.54	<p>Waterbody: Wheeler Canyon/Todd Barranca</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.55	<p>Waterbody: Timber Canyon</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.56	<p>Waterbody: Timber Canyon</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.57	<p>Waterbody: Timber Canyon</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.58	<p>Waterbody: Timber Canyon</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.59	<p>Waterbody: Dry Canyon Creek</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.60	<p>Waterbody: Dry Canyon Creek</p> <p>Pollutant: Bifenthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.61	<p>Waterbody: Dry Canyon Creek</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.62	<p>Waterbody: Dry Canyon Creek</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.63	<p>Waterbody: Dry Canyon Creek</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.64	<p>Waterbody: Boulder Creek</p> <p>Pollutant: Cyfluthrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

No.	Comment	Response
040.65	<p>Waterbody: Boulder Creek</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.66	<p>Waterbody: Boulder Creek</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.67	<p>Waterbody: Thacher Creek</p> <p>Pollutant: Pyrethroids</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>



No.	Comment	Response
040.68	<p>Waterbody: Thacher Creek</p> <p>Pollutant: Cypermethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.69	<p>Waterbody: Edison Canal</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Listing based on the evaluation of the total fraction but compared to a dissolved/bioavailable threshold value</p> <p>Comment #: 4</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.70	<p>Waterbody: Channel Islands Harbor</p> <p>Pollutant: Copper</p> <p>Rationale for Removal: Single exceedance data for this listing all derives from one day of sampling (05-24-2017), and per the Listing Policy, listings from single day monitoring should be removed until additional monitoring events are assessed</p> <p>Comment #: 5</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 040.89.</p>

No.	Comment	Response
040.71	<p>Comment 1. Remove listings based on agricultural drain and stormwater outfall monitoring locations</p> <p>There are multiple instances where listing decisions are based on data from VCAILG monitoring of agricultural drains. In several cases, data from agricultural drains that discharge to waterbody reaches were used to list the waterbody reach. The drains are not listed tributaries or waterbodies in the Basin Plan and are not located within the waterbody that is being listed. As a result, the data should not be used for the listing decisions for these waterbodies.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data that do not represent ambient surface water conditions were removed. For a list of LOEs, decisions, and listing decisions affected see Appendix S: List Decision Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.</p>
040.72	<p>Calleguas Creek Reach 2 and Reach 4 were listed using data from the agricultural drain monitoring sites 02D_BROOM (Reach 2) and 04D_ETTG (Reach 4), which are both agricultural drains selected to be representative of agricultural discharges to Calleguas Creek Reaches 2 and 4 and are not representative of receiving water conditions.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 007.71.</p>
040.73	<p>Santa Clara River Reach 3 was listed using data from the VCAILG sampling location S03D_BARDS, which is an agricultural drain that ultimately discharges into Santa Clara River Reach 3 and are not representative of receiving water conditions.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Decisions for Santa Clara River Reach 3 were reexamined for data from sampling location S03D_BARDS and reevaluated where necessary. A summary of affected decisions is provided in Appendix S: List Decision Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.</p>

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040.74	Additionally, site A-1 in Reach 4 is an agricultural land use site for the Ventura County Stormwater monitoring program.	<p>Please see response to comment 007.17 for more information about site A-1.</p> <p>All 2024 decisions for Santa Clara River Reach 4A and 4B were examined and there were no LOEs using site A-1 other than that already mentioned by the commenter. Please see response to comment 040.19 for the affected listing decision for aluminum in Calleguas Creek Reach 4.</p>
040.75	Therefore, any data collected from these sites cannot be used to list the downstream Calleguas Creek Reaches or Santa Clara River Reach 3. All listings should be evaluated to ensure that the monitoring locations were located in receiving waters rather than agricultural drains.	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data that do not represent ambient surface water conditions were removed. For a list of LOEs, decisions, and listing decisions affected see Appendix S: List Decision Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.</p>
040.76	In addition, the Santa Clara and La Vista Drain are agricultural drains that have been incorrectly included in the Integrated Report assessment. While only La Vista Drain is listed on the 2024 303(d) List in Category 5, both the La Vista Drain and the Santa Clara Drain are included in several other Integrated Report categories based on monitoring locations that were selected to characterize agricultural discharges. Neither of these waterbodies are designated with beneficial uses in the Basin Plan or shown in the map of tributaries to Revolon Slough in the Basin Plan. The La Vista Drain is an agricultural drain designed to convey runoff from agricultural lands, and as such, it is predominantly an open ditch that flows alongside W. Los Angeles Avenue and then along	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.74.</p>

No.	Comment	Response
	<p>Santa Clara Avenue where it becomes the Santa Clara Drain. The monitoring location on each drain was selected to represent agricultural discharges for the Conditional Waiver and were not designed to characterize receiving waters. Because these are agricultural drains and not tributaries, they should be removed from the Integrated Report assessment.</p>	
040.77	<p>Finally, the Camarillo Hills Drain was listed based on data from site MO-CAM. This site is an outfall draining the City of Camarillo and is not located in the receiving water. Additionally, the Camarillo Hills Drain is a part of the stormwater drainage system and is not a tributary designated in the Basin Plan. All assessments made based on this site and for the Camarillo Hills Drain should be removed from the Integrated Report.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The only listing recommendation made for Camarillo Hills Drain for the 2024 California Integrated Report was Decision ID 139091 for Toxicity. Please see response to comment 007.20 regarding Decision ID 139091.</p> <p>For a discussion of assessing Camarillo Hills Drain, please see response to comment 007.75.</p>
040.78	<p>Requested Action:</p> <p>Remove all listings shown in Table 1 that were based on Ag monitoring data from agricultural land use sites and agricultural drains not representative of the listed waterbody and evaluate remaining listings to ensure no other listings are based on agricultural drain monitoring rather than receiving water monitoring.</p>	<p>The decisions in commentor's Table 1 that involve agricultural drain monitoring are addressed in responses to comments 040.11 through 040.21, 040.23, 040.24, and 040.27.</p> <p>In addition, all decisions for Calleguas Creek Reach 2, Calleguas Creek Reach 4, and Santa Clara River Reach 3 have been examined for LOEs corresponding to agricultural drain monitoring stations 02D_BROOM, 04D_ETTG, and S03D_BARDS, respectively. A list of affected decisions can be found in Appendix S: List</p>

No.	Comment	Response
		Decision Revised Due to Removal of Stations Not Representative of Ambient Surface Water Conditions.
040.79	Remove the La Vista Drain assessments from all categories in the Integrated Report as it is an agricultural drain and not a waterbody.	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.74.</p>
040.80	Remove the Santa Clara Drain assessments from all categories in the Integrated Report as it is an agricultural drain and not a waterbody.	<p>Changes were not made to listing recommendations in response to this comment.</p> <p>No new data were assessed for Santa Clara Drain and there are no new listing recommendations to revise for the 2024 California Integrated Report for this waterbody.</p>
040.81	Remove all assessments for Camarillo Hills Drain from all categories as it is not a waterbody and was listed using stormwater outfall data.	<p>Changes were made to listing recommendations in response to this comment.</p> <p>The only listing recommendation made for Camarillo Hills Drain (Ventura County) for the 2024 California Integrated Report was Decision ID 139091 for Toxicity. Please see response to comment 007.20 regarding Decision ID 139091.</p> <p>For a discussion of assessing Camarillo Hills Drain (Ventura County), please see response to comment 007.75.</p>

No.	Comment	Response
040.82	<p>Comment 2. Remove pesticides listings based on USEPA Office of Pesticide Program (OPP) Evaluation Guidelines</p> <p>Several new pesticides were listed based on guidelines established by the USEPA OPP for use in screening pesticides during the registration process. OPP benchmarks are not appropriate for use as evaluation guidelines to determine impairments. OPP benchmarks are not developed by EPA as actionable thresholds, as they are not water quality objectives and are intended by EPA to be used for screening purposes only.<sup>1</sup> Impairment listings should not be based solely on OPP benchmarks.</p> <p>Requested Action:</p> <p>Remove all listings based solely on USEPA OPP evaluation guidelines (dichlorvos, fenprothrin, fenthion, naled, and coumaphos) for the reaches shown in Table 1.</p> <p>Footnote 1: <a href="https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-and-ecological-risk#relationship">https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-and-ecological-risk#relationship</a></p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 007.89.</p>
040.83	<p>Comment 3. Remove Turbidity listings based on use of inapplicable evaluation guidelines</p> <p>In the Santa Clara River Reach 3 (Freeman Diversion to A Street) and Canada Larga (Ventura River Watershed), turbidity was listed based on an evaluation threshold from a study of impacts of turbidity on large mouth bass. It is unclear how a study based on a single species meets the evaluation guidelines in the Listing Policy. The Listing Policy requires</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Largemouth bass are considered sensitive to turbidity, which can affect feeding success and growth through reducing prey detection. Though they are an introduced species, largemouth bass are common throughout Southern California streams and lakes and are an important freshwater game fish. An evaluation guideline</p>

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	<p>evaluation guidelines to be “representative of water quality objective attainment or protection of beneficial uses.” The lines of evidence do not demonstrate that large mouth bass are present and being impacted by turbidity in Santa Clara River Reach 3 and Canada Larga. Additionally, the water quality objective for turbidity is based on “increases in natural turbidity attributable to controllable water quality factors”. The proposed evaluation guideline is not directly related to this objective as it does not account for natural conditions or whether or not the natural turbidity has been increased as a result of controllable water quality factors. In order to list turbidity for these reaches, the waterbody would need to be evaluated for the natural turbidity to determine if it exceeds the evaluation threshold, in which case the evaluation threshold would not be applicable to these waterbodies. Then, the assessment would be required to determine if any increases in turbidity exceeded the Basin Plan thresholds and were a result of controllable water quality factors. These assessments have not been done and therefore the listing should be removed.</p> <p>Requested Action:</p> <p>Remove turbidity listing in Santa Clara River Reach 3 and Canada Larga.</p>	<p>protective of largemouth bass is both applicable to a large number of waterbodies as well as protective of species utilizing warm freshwater habitat (“WARM” beneficial use) that are less sensitive to turbidity.</p> <p>The Basin Plan for the Los Angeles Region lists the following narrative and numeric water quality objectives for turbidity:</p> <p><i>“Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limits:</i></p> <p><i>Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%.</i></p> <p><i>Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.</i></p> <p><i>Allowable zones of dilution within which higher concentrations may be tolerated may be defined for each discharge in specific Waste Discharge Requirements.”</i></p> <p>Section 6.1.3 of the Listing Policy states that, “Narrative water quality objectives shall be evaluated using evaluation guidelines. When evaluating narrative water quality objectives or beneficial use protection, the Regional Water Boards and State Water Boards shall identify evaluation guidelines that represent standards attainment or beneficial use protection.” These evaluation guidelines are not water quality objectives and are used for the purpose of developing the section 303(d) list.</p>

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		<p>Because of the difficulty of establishing natural turbidity, turbidity data were compared to the narrative objective from the Basin Plan that specifies “Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.” using an evaluation guideline used to interpret the narrative objective, with a separate evaluation guideline specific to the WARM and COLD beneficial uses.</p> <p>For certain waterbodies, including Santa Clara River Reach 3 and Ca?ada Larga, the selected evaluation guideline comes from Shoup and Wahl, 2009 (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2010/ref3752.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2010/ref3752.pdf</a>). This evaluation guideline is an upper limit of 40 NTU, a number selected to be protective of largemouth bass and other aquatic species utilizing the Warm Freshwater Habitat (“WARM”). In Santa Clara River Reach 3, it was determined that turbidity is not supporting the WARM beneficial use. The listing recommendation for turbidity in Santa Clara River Reach 3, “List on 303(d) list (TMDL required list),” has not changed.</p> <p>Ca?ada Larga is also designated in the Basin Plan with the Cold Freshwater Habitat beneficial use (“COLD”). The selected evaluation guideline for COLD is an upper limit of 25 NTU to protect juvenile salmonids (Sigler, Bjornn, and Everest, 1983) (<a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2006/ref64.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2006/ref64.pdf</a>). In Ca?ada Larga, it was determined that turbidity is fully supporting the WARM beneficial but not supporting the COLD beneficial use. The listing recommendation for turbidity in</p>



No.	Comment	Response
		Ca?ada Larga, "List on 303(d) list (TMDL required list)," has not changed.
040.84	<p>Comment 4. Remove pyrethroid listings based on total data and incorrect evaluation guideline</p> <p>Numerous waterbodies in Ventura County have new proposed listings for one or more pyrethroid pesticides. Our understanding is that the listings are based on threshold values that were developed for the Central Valley Pyrethroid TMDL. Using the assumption that the assessment guidelines used for the evaluation were these threshold values, FBVC has two concerns with the proposed listings.</p> <p>The Central Valley Pyrethroid TMDL developed trigger values that are specifically not considered water quality objectives until further evaluation and study are performed including the Pyrethroid Research Plan and the outcomes from management programs developed in the TMDL. Using these thresholds as statewide evaluation criteria is inappropriate until the studies have been completed and the threshold values assessed.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.1 Selection and Use of Pyrethroids in Water Threshold.</p>
040.85	<p>The Central Valley Pyrethroid TMDL trigger values were developed to consider the bioavailable fraction associated with particulate organic carbon (POC) and dissolved organic carbon (DOC). In reviewing the data used for the listings in Ventura County, it appears that all of the listings were based on total concentrations. The Fact Sheets do not discuss any adjustments being made to identify the bioavailable fraction by adjusting for POC and DOC. Instead, the Fact Sheets note that if dissolved or bioavailable concentrations were not</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>

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	<p>available, the total fraction was compared to the trigger values. The Stakeholders have conducted several studies on metals demonstrating reduced toxicity of metals due to site-specific conditions, including DOC concentrations, that have resulted in the removal of impairments. They have also demonstrated that the bioavailable fraction of metals and selenium can vary significantly from the total concentrations. As a result, assessing the total pyrethroid concentrations against thresholds that are designated as being the dissolved or bioavailable fraction is inappropriate.</p>	
040.86	<p>Additionally, FBVC requests that the Staff Report and adopting resolution for the Integrated Report discuss the upcoming Urban Pesticides Amendments and note that no new TMDLs to address the pyrethroid listings will be developed until the Urban Pesticides Amendments become effective. At that point, the waterbodies will be reassessed to determine if any should be categorized in Category 4b as being addressed by a program other than a TMDL. Like the Trash Amendments, it is anticipated that the Urban Pesticides Amendments may contain a statewide approach for addressing pesticides that would be sufficient to serve as an alternative to a TMDL for waterbodies impacted by urban sources of pesticides. Developing TMDLs prior to the Urban Pesticides Amendment could create challenges for implementing coordinated monitoring programs and implementation actions at the Statewide level that are necessary to fully address pesticide impairments due to the limited authority local agencies have to restrict pesticide use in their communities.</p>	<p>See principal response 2.3 for Statewide Urban Pesticide Provision Project.</p>

No.	Comment	Response
040.87	<p>Requested Action:</p> <p>Remove all pyrethroid listings in Table 1 that are based on the evaluation of the total fraction if compared to a dissolved/bioavailable threshold value unless the results are adjusted for POC and DOC.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See principal response 2.2 for Total and Dissolved Pyrethroids Data and Thresholds.</p>
040.88	<p>Include language in the Staff Report and the Adopting Resolution that no new pesticide TMDLs will be developed until after the Urban Pesticide Amendments are adopted.</p>	<p>See principal response 2.3 for Statewide Urban Pesticide Provision Project.</p>
040.89	<p>Comment 5. Remove listings with insufficient exceedances to meet the Listing Policy</p> <p>The listing for copper in Channel Islands Harbor is based on exceedances that were collected during one sampling event at multiple sites within the waterbody (Channel Islands Harbor CI2, CI3 and CI4). Per the Listing Policy, data sets that consist primarily of samples collected only on one day should not be the primary data set that supports the listing decision (Section 6.1.5.3 on page 23).</p> <p>“If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.”</p> <p>The data set collected on one day (05-24-2017) is the only data set used as the basis for the listing. Therefore, in</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The draft listing recommendation for copper in water in Channel Islands Harbor was made as a result of five samples with three exceedances. The exceedances came from three LOEs. LOE ID 259174 for station 410CHN002, LOE ID 259197 for station 410CHN004, and LOE ID 259218 for station 410CHN003 were all collected on May 24, 2017. As the commenter correctly asserts, these LOEs cannot be used as a primary data set to support a listing. The beneficial use support rating has been changed to “Insufficient Information” and the listing recommendation has been revised from “List” to “Do Not List.” The language in the original Waterbody Fact Sheet was in error and has been revised to match the revised listing recommendation.</p>

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	<p>accordance with the Listing Policy, this listing should be removed until additional monitoring events are assessed.</p> <p>Additionally, the Regional Board conclusion states that, “the weight of evidence indicates that there is INSUFFICIENT justification FOR placing this water segment-pollutant combination on the CWA section 303(d) List.”</p> <p>Requested Action:</p> <p>Remove listing for copper in Channel Islands Harbor (Decision ID 135641).</p>	
040.90	<p>Waterbody: Matilija Creek, North Folk</p> <p>Pollutant: Specific Conductivity</p> <p>Rationale for Removal: Evaluation threshold based on MUN beneficial use is not applicable</p> <p>Comment #: 6</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>It was determined that the Municipal and Domestic Supply beneficial use (“MUN”) was inappropriately applied to this waterbody. The LOE for MUN, LOE ID 266642, has been deleted. As there were no other LOEs associated with the decision, the listing recommendation has also been removed.</p>
040.91	<p>Waterbody: Channel Islands Harbor</p> <p>Pollutant: Copper</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>

No.	Comment	Response
040.92	<p>Waterbody: Channel Islands Harbor</p> <p>Pollutant: Permethrin</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
040.93	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: Chlordane</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 040.131 for information on why non-detected data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
040.94	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 040.131 for information on why non-detected data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
040.95	<p>Waterbody: Ellsworth Barranca</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 040.131 for information on why non-detected data are not included in the total</p>

No.	Comment	Response
	Comment #: 7	sample count when the quantitation limits are greater than evaluation guideline concentrations.
040.96	<p>Waterbody: Tapo Canyon</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 040.131 for information on why non-detected data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
040.97	<p>Waterbody: Timber Canyon</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>See response to comment 040.131 for information on why non-detected data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
040.98	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Chlordane</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Chlordane listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136271) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in</p>

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		<p>the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 267389 and 267552 were removed from the decision for Chlordane in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.99	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Heptachlor</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Heptachlor listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136290) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 262162 and 262227 were removed from the decision for Heptachlor in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are</p>

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		resolved for this dataset, it may be considered in a future integrated report.
040.100	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Heptachlor epoxide</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Heptachlor epoxide listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136291) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 262210 and 262401 were removed from the decision for Heptachlor epoxide in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.101	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: PCBs (Polychlorinated biphenyls)</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the PCBs (Polychlorinated biphenyls) listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136310) were part of a data set containing</p>



No.	Comment	Response
	<p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 264483 and 264498 were removed from the decision for PCBs in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.102	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Toxaphene listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136321) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 267676 and 267711 were removed from the decision for Toxaphene in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs</p>

No.	Comment	Response
		<p>associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.103	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the DDT (Dichlorodiphenyltrichloroethane) listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 150018) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE IDs 259899 and 259935 were removed from the decision for DDT (Dichlorodiphenyltrichloroethane) in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.104	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p>	<p>Changes to listing recommendations were made in response to this comment.</p>

No.	Comment	Response
	<p>Pollutant: Endosulfan sulfate</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Data used to develop the Endosulfan sulfate listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136763) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 260796 was removed from the decision for Endosulfan sulfate in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed.</p> <p>Decision ID 136763 also contained LOE ID 88853 which was removed from the assessment because the data were from a station that should not have been used for assessment ("S03D_BARDS"). Please see response to comment 013.03.</p> <p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.105	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Heptachlor</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Heptachlor listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136769) were part of a data set containing unquantified data that were</p>

No.	Comment	Response
	<p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 261914 was removed from the decision for Heptachlor in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed.</p> <p>Decision ID 136769 also contained LOE IDs 88702 and 88714, which were removed from the assessment because the data were from stations that should not have been used for assessment (“S03D_BARDS” and “Santa Paula 1”). Please see response to comment 013.03.</p> <p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.106	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Heptachlor epoxide</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Heptachlor epoxide listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136770) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in</p>

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		<p>the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 261985 was removed from the decision for Heptachlor epoxide in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed.</p> <p>Decision ID 136770 also contained LOE IDs 88715 and 88737, which were removed from the assessment because the data were from stations that should not have been used for assessment (“S03D_BARDS” and “Santa Paula 1”). Please see response to comment 013.03.</p> <p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.107	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: PCBs (Polychlorinated biphenyls)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the PCBs (Polychlorinated biphenyls) listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136789) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>

No.	Comment	Response
		<p>As a result, LOE ID 264640 was removed from the decision for PCBs in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.108	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Toxaphene listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136800) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 267924 was removed from the decision for Toxaphene in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed.</p> <p>Decision ID 136800 also contained LOE IDs 88728 and 88741 which were removed from the assessment because the data were from stations that should not have been used for assessment ("S03D_BARDS" and "Santa Paula 1"). Please see response to comment 013.03.</p>

No.	Comment	Response
		<p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.109	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Chlordane</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the Chlordane listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136749) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>As a result, LOE ID 267407 was removed from the decision for Chlordane in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed.</p> <p>Decision ID 136749 also contained LOE IDs 88227 and 88215, which were removed from the assessment because the data were from stations that should not have been used for assessment ("S03D_BARDS" and "Santa Paula 1"). Please see response to comment 013.03.</p> <p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the</p>

No.	Comment	Response
		data quality issues are resolved for this dataset, it may be considered in a future integrated report.
040.110	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Data used to develop the DDT (Dichlorodiphenyltrichloroethane) listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 149877) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentration. As a result, LOE ID 259833 was removed from the decision for DDT (Dichlorodiphenyltrichloroethane) in Santa Clara River Reach 3 (Freeman Diversion to A Street) until the data can be properly reassessed.</p> <p>Decision ID 149877 also contained LOE IDs 88747 and 88758 which were removed from the assessment because the data were from stations that should not have been used for assessment ("S03D_BARDS" and "Santa Paula 1"). Please see response to comment 013.03.</p> <p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>



No.	Comment	Response
040.111	<p>Waterbody: San Antonio Creek (Tributary to Ventura River Reach 4)</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, refer to comment 040.131 regarding the data used to develop the Decision ID 150131 (DDT for San Antonia Creek [Tributary to Ventura River Reach 4]), did not contain DDT concentrations with a "&lt;".</p>
040.112	<p>Waterbody: San Antonio Creek (Tributary to Ventura River Reach 4)</p> <p>Pollutant: DDD (Dichlorodiphenyldichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 149796 (DDD for San Antonia Creek [Tributary to Ventura River Reach 4]), did not contain DDD concentrations with a "&lt;" (see response to comment 040.131 for more details on this issue) and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.113	<p>Waterbody: San Antonio Creek (Tributary to Ventura River Reach 4)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

No.	Comment	Response
	<p>Pollutant: DDE (Dichlorodiphenyldichloroethylene)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 140689 (Toxaphene for San Antonia Creek [Tributary to Ventura River Reach 4]), did not contain DDE concentrations with a “&lt;” and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.114	<p>Waterbody: Dry Canyon Creek (Ventura County)</p> <p>Pollutant: Toxaphene</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 149797 (Toxaphene for Dry Canyon Creek [Ventura County]), did not contain toxaphene concentrations with a “&lt;” (see response to comment 040.131 for more details on this issue) and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.115	<p>Waterbody: Dry Canyon Creek (Ventura County)</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total</p>

No.	Comment	Response
	<p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 149528 (DDT for Dry Canyon Creek [Ventura County]), did not contain DDT concentrations with a “&lt;” (see response to comment 040.131 for more details on this issue) and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.116	<p>Waterbody: Boulder Creek (Ventura County)</p> <p>Pollutant: Chlordane</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of “&lt;”.</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 139250 (Chlordane for Boulder Creek [Ventura County]), did not contain chlordane concentrations with a “&lt;” (see response to comment 040.131 for more details on this issue) and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.117	<p>Waterbody: Boulder Creek (Ventura County)</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total</p>

No.	Comment	Response
	<p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 149434 (DDT for Boulder Creek [Ventura County]), did not contain DDT concentrations with a "&lt;" (see response to comment 040.131 for more details on this issue) and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.118	<p>Waterbody: Thacher Creek</p> <p>Pollutant: DDT (Dichlorodiphenyltrichloroethane)</p> <p>Rationale for Removal: Reassess using non-detected data. Currently, fact sheets list exceedances for results that have qualifiers of "&lt;".</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p> <p>Additionally, the data used to develop the Decision ID 149964 (DDT for Thacher Creek), did not contain DDT concentrations with a "&lt;" (see response to comment 040.131 for more details on this issue) and as such all data less than quantitation limits were correctly identified as non-detected data.</p>
040.119	<p>Waterbody: Edison Canal</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using non-detected data</p> <p>Comment #: 7</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 040.131 for information on why non-detect data are not included in the total</p>

No.	Comment	Response
		sample count when the quantitation limits are greater than evaluation guideline concentrations.
040.120	<p>Waterbody: Santa Clara River Estuary</p> <p>Pollutant: Temperature, water</p> <p>Rationale for Removal: Reassess using appropriate evaluation threshold for beneficial uses in this non-inland estuary</p> <p>Comment #: 8</p>	<p>Changes in listing recommendations were made in response to this comment.</p> <p>See response to comment 040.132.</p> <p>The listing recommendation has been revised from “List” to “Do Not List.”</p>
040.121	<p>Waterbody: Ventura River Estuary</p> <p>Pollutant: Temperature, water</p> <p>Rationale for Removal: Reassess using appropriate evaluation threshold for beneficial uses in this non-inland estuary</p> <p>Comment #: 8</p>	<p>Changes in listing recommendations were made in response to this comment.</p> <p>See response to comment 040.132.</p> <p>The listing recommendation has been revised from “List” to “Do Not List.”</p>
040.122	<p>Waterbody: Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p>	<p>Changes to listing recommendations were not made in response to this comment; however, changes to listing recommendations for the decision ID mentioned by the commenter were made in response to a separate issue where unquantified data were mistakenly identified as quantified data during assessment.</p>

No.	Comment	Response
	<p>Comment #: 9</p>	<p>Please see response to comment 007.99 for a discussion regarding the use of UC Davis criteria.</p> <p>The data used to develop the Malathion listing recommendation for Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) (Decision ID 136296) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for more detail regarding misinterpreting unquantified data as quantified data.</p> <p>As a result, LOE IDs 262855 and 263068 were removed from the decision for Malathion in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) until the data can be properly reassessed. As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.123	<p>Waterbody: Santa Clara River Reach 3 (Freeman Diversion to A Street)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p> <p>Comment #: 9</p>	<p>Changes to listing recommendations were not made in response to this comment; however, changes to listing recommendations for the decision ID mentioned by the commenter were made in response to a separate issues where unquantified data were mistakenly identified as quantified data during assessment and where data from a station not representative of ambient surface water conditions were mistakenly assessed.</p> <p>Please see response to comment 007.99 for a discussion regarding the use of UC Davis criteria.</p>

No.	Comment	Response
		<p>The data used to develop the Malathion listing recommendation for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136775) were part of a data set containing unquantified data that were mistakenly evaluated as quantified data during assessment. Please see response to comment 040.131 for more detail regarding misinterpreting unquantified data as quantified data.</p> <p>As a result, LOE ID 267924 was removed from the decision for Malathion in Santa Clara River Reach 3 (Freeman Diversion to A Street) until those data can be properly reassessed.</p> <p>Decision ID 136775 also contained LOE IDs 88750 and 88760, which were removed from the assessment because the data were from stations that should not have been used for assessment (“S03D_BARDS” and “Santa Paula 1”). Please see response to comment 013.03.</p> <p>As there are no other LOEs associated with this decision, the listing recommendation has also been removed. If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.124	<p>Waterbody: Boulder Creek (Ventura County)</p> <p>Pollutant: Malathion</p> <p>Rationale for Removal: Reassess using EPA Criteria rather than unapproved UC Davis criteria</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 007.99.</p>

No.	Comment	Response
	Comment #: 9	
040.125	<p>Waterbody: Santa Clara River Estuary</p> <p>Pollutant: Copper</p> <p>Rationale for Removal: Supporting datafile needs review for potential errors</p> <p>Comment #: 10</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comment 040.134</p>
040.126	<p>Waterbody: Santa Clara River Estuary</p> <p>Pollutant: Lead</p> <p>Rationale for Removal: Supporting datafile needs review for potential errors</p> <p>Comment #: 10</p>	<p>Changes to listing recommendations were made in response to this comment. See response to comment 040.134.</p>
040.127	<p>Waterbody: Santa Clara River Estuary</p> <p>Pollutant: Nickel</p> <p>Rationale for Removal: Supporting datafile needs review for potential errors</p> <p>Comment #: 10</p>	<p>Changes to listing recommendations were not made in response to this comment. However, the Waterbody Fact Sheet was updated. See response to comment 040.134.</p>



No.	Comment	Response
040.128	<p>Waterbody: Santa Clara River Estuary</p> <p>Pollutant: Selenium</p> <p>Rationale for Removal: Supporting datafile needs review for potential errors</p> <p>Comment #: 10</p>	<p>Changes to listing recommendations were made in response to this comment. See response to comment 040.134.</p>
040.129	<p>Comment 6. Reassess the Specific Conductivity listing for Matilija Creek, North Folk based on the California Toxics Rule objectives for the protection of human health from the consumption of water and organisms where the MUN beneficial use does not apply</p> <p>Specific Conductivity was listed for Matilija Creek, North Folk waterbody segment using water quality objectives for the protection of human health from the consumption of water and organisms based on the California Secondary Maximum Contaminant Level. However, Matilija Creek is designated for the municipal beneficial use with an asterisk (E*) in the Basin Plan. The asterisked MUN beneficial use should not be used to propose new 303(d) listings. Fact Sheets for previous 303(d) listing cycles have clearly noted that the asterisked MUN beneficial uses should not be used for 303(d) listing purposes. Instead, these listings should be reassessed using the water quality objectives for the protection of human health from the consumption of organisms only.</p> <p>State Board Resolution No. 88-63 (Sources of Drinking Water) and Regional Board Resolution 89-03 (Incorporation of Sources of Drinking Water Policy into the Water Quality</p>	<p>Changes to listing recommendations were made in response to this comment. Please see response to comment 40.90 for the listing recommendation for Specific Conductivity in Matilija Creek, North Fork.</p> <p>For a full discussion of waterbodies designated for the MUN beneficial use with a “*”, please see response to comment 007.134.</p>

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	<p>Control Plans (Basin Plans)), state that "All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic waters supply and should be so designated by Regional Boards... [with certain exceptions which must be adopted by the Regional Board]." The Regional Board adopted a Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 4, 1994, that included provisions to implement State Water Board Resolution 88-63. On May 26, 2000, the USEPA approved the revised Basin Plan except for the implementation plan for potential MUN-designated water bodies. On August 22, 2000, the City of Los Angeles, City of Burbank, City of Simi Valley, and the County Sanitation Districts of Los Angeles County challenged USEPA's water quality standards action in the U.S. District Court. On December 18, 2001, the court issued an order remanding the matter to USEPA to take further action on the 1994 Basin Plan consistent with the court's decision. On February 15, 2002, USEPA revised its decision and approved the 1994 Basin Plan in whole. In its February 15, 2002 letter, USEPA stated:</p> <p>"EPA bases its approval on the court's finding that the Regional Board's identification of waters with an asterisk ("*") in conjunction with the implementation language at page 2-4 of the 1994 Basin Plan, was intended "to only conditionally designate and not finally designate as MUN those water bodies identified by an ("*") for the MUN use in Table 2-1 of the Basin Plan, without further action." Court Order at p. 4. Thus, the waters identified with an ("*") in Table 2-1 do not have MUN as a designated use until such time as the State undertakes additional study and modifies its Basin Plan. Because this conditional use designation has no legal effect,</p>	

No.	Comment	Response
	<p>it does not constitute a new water quality standard subject to EPA review under section 303(c)(3) of the Clean Water Act ("CWA'J. 33 U.S.C. § 1313(c)(3)."<sup>1</sup></p> <p>In addition to the above decision, the Basin Plan states that until the additional study is undertaken and the Basin Plan is modified, "no new effluent limitations will be placed in Waste Discharge Requirements as a result of these designations". The Regional Board has also determined that water quality objectives applicable to the MUN beneficial use will not be used to assess impairments under the 303(d) listing programs. For constituents that only have objectives that are applicable to the MUN beneficial use, the decision Fact Sheets for the 303(d) listing process state that there are no applicable water quality objectives in waterbodies designated with an asterisk ("*"). In the 2010 listing cycle, a number of 303(d) listings were actually removed based on this determination. Below is an example of the language from a listing decision for Los Angeles River Reach 1:</p> <p>"The listing for aluminum in this water body was originally based on data assessed using the MCL for aluminum. Since MUN is a "potential" beneficial use, it is not appropriate to use the MCL to evaluate aluminum data from this reach. Thus, there is no aluminum objective for this reach and the original listing is faulty."</p> <p>Based on this evidence, it is clear that for waterbodies with a MUN designation that includes an asterisk ("*"), water quality objectives specific to the MUN beneficial use are not applicable. As such, water quality data collected in these receiving waters should not be compared to water quality objectives applicable to the MUN beneficial use.</p>	

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	<p>Requested Action:</p> <p>Reassess the listing for Matilija Creek, North Folk specific conductivity using an evaluation guideline that is not based on the MUN beneficial use (i.e., not the secondary maximum contaminant level).</p>	
040.130	<p>Confirm that no other listings associated with the VAILG are based on water quality objectives associated with the MUN beneficial use for waterbodies designated with a E*, P* or I* in the Basin Plan.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>All LOEs based on a MUN beneficial use designation with “*” have been removed. Please see response to comment 007.134 for a discussion of assessing waterbodies conditionally designated with the MUN beneficial use. Please see Appendix V: List of Los Angeles Regional Water Board Decisions Revised Due to Removal of Data Assessed for Incorrect Beneficial Use for a list of affected LOEs, decisions, and listing recommendations.</p>
040.131	<p>Comment 7. Reassess listings for organochlorine pesticides with detection limits above the water quality objectives.</p> <p>Multiple new listings for organochlorine pesticides were included on the 303(d) List for Ventura County. In reviewing the Fact Sheets for these listings, it appears that most of the non-detected data were excluded from the analysis due to the fact that the method detection limits were above the applicable water quality objectives. The result of this exclusion is that detected values are overweighted in the analysis and may drive an impairment listing when the vast</p>	<p>Changes to listing recommendations were made in response to this comment as a result of correcting the interpretation of the values of some data, as discussed below.</p> <p>However, the changes to listing recommendations were not made due to commenter’s request to include non-detect data in the total sample count when the quantitation limits are greater than evaluation guideline concentrations. These data were assessed correctly according to Listing Policy section 6.1.5.5, which states:</p>

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	<p>majority of samples are not detected. This approach has the potential to artificially identify impairments.</p> <p>While FBVC understands the concern of considering non-detected data with reporting limits above the water quality objectives, in this case, we request the approach be reevaluated. The water quality objectives for these constituents are below the technical capability of detection for all commercial laboratories. FBVC utilizes methods and laboratories that achieve the lowest possible method detection limits and reporting limits available. Using this approach to assessment effectively negates the majority of the data collected by VCAILG due to a situation outside of their control. Given the available laboratory limitations, the only method for the FBVC to demonstrate the objectives are being attained is through non-detect data. It should also be noted that in several cases, although the reporting limit is above the water quality objective, the method detection limit was equal to the water quality objective and those non-detect data were also not considered in the analysis.</p> <p>FBVC requests that the Water Board reassess the listings for organochlorine pesticides where nondetected data with reporting limits above the objectives were not considered.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Reassess the proposed new listings for Copper, DDD, DDE, DDT, Toxaphene, Chlordane, PCBs, Endosulfan sulfate, Permethrin, Heptachlor, and Heptachlor epoxide in Table 2 based on consideration of non-detected data as meeting the objectives.</li> <li>• Reassess source data for values that use the “&lt;” qualifier. These datapoints are comparable to non-</li> </ul>	<p><i>“When the sample value is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result shall not be used in the analysis.</i></p> <p><i>The quantitation limit includes the minimum level, practical quantitation level, or reporting limit.”</i></p> <p>Additionally, for many of these pollutants, laboratory methods are available that can quantify environmental data with the statistical rigor that would be appropriate for listing purposes.</p> <p>Furthermore, data from laboratories with quantitation limits that are greater than the evaluation guideline concentration are still useful because a pollutant detected by an analysis with quantitation limits greater than the impairment threshold is still an exceedance.</p> <p>The commenter is correct that data recorded with both a numeric concentration populating the result concentration field and a “&lt;” symbol as a qualifier were incorrectly counted as samples with quantified concentrations. Data entries reported with a ResQualCode of “&lt;” instead of the notation required by CEDEN business rules (“ND” for non-detect or “DNQ” for detected-not-quantified) were initially misinterpreted as quantified data by the Integrated Report’s automated system, which is based on the CEDEN notation. Misinterpreting these data as quantified values can result in erroneous exceedances when assessing pollutants with low evaluation guidelines, summing pollutants, or assessing pollutants analyzed with methods with high quantitation limits. Specifically,</p>

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	<p>detect results and should be considered as non-detect data rather than exceedance data.</p>	<p>when the sample concentration is less than the quantitation limit and the quantitation limit is greater than the water quality standard, objective, criterion, or evaluation guideline, the result should have not be used in the analysis.</p> <p>This data quality issue affected LOEs and decisions in the San Francisco Bay, Los Angeles, Central Valley, and Santa Ana regions. For the California 2024 Integrated Report, all LOEs created using data affected by this error were removed from corresponding decisions, and the listing recommendations were revised based on the remaining LOEs. Affected data will be reevaluated and decisions reassessed during the 2026 California Integrated Report if the data quality error is remedied.</p> <p>See Appendix U: List of Decisions Revised Due to Data Qualification Error for a list of affected decisions and the revised California 2024 Integrated Report listing recommendations.</p>
040.132	<p>Comment 8. Reassess the proposed temperature listings using appropriate evaluation thresholds for beneficial uses in non-inland estuaries.</p> <p>The temperature listing for Santa Clara River Estuary and Ventura River Estuary are based on the use of an evaluation guideline for inland waters of 13-21°C as the optimum growth range for rainbow trout for protection of the SPWN and MIGR (fish migration and fish spawning) beneficial uses. However, both listings are estuaries rather than inland waterbodies, and the rainbow trout growth range threshold used for the listing is only applicable to the COLD beneficial use. Additionally, the</p>	<p>Changes in listing recommendations were made in response to this comment.</p> <p>The commenter is correct in that the temperature evaluation guideline of 13-21°C should be applied for the COLD beneficial use. While the narrative temperature water quality objective is described, in part, with reference to natural temperature, the natural receiving water temperature need not be used to assess this water quality objective if such data is unavailable. The Listing Policy at Section 6.1.5.9 provides an alternative approach to be used to assess temperature impacts in the absence of</p>

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	<p>Fact Sheets for both listings identify the Basin Plan objective used to evaluate the temperature data as:</p> <p>“The natural receiving water temperature of all regional waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.”</p> <p>The assessment did not demonstrate that the natural receiving water temperature had been altered. For this waterbody, data are available upstream and downstream of the discharge that can be used to evaluate if the temperature was altered. Additionally, the natural conditions in the reach need to be considered, including the amount of shading present at the two monitoring locations, prior to determining a temperature alteration has occurred. This assessment should be completed in lieu of using a threshold that does not apply based on the beneficial use designations of the reach.</p> <p>Requested Action:</p> <ul style="list-style-type: none"> <li>• Do not use the 13-21°C rainbow trout evaluation guideline which only applies to COLD beneficial use segments.</li> <li>• Reassess the proposed temperature listing based on an assessment of whether or not an alteration of natural temperature has occurred, in accordance with the Basin Plan objective.</li> </ul>	<p>data on natural receiving water temperatures. Since natural receiving water temperature data are not available to assess the narrative temperature objective for COLD, current temperature data were compared to the rainbow trout survival temperature of 21°C per Moyle (2002) when assessing for the support of the COLD beneficial use.</p> <p>Neither the Santa Clara River Estuary nor the Ventura River Estuary are designated with the COLD beneficial use. Both are designated with the SPWN and MIGR uses.</p> <p>In the Draft 2024 Integrated Report, the 21°C evaluation guideline was used to assess the SPWN and MIGR beneficial uses to be protective of spawning and migration of Southern California steelhead, the anadromous form of the coastal rainbow trout. However, rainbow trout and steelhead have different thermal tolerances, and without additional study, the guideline has not been shown to be appropriate for the SPWN and MIGR beneficial use. The LOEs associated with the SPWN and MIGR beneficial uses will not be considered in assessing temperature in Santa Clara River Estuary (Decision ID 136100) and Ventura River Estuary (Decision ID 136361). The decisions have been reassessed and the listing recommendations have been revised from “List” to “Do Not List” for both waterbodies.</p> <p>These temperature data may be evaluated in the future if an appropriate evaluation guideline or numeric water quality objective is identified for the MIGR and SPWN beneficial uses. Please see response to comment 025.30 for further discussion of the thermal tolerances of coastal rainbow trout and Southern California steelhead.</p>



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040.133	<p>Comment 9. Reassess Malathion listings based on UC Davis Criteria when there is existing EPA Criteria</p> <p>New listings for malathion are proposed for Ventura River Reach 3 (Weldon Canyon to Conf. w/ Coyote Cr), Santa Clara River Reach 3 (Freeman Diversion to A Street), and Boulder Creek (Ventura County), based on comparison of the data to a UC Davis aquatic life criterion. The criteria developed by UC Davis has not been adopted as a water quality criterion and there is an existing recommended criteria that has been developed by USEPA. It is not appropriate to use an evaluation threshold based on a study that has not been adopted as a water quality objective for waterbodies when recommended criteria exist for that constituent.</p> <p>Requested Action:</p> <p>Reassess the malathion listings in Ventura River Reach 3 (Weldon Canyon to Conf. w/ Coyote Cr), Santa Clara River Reach 3 (Freeman Diversion to A Street) and Boulder Creek (Ventura County) using the USEPA recommended criteria for malathion.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comments 007.99 for a discussion on the use of the UC Davis criteria, 040.122 for a discussion on Malathion data used for Ventura River Reach 3 (Weldon Canyon to Conf. w/ Coyote Cr) (Decision ID 136296), and 040.123 for a discussion on Malathion data used for Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136775).</p>
040.134	<p>Comment 10. Reassess Copper, Lead, Nickel and Selenium listings for Santa Clara River Estuary</p> <p>FBVC reviewed the data files that are used as the basis for the listings of Lead, Nickel and Selenium for the Santa Clara River Estuary and noted that two different sets of units were included in the data file. In particular, all listed exceedances for Lead and Selenium, which all correspond to Site RSW-003 (750374), have reported units of mg/L. Furthermore, the</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The data file (Ventura Water Reclamation Facility) associated with these listing recommendations was reviewed and units were inspected for copper, lead, nickel, and selenium in the Santa Clara River Estuary. The commenter is correct in that some of the results for</p>



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	<p>source data for Nickel from Site RSW-003 has a mixture of reported units including mg/L and ug/L, and most exceedances correspond to this sample site. It appears that the results labeled as mg/L were converted to ug/L and resulted in the identified exceedances shown in the Fact Sheet. However, a review of the data indicates that the mg/L units is likely an error in the data file. A review of the results column shows that all of the results are within the same range for both mg/L and ug/L and it would be unlikely for results to be so similar across orders of magnitude differences in units. FBVC requests that the data be reassessed using the correct units.</p> <p>Requested Action:</p> <p>Review units of Copper, Lead, Nickel and Selenium data for the Santa Clara River Estuary, and adjust listings according to this review.</p>	<p>station RSW-003 were mistakenly reported in mg/L instead of µg/L.</p> <p><u>Copper (Decision ID 136091)</u> - The results for copper at all stations, including RSW-003, were correctly reported in µg/L. No changes have been made to the listing recommendation for copper in Santa Clara River Estuary. The listing recommendation for copper in Santa Clara River Estuary remains “List.”</p> <p><u>Lead (Decision ID 136092)</u> - The records for lead at station RSW-003 are contained in LOE IDs 254976 and 254746. These LOEs incorrectly report lead results in mg/L. The data were reevaluated with the same values reported but using µg/L as units. This resulted in zero out of eight exceedances. The available data are insufficient to determine beneficial use support with the power and confidence required by the Listing Policy. The listing recommendation for lead in Santa Clara River Estuary has been revised from “List” to “Do Not List.”</p> <p><u>Nickel (Decision ID 136093)</u> – The records for nickel at station RSW-003 are contained in LOE IDs 255366 for the Estuarine Habitat beneficial use (“EST”), 255322 for the Marine Habitat beneficial use (“MAR”), and 255256 for the Commercial and Sport Fishing beneficial use (“COMM”). The data were reevaluated with the same values reported but using µg/L as units. This resulted in 3 exceedances out of 22 samples for both the MAR and EST LOEs, which previously both had 16 exceedances out of 22 samples. The reevaluated COMM LOE was revised from 8 exceedances out of 22 samples to 0 exceedances out of 22 samples. The sum of all the COMM LOEs is now 0 exceedances out of 61 samples,</p>

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		<p>which is fully supporting the beneficial use. The sum of all MAR LOEs is now 7 exceedances out of 61, as is the sum of all the EST LOEs. Neither of these beneficial uses are supported based on sample and exceedance count requirements outlined in Table 3.1 of the Listing Policy. The Waterbody Fact Sheet has been revised to reflect the changes to LOEs, but the listing recommendation remains "List."</p> <p><u>Selenium (Decision ID 136098)</u> - The records for selenium at station RSW-003 are contained in LOE IDs 255438, 255647, and 255631. These LOEs report selenium results in mg/L. The data were reevaluated with the same values reported, but using µg/L as units, resulting in zero out of nine exceedances in all three LOEs. Using these corrected LOEs, all beneficial uses are fully supported. The listing recommendation for selenium in Santa Clara River Estuary has been revised from "List" to "Do Not List."</p>
040.135	<p>Comment 11. Re-assign Dissolved Oxygen Listings for Ventura River Reach 3 and San Antonio Creek as Category 5B as they are addressed by the Algae TMDL.</p> <p>FBVC requests that listings for Dissolved Oxygen in Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) and San Antonio Creek (Tributary to Ventura River Reach 4) be re-assigned to Category 5B as being addressed by the existing TMDL for Algae, Eutrophic Conditions, and Nutrients in the Ventura River and its Tributaries (herein referred to as the Algae TMDL). The Algae TMDL was established to address waterbody impairments for algae and eutrophic conditions triggered by excessive loading of nutrients,</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The Waterbody Fact Sheets for the listing recommendations for dissolved oxygen in Ventura River Reach 3 and San Antonio Creek have been revised to reflect that these impairments are being addressed by a TMDL.</p> <p>Additionally, the 2024 California Integrated Report does not contain an Integrated Report Condition Category "5B." See Staff Report, Figure 2-3. As described in that figure, the category used to identify an impaired waterbody as</p>

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	<p>particularly nitrogen and phosphorus, to Ventura River and its Tributaries. Specifically, the TMDL notes:</p> <p>“The Ventura River Estuary and Reaches 1 and 2 are on the Clean Water Act (CWA) section 303(d) list as impaired for algae and eutrophic conditions. San Antonio Creek and Ca?ada Larga are on the CWA section 303(d) list as impaired for nitrogen and dissolved oxygen, respectively. Recent data confirm these impairments <b>and demonstrate additional impairments for low dissolved oxygen in the Estuary, San Antonio Creek, and Reaches 1- 4.</b>”</p> <p>The structure of the TMDL is designed to achieve compliance with Waste Load Allocations (WLA) through implementation methods, an implementation schedule, proposed interim milestones and compliance points. As a result, if placed on the 303(d) List as new listings, we request that the waterbody-pollutant combinations for these two waterbodies be changed from 5A to 5B.</p>	<p>being addressed by a TMDL is Category “4a.” Currently, Water Board data systems only allow condition categories to be applied at the waterbody level. A <i>TMDL requirement status</i> within the Integrated Report Condition Category 5 is applied for each waterbody-pollutant combination as an internal tracking mechanism. The TMDL requirement status for this waterbody-pollutant combination has been revised from 5A (water quality standard is not attained and a TMDL is still required) to 5B (water quality standards are not yet attained but the listing is being addressed by an approved by a U.S. EPA-approved TMDL). Because there are additional impairments associated with these waterbodies that are not being addressed by a U.S. EPA-approved TMDL, the waterbodies remain in waterbody condition category 5. However, the waterbody-pollutant combinations for dissolved oxygen in Ventura River Reach 3 and San Antonio Creek are assigned a TMDL requirements status of 5B (water quality standards are not yet attained but the listing is being addressed by an approved by a U.S. EPA-approved TMDL).</p> <p>In an effort to improve clarity surrounding the status of a waterbody’s condition category, State Water Board staff are working to reconcile references to waterbody condition categories and waterbody-pollutant combination TMDL statuses. See Staff Report section 2.5: Integrated Report Condition Categories for more information.</p>
040.136	Comment 12. Provide data necessary for a full evaluation of the proposed listings	<p>The Sodium Adsorption Ratio (“SAR”) is calculated as:</p> $SAR = Na^+ / [((Ca^{2+} + Mg^{2+})/2)^{1/2}]$

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	<p>In several cases, insufficient information was provided to allow for a full evaluation of the proposed listings. For example, Ventura River Reach 3 (Weldon Canyon to Confl. w/ Coyote Cr) and Santa Clara River Reach 3 (Freeman Diversion to A Street) are listed for the criteria Sodium Adsorption Ratio (SAR), however the actual calculations of SAR (according to methods listed in the Los Angeles Region Water Quality Control Plan, Table 3-8 footnote e) are not provided in supporting data. Therefore, it is impossible for FBVC to review data calculation for accuracy. FBVC requests that the following information be provided with the revised list to allow a full evaluation:</p> <ul style="list-style-type: none"> <li>• Provide all the supporting calculations and comparisons to the evaluation guidelines, including the calculation of criteria that are based on site-specific parameters, and the calculations used to develop the total pyrethroid listings. Without this information, it is not possible to determine if the evaluations are correct.</li> </ul>	<p>This formula can be found in <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf">Chapter 3: Water Quality Objectives</a>, page 3-37, of the Los Angeles Basin Plan (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_3/Chapter_3.pdf</a>).</p> <p>Results for SAR and other pollutants requiring calculation and site-specific parameters are determined automatically using an R script that searches for component results from the same stations on the same sampling dates. Some of these results are also checked in manual audits. In the same manner, the commenter can review the data file and check the accuracy of the number of exceedances and samples in the LOEs.</p> <p>Using the listing recommendation for SAR in Santa Clara River Reach 3 (Freeman Diversion to A Street) (Decision ID 136815) as an example, LOE ID 244011, for station ME-SCR, uses data from ref5248 to assess water quality. The commenter can download this reference file and filter for pollutants, stations, and dates of interest. SAR can only be calculated for sampling dates for which results are available for sodium, calcium, and magnesium. This leaves 18 dates, coinciding with the 18 total samples in the LOE: 2/1/2016, 3/6/2016, 6/21/2016, 1/5/2017, 1/9/2017, 5/4/2017, 1/9/2018, 3/3/2018, 3/11/2018, 6/6/2018, 11/30/2018, 1/6/2019, 2/1/2019, 5/2/2019, 11/27/2019, 1/17/2010, 4/6/2020, and 4/28/2020. Results for the three component ions are substituted in the equation listed above to calculate a value of SAR for each date, which is then compared to the criteria. It should be noted that when multiple samples of a pollutant are collected within seven days of each other, including on the same day, the results are averaged.</p>

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		For discussion of transparency in methodology, please see principal response 3, particularly principal response 3.3 Quantitative Analyses and Methodologies.
040.137	<p>FBVC identified a number of inconsistencies, errors, and issues that need to be corrected prior to finalizing the list. The following is a list of issues that were identified in the review but is not considered to be comprehensive.</p> <p>Listing for Copper for Channel Islands Harbor includes 25 lines of evidence that list 0 exceedances and 0 samples collected. These lines of evidence should be removed, as they make it difficult to review all applicable lines of evidence for this listing.</p>	<p>Changes to listing recommendations were not made in response to this comment. See response to comments 040.138, 040.139, and 040.140.</p> <p>LOEs citing zero exceedances out of zero samples represent data received that were not used because the results could not be quantified with the level of certainty required by section 6.1.5.5 of the Listing Policy, for example, when a laboratory data quantitation limit is above the water quality threshold for a pollutant. This situation can also arise in LOEs with one or more usable samples in addition to samples that could not be quantified, and details will be provided in the LOE under a decision on the Waterbody Fact Sheet. This is done to provide transparency in data usage to data providers.</p> <p>Additionally, please see Principal Response 3.2 for a discussion of data not used for assessments.</p>
040.138	Raw data used for numerous pesticides listings in Ventura River Reach 3 (Weldon Canyon to Conf. w/ Coyote Cr) cite exceedances, however raw data have qualifying codes of "<", indicating data is below a reporting threshold. This information must be included in the fact sheets, in conjunction with Comment #7.	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct that numerous pesticides listing recommendations in Ventura River Reach 3 (Weldon Canyon to Conf. w/ Coyote Cr) were erroneously counted as quantified data. Please see response to comment 040.131 for more detail regarding the issue of</p>

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		<p>unquantified data denoted with a “&lt;” qualifier when a numeric concentration is present in the result field.</p> <p>Additionally, see Appendix U: List of Decisions Revised Due to Data Qualification Error for assessments affected by this issue and revisions to listing recommendations for Ventura River Reach 3 (Weldon Canyon to Conf. w/ Coyote Cr). If the data quality issues are resolved for this dataset, it may be considered in a future integrated report.</p>
040.139	<p>The listing summary for Santa Clara River Reach 3 for PCBs (Polychlorinated biphenyls) cites 24 exceedances out of 24 samples, however the supporting line of evidence cites 32 exceedances out of 32 samples. In addition to reassessing this listing for non-detect data (comment #7), this listing should be revised to ensure congruence between the listing summary and all lines of evidence.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The numbers cited in the supporting LOEs are correct. The language in the Waterbody Fact Sheet has been revised to match that in the LOEs, with 32 exceedances out of 32 samples.</p> <p>Additionally, Please see response to comment 040.131 for information on why non-detect data are not included in the total sample count when the quantitation limits are greater than evaluation guideline concentrations.</p>
040.140	<p>Listings should be reviewed to confirm QAPP Information Reference Links are not broken. For example, in the listing for specific conductivity of Matilija Creek, North Fork, data is available however the link to QAPP Information References is broken.</p>	<p>The data used in LOE IDs 266506 and 266566 for Specific Conductivity in Matilija Creek, North Fork were collected by the Surface Water Ambient Monitoring Program (“SWAMP”). The data from major monitoring programs in California, such as SWAMP, are considered of adequate quality and thus do not require Quality Assurance Project Plans (“QAPPs”) be submitted with data per Listing Policy section 6.1.4. The SWAMP Quality</p>

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		Assurance website, located at <a href="https://www.waterboards.ca.gov/water_issues/programs/swamp/quality_assurance.html">https://www.waterboards.ca.gov/water_issues/programs/swamp/quality_assurance.html</a> , includes current and historical versions of SWAMP QAPPs. Finally, see Principal Response 3.3: Quantitative Analysis and Methodologies for more information on obtaining reference materials, such as QAPPs.

**Letter 41: Arne Anselm, Ventura Countywide Stormwater Management Program**

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041.01	Following review of the Draft 2024 303(d) List, the Program has several concerns and request that the issues identified or referenced in this letter be addressed.	See responses to comments 041.02 through 041.15.
041.02	The Program respectfully requests that the proposed Draft 2024 303(d) List be released for another 60-day comment period following formal response to comments and prior to adoption for additional formal review and comment by stakeholders and the public.	Please see principal response 3.5 for Data Submission Timeline and the Public Process.
041.03	Please take serious note of the requests in this and the other letters mentioned. We are striving to improve water quality every day and need to keep our focus on real water quality issues properly identified through sufficient and scientifically sound data evaluation following existing established guidance.	Comment noted. Efforts to improve water quality are appreciated. Additionally, see principal response 3 for Data and Analysis Transparency, and Readily Available Data.



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041.04	<p>It is the intent of this comment letter to express strong support for all comments and detailed requests provided in comment letters on the 2024 303(d) List submitted by the following parties:</p> <ul style="list-style-type: none"> <li>• The Stakeholders Implementing TMDLs in the Calleguas Creek Watershed (CCW)</li> <li>• California Stormwater Quality Association (CASQA)</li> </ul>	<p>Comment noted. For responses to comments received from the California Stormwater Quality Association, see response to Letter 6. For responses to comments received from The Stakeholders Implementing TMDLs in the Calleguas Creek Watershed, see response to Letter 7.</p>
041.05	<p>Of specific importance to the Program are the following requested revisions to the 2024 303(d) List:</p> <ul style="list-style-type: none"> <li>• Request: Removal of the following MS4 location from the 2024 303(d) List: <ul style="list-style-type: none"> <li>○ Camarillo Hills Drain (tributary to Revolon Slough) proposed listing for Toxicity</li> </ul> </li> </ul> <p>Reason: The Camarillo Hills Drain was listed based on data from sample site MO-CAM. This drain is not identified as a waterbody in the Basin Plan, is an MS4 outfall draining the City of Camarillo and is not located in the receiving water. Additionally, the Camarillo Hills Drain is a part of the stormwater drainage system and is not a tributary designated in the Region 4 Basin Plan. All assessments made based on this site and for the Camarillo Hills Drain should be removed from the 2024 303(d) List.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 007.20 regarding Decision ID 139091 for Toxicity in Camarillo Hills Drain. For a discussion of assessing Camarillo Hills Drain, please see response to comment 007.75.</p>
041.06	<ul style="list-style-type: none"> <li>• Request: Removal of the following MS4 location from the 2024 303(d) list:</li> </ul>	<p>Changes to listing recommendations were made in response to this comment.</p>



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	<ul style="list-style-type: none"> <li>○ Fox Canyon Barranca (tributary to San Antonio Creek) proposed listing for Indicator Bacteria and Toxicity</li> </ul> <p>Reason: The Fox Canyon Barranca was listed based on data from sample site MO-OJA. This barranca is not identified as a waterbody in the Basin Plan, is an MS4 outfall draining the City of Ojai and is not located in the receiving water. Additionally, the Fox Canyon Barranca is a part of the stormwater drainage system and is not a tributary designated in the Region 4 Basin Plan. All assessments made based on this site and for the Fox Canyon Barranca should be removed from the 2024 303(d) List.</p>	<p><u>Toxicity (Decision ID 139088)</u> - The listing recommendation for Toxicity in Fox Canyon Barranca (tributary to San Antonio Creek), Decision ID 139088, has been removed because it used only data from site MO-OJA. Please see response to comment 040.26 for a discussion of the site MO-OJA.</p> <p><u>Indicator Bacteria (Decision ID 150541)</u> - No changes were made to the listing recommendation for Indicator Bacteria in Fox Canyon Barranca (tributary to San Antonio Creek), Decision ID 150541. The data used for the assessment were collected at station VRW009 (Stewart/Fox Creek).</p> <p>Fox Canyon Barranca (tributary to San Antonio Creek) is a naturally occurring waterbody, a portion of which was altered to carry stormwater away from the City of Ojai. Although Listing Policy section 6.1.5.4 requires that at a minimum, data be aggregated by the water body segments defined in the Basin Plans, inclusion in a Basin Plan is not a requirement for assessment. On page 2-10, the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (“Los Angeles Region Basin Plan”) (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf">https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Basin_Plan_Text/Chapter_2_Text.pdf</a>) states that the waters “not specifically listed (generally smaller tributaries) are designated with the same beneficial uses as the streams, lakes, or reservoirs to which they are tributary.” As a tributary of San Antonio Creek (Tributary to Ventura River Reach 4), Fox Canyon Barranca is designated with the beneficial uses assigned to San Antonio Creek in the Los</p>

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		Angeles Region Basin Plan. It is therefore appropriate to assess Fox Canyon Barranca in the 2024 California Integrated Report.
041.07	<ul style="list-style-type: none"> <li>• Request: Removal of the following MS4 location from the 2024 303(d) list: <ul style="list-style-type: none"> <li>○ Hueneme Drain proposed listing for Toxicity</li> </ul> </li> </ul> <p>Reason: The Hueneme Drain was listed based on data from sample site MOHUE. This drain is not identified as a waterbody in the Basin Plan, is an MS4 outfall draining the City of Port Hueneme and is not located in the receiving water. Additionally, the Hueneme Drain is a part of the stormwater drainage system and is not a tributary designated in the Region 4 Basin Plan. All assessments made based on this site and for the Hueneme Drain should be removed from the Integrated Report.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The listing recommendation for Toxicity in Hueneme Drain (Decision ID 139090) was revised from “List” to “Do Not List.” Please see response to 040.25 for details.</p>
041.08	<ul style="list-style-type: none"> <li>• Request: Removal of the following proposed listing from the 2024 303(d) List: <ul style="list-style-type: none"> <li>○ Ventura Harbor Ventura Keys proposed listing for Copper</li> </ul> </li> </ul> <p>Reason: Ventura Harbor Ventura Keys was listed using 2006 SWAMP data. This line of evidence is close to 20-years old and lacks temporal representation. Furthermore, the 2006 SWAMP data used to justify the listing is in total copper concentrations, which are being compared to dissolved copper criterion continuous concentration water quality criteria without any adjustments, calculations, etc. shown in the Fact Sheet. We believe this clearly is in contrast to Section 6.1.2.2 of the Section 303(d) Listing Policy requirements and</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The LOEs driving the listing recommendation are LOE IDs 258855, 258999, 258889, 259116, 259108 for copper dissolved in water, which were all collected from Ventura Harbor Ventura Keys on a single day, May 24, 2017. According to section 6.1.5.3 of the Listing Policy, these LOEs cannot be used as a primary data set supporting a listing decision.</p>

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	<p>because of this, the data should not be used as a line of evidence for the impairment listing.</p> <p>Additionally, 2006 and 2017 SWAMP data are both from a single sampling day of the year, a single snapshot in time chosen at random. The application of a four-day criterion continuous concentration water quality objective for data collected on a single day is inappropriate. SWAMP data utilized in this listing does not allow the computation of four-day averages, nor allows for computation of average concentration(s) over given time period(s) to represent a chronic condition, to ultimately compare to the criterion continuous concentration objective. 2006 and 2017 SWAMP data lack temporal representation and do not support the use of a criterion continuous concentration water quality criteria based objective.</p> <p>Furthermore, relying on two random single data points spaced by 11 years is not representative of current conditions as management practices have improved since data collection. SB346 signed into law in 2010 is currently being implemented statewide to reduce copper and other toxic substances from reaching receiving waters; lines of evidence for this listing do not take this into account. Because of this management practice, data utilized in this in this draft listing should be dismissed.</p>	<p>The Final Use Rating for these LOEs in the dissolved fraction has been revised from “Not Supporting” to “Insufficient Information.”</p> <p>Additionally, while the data were reported in the total fraction, total copper data are converted to the dissolved fraction using the copper conversion factors for freshwater chronic criteria (40 C.F.R. § 131.38(b)(2)) and the dissolved fraction data were correctly assessed against the California Toxics Rule copper Criterion Continuous Concentration for freshwater organisms, which is expressed in the dissolved fraction (40 C.F.R. § 131.38(b)(1)).</p> <p>SWAMP data collected in 2006 were evaluated as LOE ID 90044 during the 2016 California Integrated Report, and were given the Final Use Rating “Insufficient Information.” These data did not identify a water column fraction (total or dissolved). As a result, the LOE was assessed separately from LOEs for dissolved copper.</p> <p>The listing recommendation for Copper in Ventura Harbor Ventura Keys (Decision ID 135734) was revised from “List” to “Do Not List.”</p> <p>For a discussion of transparency with regards to quantitative analyses and methodologies used in assessment, please see Principal Response 3.3. For a discussion of including older data in assessments, please see Principal Response 3.4.</p> <p>For a discussion of the averaging period of chronic criteria, please see response to comment 041.10.</p>

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041.09	<ul style="list-style-type: none"> <li>• Request: Removal of the following proposed listing from the 2024 303(d) List:               <ul style="list-style-type: none"> <li>○ Santa Clara River Estuary proposed listing for Copper</li> <li>○ Santa Clara River Estuary proposed listing for Lead</li> <li>○ Santa Clara River Estuary proposed listing for Nickel</li> <li>○ Santa Clara River Estuary proposed listing for Selenium</li> </ul> </li> </ul> <p>Reason: City of Ventura Water Reclamation Facility receiving water data was used as the primary data supporting copper, lead, nickel and selenium listing decisions. City of Ventura conducts receiving water monitoring at five locations in the Santa Clara River Estuary as required by Order R4-2020-0024. Copper, lead, nickel and selenium are sampled monthly and analyzed for total metals concentrations, not dissolved metals concentrations.</p> <p>The comparison of a four-day criterion continuous concentration water quality objective to monthly collected sampling does not seem appropriate. Utilizing this data as the primary justification and support for placing these constituents on the 303(d) list is very concerning as the data does not accurately represent chronic conditions needed to compare with criterion continuous concentration objectives. The frequency of sampling data collection does not allow the computation of four-day averages nor allows for meaningful computation of average concentrations over a necessary time period to represent the critical condition targeted by a criterion</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>For a discussion of the averaging period of chronic criteria, please see response to comment 041.10.</p> <p>Total copper, lead, and nickel data were converted to the dissolved fraction using conversion factors for freshwater chronic criteria (40 C.F.R. § 131.38(b)(2)). The dissolved fraction data were correctly assessed against the California Toxics Rule (“CTR”) copper, lead and, nickel Criterion Continuous Concentration (“CCC”) for freshwater organisms, which are expressed in the dissolved fraction (40 C.F.R. § 131.38(b)(1)). Total selenium data were correctly assessed against the CTR selenium CCC for freshwater organisms. The CTR selenium CCC for freshwater organisms is expressed in the total recoverable form (40 C.F.R. § 131.38(b)(1)) and as such it is appropriate to compare total selenium data to this criterion when evaluating support for Warm Freshwater Habitat and Cold Freshwater Habitat beneficial uses.</p> <p>For a discussion of transparency with regards to quantitative analyses and methodologies used in assessment, please see Principal Response 3.3.</p>

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	<p>continuous concentration. Due to data limitations, we request the removal of the proposed listings from the Integrated List.</p> <p>The Fact Sheets for copper, lead, nickel and selenium contain no information or explanation on how analyzed data used to assess water quality was transformed, converted, etc. to be able to compare samples' total concentrations to a water quality criterion that is dissolved concentration based. Without this information included in the Fact Sheet for the public and stakeholders to review, data and analysis is incomplete.</p> <p>Per section 6.1.2.2 of the State Boards Section 303(d) Listing Policy, all of the specific data that was used and the corresponding data analysis methodology should be fully and clearly documented within the Fact Sheets. Fact Sheets do not include any information regarding how, why, methods, assumption, etc. required to properly translate and assess available data to make impairment assessment. Without further explanation of how data was used to determine 303(d) impairment, specifically on how total concentration data for copper, lead, nickel and selenium was compared to dissolved concentration water quality criteria, we request the removal of copper, lead, nickel and selenium 303(d) listings for Santa Clara River Estuary.</p>	
041.10	<ul style="list-style-type: none"> <li>• Request: Removal of the following proposed listing from the 2024 303(d) List: <ul style="list-style-type: none"> <li>○ Ventura River Reach 1 and 2 (Estuary to Weldon Canyon) proposed listing for selenium</li> </ul> </li> </ul> <p>Reason: Ojai Valley Waste Water Treatment Plant receiving water data was used as the primary data supporting the selenium listing decision. Assessment data was sampled</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The chronic criterion is the appropriate evaluation guideline for assessment of chronic impacts of a pollutant on aquatic life. Chronic criteria are based on survival and growth of test organisms and provide a way to assess for long term impacts of pollutants on organisms. The</p>

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	<p>monthly and analyzed for total selenium concentrations, not dissolved concentrations.</p> <p>The comparison of a four-day criterion continuous concentration water quality objective to monthly collected sampling does not seem appropriate. Utilizing this data as the primary justification and support for placing selenium on the 303(d) list is very concerning as the data does not accurately represent chronic conditions needed to compare with a criterion continuous concentration objective. The frequency of sampling data collection does not allow the computation of four-day averages nor allows for meaningful computation of average concentrations over a necessary time period to represent the critical condition targeted by a criterion continuous concentration. Due to data limitations, we request the removal of the proposed listing from the Integrated List.</p> <p>The Fact Sheets contain no information or explanation how analyzed data used to assess water quality was transformed, converted, etc. to be able to compare samples' total concentrations to a water quality criteria that is dissolved concentration based. Without this information included in the Fact Sheet for the public and stakeholders to review, data and analysis is incomplete.</p> <p>Per section 6.1.2.2 of the State Boards Section 303(d) Listing Policy, all of the specific data that was used and the corresponding data analysis methodology should be fully and clearly documented within the Fact Sheets. Fact Sheets do not include any information regarding how, why, methods, assumption, etc. required to properly translate and assess available data to make impairment assessment. Without further explanation of how data was used to determine 303(d) impairment, specifically on how total concentration data for</p>	<p>selenium criterion was not selected due to sampling regime but according to the level of protection provided for aquatic life. Additionally, according to section 6.1.5.6 of the Listing Policy, "If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period."</p> <p>Total selenium data were correctly assessed against the California Toxics Rule ("CTR") selenium Criterion Continuous Concentration ("CCC") for freshwater organisms. The CTR selenium CCC for freshwater organisms is expressed in the total recoverable form (40 C.F.R. § 131.38(b)(1)) and as such it is appropriate to compare total selenium data to this criterion when evaluating support for WARM and COLD beneficial uses. Selenium data for Ventura River Reach 1 and 2 (Estuary to Weldon Canyon) (Decision ID 136256) were not transformed or converted.</p> <p>Please see Principal Response 3.3 for discussion on quantitative analyses and methods.</p>

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	<p>selenium was compared to dissolved concentration water quality criteria, we request the removal of selenium 303(d) listings for Ventura River Reach 1 and 2 (Estuary to Weldon Canyon)</p>	
041.11	<ul style="list-style-type: none"> <li>● Request: Removal of the following previously listed pollutant from the 2024 303(d) List: <ul style="list-style-type: none"> <li>○ Ventura Harbor Keys PCBs</li> </ul> </li> </ul> <p>Reason: Incorrect waterbody referenced. Data used for evaluation is from Port Hueneme, and is a single sample taken in 2007 per Line of Evident ID 82801.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>The commenter is correct in the assertion that the stations used in LOE ID 82801, stations 410VHHME1 and 410VHHME4, are located in Port Hueneme. This line of evidence has been removed from the Waterbody Fact Sheet and the assessment has been reevaluated. The listing recommendation for PCBs in Ventura Harbor Ventura Keys has been revised from “Do Not Delist” to “Delist.”</p>
041.12	<ul style="list-style-type: none"> <li>● Request: Removal of the following previously listed pollutants from the 2024 303(d) List: <ul style="list-style-type: none"> <li>○ Ventura Harbor Ventura Keys listing for Arsenic</li> <li>○ Ventura Harbor Ventura Keys listing for Dieldrin</li> <li>○ Ventura Harbor Ventura Keys listing for PCBs</li> </ul> </li> </ul> <p>Reason: Ventura Harbor Ventura Keys above listings are justified based upon SWAMP data taken at random locations from a single day. This data is not temporally or spatially representative and historic justification for listing on the 303(d) list is inconsistent with State Boards Section 303(d) Listing Policy. Two sample locations from Ventura Harbor Ventura Keys is not representative of the waterbody as a whole, is a snapshot in time (single day of sampling) and is insufficient to be used as the primary data set to support a listing decision.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p><u>Arsenic (Decision ID 135728)</u> - The listing recommendation is based on LOE ID 89881. These data for arsenic in shellfish tissue were previously assessed in the 2016 California Integrated Report and led to a decision to “List.” Though the data were taken on one day from two stations, they represent six composite samples. Additionally, tissue concentrations, unlike water samples, represent the accumulation of pollutants over a time period of years in organisms of different ages, which provides temporal independence of the tissue samples. The listing recommendation remains “Do Not Delist.”</p>



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	<p>Additionally, this data does not take into consideration dredging operations that have taken place since 2007 in Ventura Harbor and Ventura Keys. This management measure may have influence on fish tissue toxic concentration reduction, and therefore data used from 2007 should be dismissed.</p> <p>Per section 6.1.5.3 of the State Boards Section 303(d) Listing Policy, a single random datapoint is not representative of waterbody impairments[.]</p>	<p><u>Dieldrin (Decision ID 135736)</u> - The listing recommendation is based on LOE ID 82787. These data for dieldrin in shellfish tissue were previously assessed in the 2016 California Integrated Report and led to a decision to “List.” The tissue concentrations of dieldrin in bivalve tissue represent the accumulation of pollutants over a time period of years in organisms of different ages, which provides temporal independence of the tissue samples. The listing recommendation remains “Do Not Delist.”</p> <p><u>PCBs (Decision ID 135743)</u> - The listing recommendation was based on LOE ID 82801, which was removed because the station the data came from was in a different waterbody (see response to comment 041.11). The listing recommendation was revised from “Do Not Delist” to “Delist.”</p> <p>Regarding dredging in Ventura Harbor Ventura Keys, when the implementation of a management practice results in a change in a water body segment, Listing Policy section 6.1.5.3 allows for the consideration of only data collected since that implementation. Dredging could represent such a management practice. However, no new data for arsenic, dieldrin, or PCBs in shellfish tissue were submitted for assessment to demonstrate a change in the water body segment. The commenter is encouraged to submit these data during the solicitation period for a future California Integrated Report.</p>



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041.13	<p>The process for the listing of new waterbodies on the 303(d) list is a very important and resource intensive process. Within Reach 3 of the Santa Clara River, a Nitrogen Compounds TMDL was approved by the US EPA in 2004. Since that time, analysis of water quality data has consistently shown improvement and attainment of water quality standards resulting in a recommendation to delist and ultimately in a formal delisting from the 303(d) list. Despite the delisting, the Nitrogen Compounds TMDL continues to be in effect for this Reach and is included in the 2021 Regional Permit. Once a waterbody pollutant combination is listed and then goes through the rigorous process to delist, associated TMDLs should no longer be in effect.</p>	<p>The pollutant reduction work completed and ongoing that resulted in a delisting of Santa Clara River Reach 3 for nitrogen is appreciated.</p> <p>With respect to guidance addressing TMDL allocations in waterbodies that are no longer impaired, the Clean Water Act section 303(d)(3) instructs states to use TMDLs in circumstances of no impairment. In addition, U.S. EPA guidance, “Draft Considerations for Revising and Withdrawing TMDL” March 22, 2012, states:</p> <p><i>“EPA recommends that existing TMDLs not be withdrawn simply because the load and wasteload allocations have been implemented successfully and the water is now attaining water quality standards. EPA recommends that such “successful” TMDLs remain in place to ensure that WQS continue to be maintained in the future, and that their water quality analyses and allocation targets continue to inform permit writers’ and stakeholders’ efforts to maintain those water quality standards.”</i></p> <p>Revisions to TMDL allocations in Los Angeles Region waterbodies that are no longer impaired may be appropriate and would require an amendment to the Los Angeles Regional Basin Plan.</p> <p>Any permit requirements related to TMDL allocations will continue to apply until they are altered during the reopening of the permit. The California Integrated Report is not the appropriate venue to request changes to the Regional Phase I MS4 NPDES Permit (“Regional MS4</p>

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		<p>Permit"). Comments regarding the Regional MS4 Permit should be addressed to the Los Angeles Regional Water Board's Storm Water and Municipal Permits program. Information about staff contacts and items available for public notice are available on the program's webpage (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/</a>).</p> <p>Questions about TMDL development should be addressed to the Los Angeles Regional Water Board's TMDL program. Contact information and TMDL documentation can be found at the program's webpage (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p>
041.14	<p>In several instances for Ventura County waterbodies, insufficient information and data were provided which doesn't allow for a comprehensive review of the proposed listings. This appears to be in contrast to Section 6.1.2.2 of the Section 303(d) Listing Policy. The Program requests the below information be provided with the revised lists to ensure a full evaluation can be completed. If the below information cannot be provided in Fact Sheets, the Program believes data utilized for listing decision(s) are incomplete and should be dismissed.</p> <ul style="list-style-type: none"> <li>• Provide all the supporting calculations and comparisons to the evaluation guidelines, including the calculation of criteria that are based on hardness, pH, temperature, etc. Without this information, it is challenging to determine if the evaluations are correct. Furthermore, when dissolved concentration water quality criterion are utilized for monitoring data that</li> </ul>	<p>Comment noted. Please see Principal Response 3.3 for quantitative analyses and methodologies, and a discussion of including quantitative calculations and future improvements to the Waterbody Fact Sheets. Additionally, see Principal Response 3.3 regarding the retrieval of reference documents from Waterbody Fact Sheets.</p>

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	<p>were reporting in total concentrations, detailed assumptions need to be included in Fact Sheets.</p> <ul style="list-style-type: none"> <li>Fix the broken links to references. When the reference information is missing, it is difficult to evaluate the basis for the listings.</li> </ul>	
041.15	<p>Consider the completeness and quality of the data set, including temporal and spatial coverage. All datasets should be evaluated to ensure they were complete and provide both temporal and spatial coverage of the waterbody consistent with Section 6.1.5 of the Section 303(d) Listing Policy. Due to the lag time between data solicitation and finalizing of the 303(d) List, much of the data for this listing cycle is over ten years old. As such, there are many listings where the data are no longer representative of the waterbody due to natural changes or due to implementation of stormwater quality control or management programs since the data were collected. The Program's recommendation is to ensure data used to support new listings is temporally and spatially representative of the waterbody segment that is listed, and to ensure that older data are not given the same weight as more recent data. When management measures have been implemented that may improve water quality in a waterbody or reach, we recommend the data be dismissed or analyzed for representativeness. Additionally, the Program recommends that data be excluded that is no longer representative of the waterbody.</p>	<p>The commenter does not specify which waterbody dataset(s) they are concerned may not have been properly evaluated or are incomplete. Without this information, no changes can be made. The commenter may contact the Water Board to provide this information by sending an email to: <a href="mailto:wqassessment@waterboards.ca.gov">wqassessment@waterboards.ca.gov</a>.</p> <p>The Los Angeles Region was last on-cycle during the 2016 California Integrated Report. Every two years, Regional Water Boards are rotated, and every region is fully assessed, "on-cycle", once every six years. The Regional Water Boards and the State Water Board are currently working to reduce the time between which a region is fully assessed and subsequently improve the accuracy of the water quality assessments at the time 303(d) list submittal to U.S. EPA by being able to include more recently collected data in assessments. Please see principal response 3.5 for the data submission timeline and public process and information on California's rotating basin assessment approach.</p> <p>In the absence of new data or information, a water segment that was previously listed cannot be recommended for delisting unless it is shown to be based on faulty data. Please see section 4 of the Listing Policy for a discussion of delisting factors. Alternatively, when a</p>

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		<p>new water quality objective is adopted or a more applicable pollutant evaluation guideline becomes available to assess beneficial use support, all readily available data will be reassessed with the new objective or evaluation guideline and a “List” listing status may be revised to “Do Not List” using the listing factors provided in section 3 of the Listing Policy.</p> <p>Regarding the assessment of data collected prior to the implementation of a management practice(s), section 6.1.5.3 of the Listing Policy states that “[i]f the implementation of a management practice(s) has resulted in a change in the water body segment, only recently collected data [since the implementation of the management measure(s)] should be considered.” For example, if more recent data that are from the same matrix (e.g., fish tissue, water column, or sediment) as the data collected prior to implementation of said management practice(s) that resulted in the water body change, then the more recent data are considered. Data providers are encouraged to provide recent data representing environmental conditions after the implementation of a management practice, as well as information demonstrating that the implementation of the management practice has resulted in a change in the water body segment. Please see the State Water Board’s webpage on <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_solicitation.html">data solicitation</a> for more information about submitting information to the California Integrated Report (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_solicitation.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_solicitation.html</a>).</p>

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		For a discussion of temporal representativeness and inclusion of older data in assessments, please see Principal Response 3.4 Inclusion of Older Data.

**Letter 42: Brian Pendleton, Ventura Port District**

No.	Comment	Response
042.01	<p>I am writing on behalf of the Ventura Port District Board of Port Commissioners to express our concern regarding the proposed listing of the Ventura Harbor Ventura Keys for copper impairment. Thank you for the opportunity to provide comment.</p> <p>The use of samples from two single days in 2006 and 2017 to represent the current and typical water conditions of Ventura Harbor and Ventura Keys is not objective nor statistically significant. The data from 2006 is very old.</p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Decision ID 135734 for Copper in Ventura Harbor Ventura Keys LOE IDs 258855, 258999, 258889, 259116, 259108 have a total of three of five samples exceeding the criterion for copper in marine sediment. However, all five samples were collected on May 24, 2017, and cannot be used as a primary line of evidence in accordance with section 6.1.5.3 of the Listing Policy. The listing recommendation has been revised from “List” to “Do Not List.”</p> <p>Please see response to comment 041.08 for details of the listing recommendation for Copper in Ventura Harbor Ventura Keys, Decision ID 135734.</p> <p>For a discussion of including older data in assessments, please see Principal Response 3.4.</p>
042.02	Additionally, analytical results are in total copper, which is being compared to a dissolved copper criterion continuous concentration without any adjustments, calculations, etc.	Changes to listing recommendations were not made in response to this comment.

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	<p>shown in the fact sheet. This appears to contrast with Section 6.1.2.2 of the 303(d) Listing Policy and therefore should not be used to justify impairment listing.</p>	<p>The copper Criterion Continuous Concentration (“CCC”) for saltwater in the California Toxics Rule (“CTR”) is expressed in the dissolved fraction. The CTR also contains recommended conversion factors for converting a metal criterion expressed as the total recoverable fraction in the water column to a criterion expressed as the dissolved fraction in the water column (40 C.F.R. § 131.38(b)(2)). The copper conversion factor was used to convert total copper concentrations to dissolved copper concentrations in order to compare submitted copper data to the copper CCC.</p> <p>Please see Principal Response 3.3 for a discussion of transparency with regards to quantitative analyses and methodologies used in assessment.</p>
042.03	<p>Both the 2006 and 2017 data are each from a single day of the year and cannot be assumed to be representative of the water body conditions in general nor in 2023. SB346 was signed into law in 2010 and is currently being implemented statewide to reduce copper and other toxic substances from reaching receiving waters. This is resulting in better water management practices throughout the state making old data less reliable and representative.</p> <p>Section 6.1.5.3 of the State Boards Section 303(d) Listing Policy,</p> <p><i>“...If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.”</i></p>	<p>Changes to listing recommendations were made in response to this comment.</p> <p>Please see response to comment 041.08 for details of the listing recommendation for Copper in Ventura Harbor Ventura Keys, Decision ID 135734. This listing recommendation has been revised according to section 6.1.5.3 of the Listing Policy. The listing recommendation for Copper in Ventura Harbor Ventura Keys (Decision ID 135734) was revised from “List” to “Do Not List.”</p> <p>For a discussion of including older data in assessments, please see Principal Response 3.4.</p> <p>The commenter is encouraged to provide recent data to the California Integrated Report program representing environmental conditions after the implementation of a</p>

No.	Comment	Response
	<p>Additionally,</p> <p><i>"...In general, samples should be available from two or more seasons or from two or more events when effects or water quality objective exceedances would be expected to be clearly manifested."</i></p> <p>Furthermore,</p> <p><i>"...If the implementation of a management practice(s) has resulted in a change in the water body segment, only recently collected data [since the implementation of the management measure(s)] should be considered..."</i></p>	<p>management practice, as well as information demonstrating that the implementation of the management practice has resulted in a change in the water body segment. Please see the State Water Board's webpage on <a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_solicitation.html">data solicitation</a> for more information about submitting information to the California Integrated Report (<a href="https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_solicitation.html">https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/data_solicitation.html</a>).</p>
042.04	<p>Therefore, we respectfully request that the limited data utilized to justify the proposed copper impairment listing in the Draft 2024 Integrated Report be dismissed pending more representative and compelling evidence not available at this time.</p>	<p>The listing recommendation for Copper in Ventura Harbor Ventura Keys has been revised from "List" to "Do Not List." Please see responses to comments 041.08, 042.01, 042.02, and 042.03 for more information on this decision.</p>

**Letter 43: Reid Bogert, San Mateo Countywide Water Pollution Prevention Program**

No.	Comment	Response
043.01	<p>1. Proposed Category 3 listings for Benthic Community Effects are based on biological condition data that are being used without development or adoption of a State Board policy to evaluate the data within a regulatory framework.</p> <p>There are several new Category 3 listings for Benthic Community Effects that are based on California Stream</p>	<p>Comment noted. Changes to listing recommendations were not made in response to this comment. Please also see Principal Response 4.1: Use of CSCI Evaluation Guideline and 4.2: Category 3 Interim Approach.</p>

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	<p>Condition Index (CSCI) scores below 0.79. We appreciate that the proposed listings were placed in Category 3, which recognizes that there are insufficient data and/or information to make a beneficial use support determination; however, these listings were included despite the fact that there is not an established water quality criteria, process, or policy to assess benthic community effects.</p>	
043.02	<p>Further, there is no regulatory document within California that defines a CSCI score of 0.79 as a threshold of impairment. Listing water bodies based on the CSCI in the absence of statewide guidance (which is currently under development) will likely result in inappropriate listings.</p> <p>While <i>characterization</i> of Benthic Community Effects can be based on CSCI scores, which indicate whether, and to what degree, the ecology of a stream has significantly deviated from the ecology at “reference” sites; <i>listing</i> waterbodies based on CSCI scores in the absence of a statewide peer-reviewed policy may lead to inconsistent interpretation of the data and inappropriate regulatory actions. As a result, although a CSCI score may be used as an interpretive tool for water quality condition, it should not be used as an evaluation guideline for beneficial use attainment or as a Water Quality Objective.</p>	<p>Changes to listing recommendations were not made in response to this comment. See principal responses 4.1 for Use of CSCI Evaluation Guideline and 4.2 Category 3 Interim Approach.</p>
043.03	<p>For over a decade, the State Water Board has been working with technical consultants and a dedicated Science Panel, Regulatory Group, and Stakeholder Advisory Group to develop a Biostimulatory/Biointegrity Program.<sup>1</sup> Throughout this process several concerns have been raised regarding</p>	<p>Changes to listing recommendations were not made in response to this comment. Please see response to comment 036.17.</p>



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	<p>use of the CSCI or similar tools within a policy framework. These concerns include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• The CSCI threshold score of 0.79 used in the 2024 Integrated Report is rarely achieved in engineered channels and may not be appropriate for highly modified urban streams that are managed for flood protection.</li> <li>• Low CSCI scores (i.e., below 0.79) may be caused by natural disturbances such as prolonged drought or impacts associated with fire, and not by anthropogenic sources of impairment.</li> <li>• The CSCI tool is only applicable during ecoregion-specific index periods which occur during the dry season when wet weather flows are not present.</li> </ul> <p>Recommendation: Do not approve any new Benthic Community Effects listings until the State Water Board has adopted the Biostimulatory Substances Objective and Program to Implement Biological Integrity and identified a process or policy to assess Benthic Community Effects.</p> <p>Footnote 1: This program began as two separate projects for wadeable streams (Biostimulatory substances and Biointegrity) which combined in 2016 in recognition of commonalities and linkages between the two projects. The current effort is titled “Biostimulation, Cyanotoxins, and Biological Condition Provisions”.</p>	
043.04	2. Proposed listings of waterbodies in Categories 2 and 3 for microplastics are not supported by adopted standards and are therefore premature.	Changes to the listing recommendations were not made in response to this comment.

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	<p>As detailed in the California Stormwater Quality Association (CASQA) comment, for the first time, the 2024 Integrated Report proposes listing waterbodies for microplastics, including Lower San Francisco Bay. While we appreciate that the proposed listings are in Category 3 (insufficient data and/or information to make a beneficial use support determination) and Category 2 (insufficient data and/or information to determine core beneficial use support) we are concerned that the Evaluation Guideline Selection Process supporting these decisions does not meet the criteria described in Section 6.1.3 of the Listing Policy. Specifically, the guidelines are not yet scientifically robust enough to make a determination of potential impairment or potentially threatened. The data are limited and the risk associated with microplastics remains uncertain. In addition, there is no formally adopted, peer-reviewed, robust scientific literature that can currently be used as an evaluation guideline.</p> <p>Recommendation: Do not approve any listings for microplastics until there are evaluation guidelines that are scientifically robust and have been thoroughly vetted, peer reviewed, and deemed valid for use with the Integrated Report.</p>	<p>The commenter is correct that the HC5 threshold presented in Mehinto et al. (2022) (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3">Risk-based management framework for microplastics in aquatic ecosystems   Microplastics and Nanoplastics   Full Text (springeropen.com)</a>) (<a href="https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3">https://microplastics.springeropen.com/articles/10.1186/s43591-022-00033-3</a>) does not meet evaluation guideline requirements outlined in section 6.1.3 of the Listing Policy. See response to comments 006.09 and 006.010 for discussion regarding how the HC5 threshold presented in Mehinto et al (2022) is suitable for CWA 305(b) water quality condition reporting in the 2024 California Integrated Report.</p>
043.05	<p>3. Toxicity testing results for <i>C. dubia</i> should not be used for 303(d) listing until laboratory quality assurance procedures are updated and potential causes of unexplained toxicity have been resolved. Applicable Decision IDs (2 listings): 141843, 141454</p> <p>Statewide, there have been reports of unexplained variability in chronic <i>Ceriodaphnia dubia</i> (<i>C. dubia</i>) toxicity test results</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>Please see response to comment 036.11 for additional information on the <i>Ceriodaphnia dubia</i> ("<i>C. dubia</i>") study.</p>

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	<p>within and among laboratories, and suspected false positives. Analysis by the State's Surface Water Ambient Monitoring Program (SWAMP) in conjunction with the Statewide Toxicity Provisions adopted by the State Water Board on December 1, 2020 indicates that <i>C. dubia</i> toxicity variability could arise from inconsistencies in Quality Assurance (QA) procedures used by laboratories.</p>	
043.06	<p>To address this issue, a Special Study requested by the State Water Board is currently underway, with a work plan developed by the Southern California Coastal Water Research Project (SCCWRP) and a Final Guidance Manual/recommendations report anticipated in September 2023.<sup>2</sup> As of January 2022, review of historical data and implementation of a baseline intercalibration study did not result in identification of specific sources of <i>C. dubia</i> reproduction variability among laboratories. Therefore, the Special Study stakeholder group recently agreed to pursue two options: implementation of a second intercalibration study focusing on a single variable (age of female at test initiation) and laboratory training and education. The Final Guidance Manual, anticipated in fall 2023, will contain recommendations for improvements to laboratory QA procedures associated with the <i>C. dubia</i> toxicity tests and may also yield related findings pertaining to the causes of spurious <i>C. dubia</i> toxicity.</p> <p>Footnote 2: Information on the <i>C. dubia</i> Special Study is available at: <a href="https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/">https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/</a></p>	Please see response to comment 036.11.

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043.07	<p>Recommendation: <i>C. dubia</i> toxicity test results should not be used as Lines of Evidence (LOE) in the 2024 Integrated Report until the State Water Board <i>C. dubia</i> Special Study results have been reported. Table 1 lists the LOE based on <i>C. dubia</i> toxicity test results in San Mateo County creeks that should be eliminated from the 2024 Integrated Report and associated fact sheets. Although these changes would not reduce the number of toxicity exceedances below the listing threshold of two tests with toxicity, it is important to acknowledge the uncertainty associated with these data.</p> <p>[Table 1. Lines of Evidence based on <i>C. dubia</i> toxicity test results in San Mateo County that should be eliminated from the 2024 Integrated Report is available in Appendix A Tables Associated with Public Comments.]</p>	Please see response to comment 036.11.
043.08	<p>4. Toxicity listing for Belmont Creek includes one LOE where the reduced survival for fathead minnow was likely caused by pathogen related mortality in the laboratory, and not toxicity from the stormwater sample. Applicable Decision ID: 143760</p> <p>The toxicity listing for Belmont Creek (Decision ID: 143760) is based on two sampling events conducted at one location (site 205R00520) in Belmont Creek. The first LOE is reduced survival of <i>Hyaella Azteca</i> in a water sample collected on March 5, 2013. The second LOE is reduced survival of <i>Pimephales promelas</i> (fathead minnow) in a water sample collected on July 9, 2013. The fathead minnow test result should not be used to support a Category 5A listing because the testing laboratory, Pacific EcoRisk, determined that reduced survival was influenced by pathogen-related mortality</p>	<p>Changes listing recommendations were made in response to this comment.</p> <p>Decision ID 143760 was changed from “List” to “Do not List” because the remaining toxicity result (one test at a single site) does not meet the minimum required number of sites stated in Table 3.1 of the Listing Policy for a toxicity listing.</p> <p>Toxicity data for <i>Pimephales promelas</i> (fathead minnow) in a water sample collected on July 9, 2013, were removed from LOE ID 268636 due to pathogen-related mortality (PRM). This result was not initially excluded because PRM was not recorded in the QACode field,</p>

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	<p>(PRM), a common source of laboratory interference in receiving water samples.</p> <p>On March 15, 2014, the July 9, 2013 toxicity testing results for site 205R00520 in Belmont Creek were submitted as electronic data deliverables (EDDs) in SWAMP format to the Regional Water Board and to the Regional Data Center at the San Francisco Estuary Institute (SFEI) for upload to CEDEN.<sup>3</sup> The SWAMP EDD template for toxicity contains more data and information than the what is provided in the CEDEN output tables that were reviewed by the State Water Board for the 2024 Integrated Report. In the SWAMP EDD Summary tab, column AQ (SummaryComments) indicates “PRM Observed” for the fathead minnow toxicity test. This important explanation of the data results is missing in the CEDEN output table.</p> <p>This information supports elimination of one of the two LOEs that were used to support the toxicity listing for Belmont Creek.</p> <p>Footnote 3: The Belmont Creek data were also summarized and interpreted in the Integrated Monitoring Report that was submitted by SMCWPPP to the Regional Water Board on March 15, 2014. (<a href="https://www.flowstobay.org/wp-content/uploads/2020/03/smcwppp-final-imr-part.pdf">https://www.flowstobay.org/wp-content/uploads/2020/03/smcwppp-final-imr-part.pdf</a>)</p>	<p>which is the field used by SWAMP/CEDEN to denote data quality issues.</p>
043.09	<p>Recommendation: Do not list Belmont Creek for toxicity. One of the two LOEs (i.e., <i>P. promelas</i>) should be eliminated from consideration because the toxicity was caused by PRM. The remaining toxicity result (one test at a single site) does not</p>	<p>Please see response to comment 043.08.</p>

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	meet the minimum required number of sites stated in Table 3.1 of the State's Listing Policy for a toxicity listing.	
043.10	<p>5. Pesticide listings do not consider existing TMDLs and current usage. Applicable Decision ID: 143110</p> <p>There is a proposed new Category 5A listing (i.e., applying to a waterbody-pollutant combination where water quality standard is not attained and a TMDL is still required) for legacy pesticide chlordane in San Mateo Creek. This listing does not reflect current usage, as chlordane use has been banned for decades; therefore, management actions to address this pollutant would be limited.</p>	Please see response to comment 036.13 concerning the application of the Diazinon and Pesticide-related Toxicity in Urban Creeks TMDL to legacy pesticides such as Chlordane.
043.11	<p>Furthermore, rather than Category 5A, this listing would be better placed in Category 5B, i.e., applying to a waterbody-pollutant combination that is being addressed by a U.S. Environmental Protection Agency (USEPA) approved TMDL. To the extent possible, control of chlordane and other pesticides is already achieved through MRP provision C.9, which implements the TMDL and Water Quality Attainment Strategy (WQAS) for diazinon and pesticide-related toxicity for all Bay Area urban creeks. The TMDL/WQAS amendments to the San Francisco Bay Basin Region Water Quality Control Plan (Basin Plan) were adopted by the Water Board in 2005. MRP Provision C.9 requires Permittees to implement comprehensive control programs to eliminate pesticide-related toxicity associated with stormwater discharges. The TMDL/WQAS was designed to address all current and future toxicity associated with current and future use.</p>	Please see response to comment 036.13 concerning the application of MRP provision C.9 and the Diazinon and Pesticide-related Toxicity in Urban Creeks TMDL to legacy pesticides such as Chlordane.

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	<p>In compliance with Provision C.9 of the MRP, SMCWPPP and Permittees are implementing pesticide toxicity control programs that focus on source control and pollution prevention measures. The control measures include the implementation of integrated pest management (IPM) policies/ordinances, public education and outreach programs, pesticide disposal programs, and sustainable landscaping requirements for new and redevelopment projects. These efforts will eventually be supplemented by the statewide Urban Pesticides Amendments which will seek to manage pesticide usage via state and federal pesticide regulatory authorities such as DPR and USEPA. The anticipated result is a reduction in pyrethroids and other pesticides in urban stormwater runoff and a reduction in the magnitude and extent of toxicity in local creeks. The Draft Amendments will likely be released for public review sometime in 2023 with adoption anticipated in 2024.</p>	
043.12	<p>Recommendation: Do not list San Mateo Creek for chlordane in the 5A TMDL status category because this pesticide has been banned for decades and there is a USEPA-approved TMDL/WQAS that already addresses this waterbody-pollutant combination.</p>	<p>Please see response to comment 036.13 concerning the application of MRP provision C.9 and the Diazinon and Pesticide-related Toxicity in Urban Creeks TMDL to legacy pesticides such as Chlordane.</p>
043.13	<p>6. Do not base Fecal Indicator Bacteria (FIB) listings on Shellfish Harvesting (SHELL) standards described in the Basin Plan. Applicable Decision ID: 149299</p> <p>The 2024 Integrated Report proposes to list Coyote Point County Park for impairments to Shellfish Harvesting (SHELL) beneficial uses from fecal indicator bacteria (FIB) (Decision ID 149299). The current FIB WQO for SHELL in the Basin Plan</p>	<p>Changes to listing recommendations were not made in response to this comment. Additionally, see response to comments 017.02 and 017.03.</p>

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	<p>reflects the California Ocean Plan. This standard has been widely recognized as inappropriate and its revision is a high priority project for the State Water Board pursuant to the Ocean Plan Triennial Review process.<sup>4</sup></p> <p>Footnote 4: SWRCB. 2019. Proposed Final Staff Report and Work Plan for 2019 Review of the Water Quality Control Plan for Ocean Waters of California.</p>	
043.14	<p>Listing Coyote Point County Park for an inappropriate SHELL standard could result in additional monitoring obligations for municipal stormwater permittees. This type of monitoring would waste limited municipal resources and provide little environmental benefit especially given that the State Water Board recognizes that the SHELL beneficial use and FIB WQO should be revised.</p> <p>Recommendation: Do not list Coyote Point County Park for FIB based on SHELL standards described in the Basin Plan.</p>	<p>Changes to listing recommendations were not made in response to this comment. Additionally, see response to comments 017.02 and 017.03.</p>
043.15	<p>The listings summarized above are not supported by existing data and studies and would likely lead to wasting limited public resources while providing little or no water quality benefits.</p>	<p>Comment noted. Please see the Staff Report and the Waterbody Fact Sheets associated with benthic community effects, microplastics, and indicator bacteria assessments for the existing data and studies that support recommended listings and placements in integrated report categories. Additionally, each Regional Water Board considers project feasibility and available resources before prioritizing waterbodies for TMDLs or other control actions. For further explanation also see response to comment 43.04 for microplastics, Principal Response 4 for benthic community effects, and</p>



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		responses to comments 17.02 and 17.03 regarding indicator bacteria.

**Letter 44: Cajun James, Sierra Pacific Industries**

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044.01	<p>I have reviewed the report and have three questions regarding the alkalinity (as CaCO<sub>3</sub>) listing<sup>1</sup> of El Dorado County's Pilot Creek (Water Body ID: CAR5144303020190620032150).</p> <p>Footnote 1:  <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_final/apx-b/03727.shtml">https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_final/apx-b/03727.shtml</a></p>	Comment noted. See response to comments 044.02-044.06.
044.02	<p>The listing specifies: Alkalinity as CaCO<sub>3</sub> levels were assessed for the protection of freshwater aquatic life by comparison to the evaluation guideline value of 20,000 µg/L (4-day average). The same listing also specifies that only a single sample was collected (i.e., site 514PCAPC2 on October 18, 2018). Question #1: How can a 4-day average be derived from a single measurement taken on a single day?</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>In accordance with section 6.1.5.6 of the Listing Policy, if the water quality objectives, criteria, or guidelines state a specific averaging period and/or mathematical transformation, the data should be evaluated in a consistent manner prior to conducting any statistical analysis for placement of the water on the 303(d) list. If sufficient data are not available for the stated averaging period, the available data shall be used to represent the averaging period. The criterion continuous concentration was properly and appropriately applied.</p>

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044.03	<p>The listing also specifies that: Water Board staff assessed Sierra Pacific Industries Research data for Pilot Creek (El Dorado County) to determine beneficial use support and results are as follows: 1 of 1 samples exceeded the water quality threshold for Alkalinity as CaCO<sub>3</sub>. Question #2: Whether an average or a discrete measurement, how is the reported 16,000 µg/L result in “exceedance” of the 20,000 µg/L criterion continuous concentration (CCC) evaluation guideline<sup>2</sup>?</p> <p>Footnote 2:  <a href="https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2008/ref2523.pdf">https://www.waterboards.ca.gov/water_issues/programs/tmdl/records/state_board/2008/ref2523.pdf</a></p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The alkalinity evaluation guideline is set as a minimum value, which means that sample results less than 20,000 µg/L do not attain the evaluation guideline. The nomenclature of the integrated report may appear to be confusing in this instance because the integrated report uses the term “exceedance” for instances where a sample result does not meet or attain the standard, criteria, or evaluation guideline.</p>
044.04	<p>It may be that the listing is based on being below, rather than above, the CCC. If this is the case, it is significant that the basis for the CCC (i.e. Quality Criteria for Water<sup>3</sup>) states: the National Technical Advisory Committee (NATC, 1968) recommended a minimum alkalinity of 20 mg/L and the subsequent NAS Report (1974) recommended that natural alkalinity not be reduced by more than 25 percent but did not place an absolute minimal value for it. The use of the 25 percent reduction avoids the problem of establishing standards on waters where natural alkalinity is at or below 20 mg/L. For such waters, alkalinity should not be further reduced. Pilot Creek is an unimpaired stream independent of timber harvest activity. This is reflected in associated California Stream Condition Index scores:</p> <ul style="list-style-type: none"> <li>• Site 514PCAPC2 Score: 1.043276225</li> <li>• Site 514PCASMR Scores: 0.985470449 - 1.053557749</li> </ul>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>The commenter is correct that the listing is based on the sample results being below, rather than above, the CCC evaluation guideline.</p> <p>The commenter is also correct that a component of the CCC evaluation guideline states that the 20,000 µg/L minimum value applies except where alkalinity is naturally lower, in which case the criterion cannot be lower than 25% of the natural level. In order to assess data based on natural conditions, U.S. EPA recommends that a rationale be provided to identify the cause of the natural condition and why anthropogenic sources were determined to not be sources of pollutant loading. (See pages four and five of the <a href="#">U.S. EPA's Information Concerning 2014 Clean Water Act Sections 303(d), 305(b), and 314 Integrated</a></p>

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	Footnote 3: <a href="https://www.epa.gov/sites/default/files/2018-10/documents/quality-criteria-water-1986.pdf">https://www.epa.gov/sites/default/files/2018-10/documents/quality-criteria-water-1986.pdf</a>	<a href="https://www.epa.gov/sites/default/files/2015-10/documents/final_2014_memo_document.pdf">Reporting and Listing Decisions (https://www.epa.gov/sites/default/files/2015-10/documents/final_2014_memo_document.pdf).</a> ) Additionally, in order to assess data based on an evaluation guideline that is no lower than 25% of the natural level, the natural alkalinity level of the waterbody would need to be known. While the CSCI scores provided by the commenter indicate water quality supports healthy benthic community populations, the rationale recommended by the U.S. EPA is not available and the natural alkalinity level of the waterbody has not been provided and is not known at this time. Therefore, the 20,000 µg/L component of the evaluation guideline was used for assessing data.
044.05	Question #3: If the single alkalinity result for this watershed is neither above, nor too far below the CCC, what is the basis for this new listing?	For Decisions ID 147625, six lines of evidence were assessed for the attainment of COLD. Five of the six samples are below (i.e., do not attain) the CCC evaluation guideline of 20,000 µg/L, and this exceeds the allowable frequency in accordance with Listing Policy section 3.2. Additionally, see response to comment 044.04.
044.06	For the above reasons, I believe that the alkalinity-based listing of Pilot Creek is unjustified and should be reevaluated.	Comment noted.

**Letter 45: Amber Baylor, South Orange County Wastewater Authority**

No.	Comment	Response
045.01	<p>Thank you for the opportunity to provide public comment on the 2024 California Integrated Report. The Integrated Report’s draft staff letter, Section 3.10.3: Data Gaps and Future Assessments, will be the sole focus of this comment letter. This letter contains additional details and supplemental materials of the presentation provided to the Board in the presentation by SOCWA staff on March 21, 2023.</p> <p>SOCWA would like to provide the following topics relevant to the comments on the staff report:</p> <ol style="list-style-type: none"> <li>1. History of our engagement on ROMS-BEC, plume tracking work by SOCWA staff for our permit, the technical assessment of the ROM-BEC code for our permit, and the requested updates by the San Diego Regional Water Quality Control Board for SOCWA to work with the Southern California Coastal Water Research Project (SCCWRP).</li> <li>2. Quality control and quality assurance protocols for inputs and outputs used in the ROMS-BEC model related to wastewater dischargers and current permitted engineered controls.</li> <li>3. Recycled water seasonal production reducing flow and nitrogen loads and monitoring data in contrast to current model predictions.</li> <li>4. Policy alignment with BEC models in the Intergovernmental Panel on Climate Change (IPCC) reports.</li> </ol>	<p>The State Water Board appreciates interest in the ocean acidification (“OA”) assessment methodology process as well as the potential use of the Regional Ocean Modeling System + Biogeochemical Elemental Cycling (“ROMS-BEC”) model studies conducted by the Southern California Coastal Water Research Project (“SCCWRP”) in the 2024 California Integrated Report.</p> <p>For the assessment of OA for the 2024 California Integrated Report, the ROMS-BEC model was not used for evaluation of biological or chemical data as full model outputs had either not been published or peer-reviewed at the time the data assessment was conducted.</p> <p>Aragonite saturation state, notated as the analyte ‘Omega Aragonite’, was selected as an indicator for OA impairment primarily due to the impacts on marine life (Bednaršek 2019, <a href="https://www.frontiersin.org/articles/10.3389/fmars.2019.00227/full">Ref 5814; https://www.frontiersin.org/articles/10.3389/fmars.2019.00227/full</a>). Omega Aragonite chemical data were assessed in the 2024 California Integrated Report according to Listing Policy section 3.11, a Situation-Specific Weight of Evidence Listing Factor for the Marine Habitat Beneficial Use. Omega Aragonite chemical data were assessed using Table 3.2 in the Listing Policy, requiring a minimum sample size of five with a minimum exceedance count of five.</p> <p>The ROMS-BEC model is currently undergoing a peer-review and validation process. The model results may be used in future Integrated Report assessments following</p>

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		<p>additional peer review. State Water Board staff will inquire further with SCCWRP to determine the full scope of policy alignment with the Intergovernmental Panel on Climate Change's Coupled Model Intercomparison Project reports and with the U.S. EPA regarding standardized model review processes.</p> <p>The assessment of OA in the California Integrated Report is a new and evolving process. As additional literature is published and peer-reviewed, methodologies may be subject to change in future California Integrated Reports.</p> <p>Additionally, the State Water Board has begun planning for an amendment to the Water Quality Control Plan for Ocean Waters of California, or California Ocean Plan. The goal of the amendment is to establish water quality objectives and a program of implementation to protect marine organisms and habitat from OA and hypoxia by addressing human sources of nutrients in waste discharges, such as those from wastewater treatment plants. In planning for the amendment to the California Ocean Plan, the State Water Board has been working with the Ocean Protection Council and SCCWRP to better understand:</p> <ul style="list-style-type: none"> <li>• The relationship between OA and hypoxia and impacts to marine life and habitat,</li> <li>• The sources of nutrients and whether land-based, anthropogenic sources of nutrients, such as direct discharges from wastewater treatment plants, are contributing to those impacts, and</li> <li>• The parameters, thresholds, and management actions that may be appropriate for setting water</li> </ul>

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		quality objectives and a program of implementation to address the impacts of nutrient discharges, such as nitrogen reduction and wastewater recycling.
045.02	We request that the Board pause consideration of use of the ROMS-BEC model as SOCWA works with SCCWRP and the SDRWQCB on the needed updates to the model.	Please see response to comment 045.01.
045.03	While the stated goal of the ROMS-BEC model is for greater adoption and acceptance of the model by managers as presented by SCCWRP at the March 21, 2023, SWRCB meeting, managers have significant questions related to the model that have not been resolved. While we understand that there will be a future Independent Review of the model as directed by the SCCWRP member agencies, attached are the other options for the types of Uncertainty Analysis that SCCWRP only offered to perform a limited number due to resource restraints. The need for this information for management decisions was not reflected or contained in the draft staff report.	Changes have been made to language in the 2024 California Integrated Report Proposed Final Staff Report clarifying the State Water Board’s intentions to not use the ROMS-BEC model for ocean acidification assessments until the peer-review and validation process has been completed. Additionally, see response to comment 045.01.
045.04	As it relates to technical input questions of the model, SOCWA has requested information related to the modeling inputs that have been published due to a data review from the online repository referenced in the Kessouri James paper. Additionally, as noted in the technical report, there were several BEC models in the published code repository and it was initially unclear which model version was used in the run that was published in the JAMES paper findings presented at the SWRCB. A request to standardize the model numbering for the development of a more transparent tracking system	Please see response to comment 045.01.

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	<p>has been made by SOCWA but has not been implemented. The current opaque versioning of the BEC model contrasts with the ROMS model which provides versioning systems as part of the online community (<a href="http://www.myroms.org">www.myroms.org</a>). If managers or other technical support staff cannot follow the versions with code modifications, it does not provide confidence in the model and is not the level of transparency that the public sector is required to adhere to.</p>	
045.05	<p>Wastewater dischargers to the Ocean are required to perform modeling to assess dilution ratios and reasonable potential analysis with exacting details with hundreds of supporting pages related to hydrodynamic models from the US EPA's UM3 approved model. It is not out of reason to request the same level of detail for acceptance of the model. Additionally, the US EPA has a model review process that is utilized for regulatory purposes that provides standardization of engineered systems across the sector with a clear approval process that is not currently presented in the staff report. We request the SWRCB consult these practices and approved methods prior to incorporation of lines of evidence into policy making decisions in alignment with the EPA.</p>	Please see response to comment 045.01.
045.06	<p>We request that a standard version system be set up for the ROMS-BEC model so that managers can follow which version of the model run is related to the code updates not unlike any software program that public agencies are utilizing for their business purposes. We also request that the Board pause inclusion of the model until the technical issues are fully addressed.</p>	Comment noted. Please see response to comment 045.01.

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045.07	<p>While the SCCWRP presentation on March 21, 2023, included a statement that recycling increases acidification through brine discharge, this is contrary to the utility practice where partial nitrification is used for distribution residual management and nitrogen recycling into the biosolids for offsite disposal. It is not clear what level of consultation was advised by professional engineers in the assumptions in the model. Additionally, these practices have not been included in a meaningful way in the model run which led to conclusions that are not in step with engineering practice.</p>	Comment noted.
045.08	<p>Indeed, as presented by CASA at the SWRCB March 21, 2023, hearing, the reduction of nitrogen to outfalls have decreased significantly over numerous decades, yet attribution is being ascribed to dischargers which are “exacerbating local ocean acidification.” However, how can this be when the key element used in the model has declined significantly? Attribution to dischargers only is concerning and the carbon dioxide from the environment seems to be a more significant driver. That level of detail is not fully articulated in the current model runs. When SOCWA has inquired if the South Coast Air Quality District (SCAQMD) air dispersion models were utilized for micro scale incorporation to account for the transportation sector carbon dioxide’s contribution to the model like the localized attempt to include wastewater and river outfalls, it was indicated that no, localized models were not incorporated into the model runs. This is concerning as the staff report specifically addresses localized anthropogenic attribution.</p>	Comment noted.



No.	Comment	Response
045.09	When the model is not in alignment with decades of monitoring studies, engineers and managers need additional levels of details to check if the inputs from their dischargers have been correctly included in the model runs. Additionally, SCCWRP member and non-member agencies have requested output codes from the model but still have not received that information. To increase confidence in the model, data and technical transparency are key components of this data review process.	Comment noted. Please see response to comment 045.01.
045.10	We request that all agencies that are not members of SCCWRP, have an opportunity to review the data sets and assumptions that were made related to dilutions, concentration of nitrogen loading, and flows into the Bight prior to the use of the model for threshold setting.	Comment noted. Please see response to comment 045.01. Additionally, SCCWRP Commission meetings are public meetings held quarterly that provide an opportunity for water-quality management groups to discuss ongoing issues and concerns. For more information regarding participation with the SCCWRP Commission meetings, please refer their site page: <a href="http://www.sccwrp.org/about/governance/commission-meetings/">http://www.sccwrp.org/about/governance/commission-meetings/</a> . Should ROMS-BEC model results be used in future Integrated Report assessments, there will be opportunity to review the data sets and assumptions used.
045.11	Due to the very large number of atmospheric and oceanic models, the IPCC sought to standardize the models used in policy settings by setting up the Coupled Model Intercomparison Project (CMIP). The IPCC began to find that through intercomparison that different modeling groups set up experimental designs differently which would make predictions in from the models difficult to compare results. CMIP standardizes protocols for comparison across research	Comment noted. Please see response to comment 045.01.

No.	Comment	Response
	<p>groups. CMIP is in the sixth, five-year cycle, on model runs. The ROMS-BEC model presented before the SWRCB is not included in CMIP6 and it is requested that a standardized protocol be included for updates to the model in step with global policy practice.</p>	
045.12	<p>[W]hile the researchers evaluated the marine calcifies effect from the extreme events like the information presented by SCCWRP at the SWRCB 03/21/23 hearing, the attribution was based on upwelling and not local anthropogenic effects. The lessons learned from the policy development process at the IPCC would be helpful to integrate for intercomparison purposes.</p>	<p>Comment noted. Please see response to comment 045.01.</p>
045.13	<p>While we understand that the Board and the Ocean Protection Council have invested significant resources in the model, there are other BEC models that are coming to different results. We request to the Board that we standardize the model runs in alignment with the IPCC for better model intercomparison to avoid conflicting conclusions that have significant policy implications.</p>	<p>Comment noted. Please see response to comment 045.01.</p>
045.14	<p>Given the limitations outlined above, we urge you to consider alternative approaches for setting policy goals that are more transparent, inclusive, and adaptive. We have included four specific asks to help make this process more inclusive that are summarized below:</p> <ol style="list-style-type: none"> <li data-bbox="331 1328 1150 1399">1. We request that the Board pause consideration of use of the ROMS-BEC model as SOCWA works with</li> </ol>	<p>Comment noted. Please see response to comment 045.01.</p>

No.	Comment	Response
	<p>SCCWRP and the SDRWQCB on the needed updates to the model.</p> <ol style="list-style-type: none"> <li>2. We request that a standard version system be set up for the ROMS-BEC model so that managers can follow which version of the model run is related to the code updates not unlike any software program that public agencies are utilizing for their business purposes. We also request that the Board pause inclusion of the model until the technical issues are fully addressed.</li> <li>3. We request that all agencies that are not members of SCCWRP, have an opportunity to review the data sets and assumptions that were made related to dilutions, concentration of nitrogen loading, and flows into the Bight prior to the use of the model for threshold setting.</li> <li>4. We request to the Board that we standardize the model runs in alignment with the IPCC for better model intercomparison to avoid conflicting conclusions that have significant policy implications.</li> </ol> <p>This may involve engaging a diverse group of stakeholders in the decision-making process, incorporating additional quantitative data sets, and using additional sources of information and engineering expertise to help inform these pressing policy decisions.</p>	
045.15	<p>We thank you for the opportunity to comment.</p> <p>We would like to meet with the Board and relevant SWRCB staff members on the concerns so that we can work together to protect public health and the environment.</p>	<p>Comment noted. State Water Board staff in the Division of Water Quality met with South Orange County Wastewater Authority on July 5, 2023 to discuss the concerns raised in the comment letter. For additional inquiries, commenters are encouraged to contact staff at the State or Regional Water Boards.</p>

## Summary of Oral Comments and Responses from the March 21, 2023 Public Hearing

Code	Commenter
046.1	James Christian, The OWTS Residents of the Russian River (OWTS-RRR)
046.2	Jared Voskuhl, CASA - California Association of Sanitation Agencies
046.3	Annelisa Moe, Heal the Bay
046.4	Dr. Gary Amenu, Los Angeles County Public Works
046.5	Benjamin Harris, Los Angeles Waterkeeper
046.6	Paul Bedore, Robertson-Bryan, Inc.
046.7	Rachel Gray, Santa Ana Watershed Project Authority
046.8	Robin Yamada, Los Angeles Department of Water and Power
046.9	Amanda Carr, Orange County Environmental Resources/ Orange County Public Works
046.10	Debbie Mackey, Central Valley Clean Water Association
046.11	Tom Grovhoug, Larry Walker Associates
046.12	Tess Dunham, Santa Ana Basin Monitoring Program Task Force

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046.1.1	The 303(d) listing of the Russian River is not supported by a correct analysis using the E-coli metric, which superseded the prior metric of fecal coliform. The correct analysis needs to be done to determine if the 303(d) listing is appropriate.	Comment noted. Please see response to comment 004.01.
046.1.2	Asks the staff to use the correct and accurate metric of E-coli to assess for impairment of bacteria on the Russian River.	Comment noted. Please see response to comment 004.01.

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046.2.1	Recognizes all the work that went into improving the Integrated Report process for the 2024 Integrated Report.	Comment noted.
046.2.2	Would like a second comment period for the listing cycle due to the large number of listings.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding the public comment period for the 2024 California Integrated Report.
046.2.3	There is concern that there is a lack of Regional Board involvement with the Integrated Report since the State Water Board uses a computer algorithm process first and then brings in Regional Water Board engagement. There are members from CASA that would appreciate more Regional Water Board involvement, such as adding an additional three months into the call for data to allow for Regional Water Board involvement.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding the administration of the public process for the 2024 California Integrated Report by the State Water Board.
046.2.4	Would like to see a clear nexus between the offshore impact to ocean acidification from nutrient discharge. The correlation between ocean acidification and outfalls needs to be made.	Comment noted. Please see response to comment 023.17 regarding future evaluations of ocean acidification and nutrient discharges.
046.2.5	In terms of making predications from models, the model inputs should be the right information that reflects the current conditions.	Comment noted.
046.2.6	National Academy of Sciences published a 2021 report stating 80% of all microplastic pollution found in aquatic waters is derived from microplastics trash. Only 20% of	Comment noted. No waterbody is recommended for placement on the 303(d) list for the 2024 California Integrated Report. Placement on the 303(d) list would

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	microplastics in the water are pure microplastics. There should be a discussion on whether a microplastic or trash TMDL would be better at reducing microplastics.	require the development of a TMDL. If in the future a waterbody is determined to be impaired for microplastics, a source analysis would be conducted to determine contributors to the waterbody's microplastics impairment prior to the development of a TMDL. Depending on the circumstances of the microplastics impairment, multiple strategies may be employed to reduce microplastic loading of which a strategy may include trash management.
046.3.1	Appreciate the work that goes into the Integrated Report.	Comment noted.
046.3.2	Voiced concern on new delistings for ammonia, one example being Bull Creek which is a tributary into the LA River.	Comment noted. Please see response to comment 023.36 regarding the ammonia listing recommendation in Bull Creek.
046.3.3	Would like the State Board to consider a temperature TMDL for the LA River.	Comment noted. Please see response to comment 023.12 regarding a temperature TMDL in the Los Angeles River.
046.3.4	Would like the State Board to consider other ways to approach bioassessment, ones that would work for waterways that have been hydro-modified. Commenter supports the current approach, but it does not lend itself well to assessing modified channels. Voiced the potential of E-DNA data.	Comment noted. Please see response to comments 023.13 and 023.16 regarding hydromodification.
046.3.5	Supports the State Board in its approach to address ocean acidification and hypoxia ("OAH") by linking the contribution of	Comment noted.

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	nutrients to OAH impairment of ocean waters, particularly within the Southern California Bight.	
046.3.6	Would appreciate if noise pollution was considered in future Integrated Report cycles.	Comment noted. Please see response to comment 023.19 regarding noise pollution.
046.4.1	Data submitted to CEDEN was not included in the 2024 Integrated Report cycle, even though the data was submitted during the data solicitation time frame. Requests the State Water Board investigate this matter and make appropriate adjustments.	Comment noted. Please see response to comment 021.01. Additionally, please see principal response 3.1 for Readily Available Data Requirements and principal response 3.2 for Data Not Used for Assessments regarding the inclusion of readily available data and data screening.
046.4.2	Commenter is concerned of the listing of water bodies that are not in the Los Angeles Region Water Quality Control Plan or Basin Plan, including man-made small ponds fed by portable water, BMP facilities constructed to treat storm water, flood control detention basins, and storm drains. Examples include the Alondra Park Pond, Earvin Magic Johnson Park ponds, Oxford retention Basin and Artesia Norwalk drain, among others. These man-made facilities are not receiving waters and as such should not be listed. Commenter request them to be removed from the 303(d) list.	Comment noted. Please see response to comment 021.04.
046.5.1	Appreciates the time and energy that has put into the Integrated Report.	Comment noted.

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046.5.2	Commenter is concerned about the three region cycle of the Integrated Report, it is too long of a timeframe.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process.
046.5.3	Ask for clear policy of how to make off-cycle updates for Regional Water Board that are not on-cycle.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding the on- and off-cycle assessment process.
046.5.4	Commenter voiced concerns about the barrier felt by data collected by citizen science groups. Would appreciate opportunities to submit data from citizens that may not meet the strict timeline and QA/QC requirements of the Integrated Report.	Comment noted. Please see principal response 3.1 for Readily Available Data Requirements regarding data submission requirements and principal response 3.2 for Data Not Used for Assessments regarding quality assurance procedures.
046.5.5	Ask the State Water Board to consider identifying hydro-modified channels or hydromodification as an independent impairment, at least under Category 4C.	See response to comment 023.13 regarding hydromodification.
046.5.6	Requests the State Water Board to list waterbodies for underwater noise pollution, particularly coastal environments. Noise pollution can be well regulated using a TMDL.	Comment noted. Please see response to comment 023.19 regarding noise pollution.
046.6.1	Requests the State Water Board to consider the type of aluminum measurements being used to list waterbodies. According to the draft technical support document for the 2018 Aluminum Criteria, waterbodies with high amounts of total suspended solids may show elevated concentrations of aluminum based on the analysis of total fraction aluminum.	Comment noted. See response to comments 009.04 and 009.05.



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046.6.2	Requests that the State Water Board only considers listing waterbodies when there are exceedances using the dissolved fraction of aluminum data.	Comment noted. See response to comments 009.04 and 009.05.
046.7.1	The listing of Chino Creek Reach 1B for TDS, chloride, hardness, nitrogen, and sodium is contrary to the decision that was proposed in 2018. In 2018, the Santa Ana Regional Water Board and State Water Board agreed the waterbody should not be listed because the objectives in the Basin Plan are anti-degradation objectives. The objectives were based on historical water quality values. Commenters stated that nothing in the draft 2024 Integrated Report explains why the waterbody is now listed for these pollutants as no circumstances have changed. The objectives have historically been interpreted as annual flow weighted averages, but the draft Staff Report is indicating that a 7-day averaging period is being used as the Basin Plan does not specify an averaging period. The Santa Ana Watershed Project Authority is recommending against listing Chino Creek Reach 1B for TDS, chloride, hardness nitrogen, and sodium.	Please see response to comment 33.08.
046.8.1	Elderberry Forebay is being listed for dieldrin, mercury, and PCB impairments based on the ocean commercial and sportfishing beneficial use. Elderberry Forebay is not listed in the ocean commercial and sportfishing beneficial use in the Los Angeles Regional Basin Plan. It was built for LADWP's hydroelectric power plant for water storage. There is no public access and fishing is not allowed in the waterbody. Elderberry Forebay should not be listed for dieldrin, mercury, or PCBs.	Please see response to comment 026.03.

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046.8.2	<p>Commenter is concerned about the temperature listings in the 2024 California Integrated Report listing cycle. The commenter notes that in the draft Staff Report, it states that TMDLs will not be prioritized for temperature in the LA Region at this time. The commenter requests that the waterbodies with temperature listings not be listed due to studies underway that may change the temperature objective.</p>	<p>Changes to listing recommendations were not made in response to this comment.</p> <p>As the commenter noted, studies are currently underway in the Los Angeles Region to reevaluate the relationship between temperature and beneficial uses, and these may result in a modification of temperature objectives. For this reason, TMDL development for waterbodies impaired for temperature is not being prioritized at this time.</p> <p>Comments about specific TMDLs and TMDL development should be addressed to the Los Angeles Regional Water Board's <a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">Total Maximum Daily Load program</a> (<a href="https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/">https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/</a>).</p>
046.9.1	<p>Regarding the benthic community listings on the Category 3 list, the commenter has concerns about the fully managed flood control facilities where sediment and vegetation is regularly removed but supports placing the waterbodies in Category 3.</p>	<p>Comment noted.</p>
046.9.2	<p>The commenter noted that the historical listings for benthic community effects not being assessed during this cycle were not moved into Category 3. Commenter requests all benthic community listings should be in same policy bucket.</p>	<p>Please see principal response 4.2 for Category 3 Interim Approach for benthic community effects. Additionally, see response to comment 006.19.</p>
046.9.3	<p>Commenter expressed concerns regarding listings for the SHELL beneficial use as the standard is currently under assessment. The commenter did announce that the wet</p>	<p>Changes to listing recommendations were not made in response to this comment.</p>

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	weather SHELL water quality study in the Santa Ana Region is underway. Requests SHELL listings, new and former, be put on Category 3 list while the water quality standard is being assessed.	Please response to comments 017.02 and 017.03 regarding the SHELL listings for the 2024 California Integrated Report.
046.9.4	Commenter is concerned that data submitted by their NPDES program into CEDEN was not assessed during this cycle. They also want to note they have found incorrect data locations, data older than 2010 being used, and some duplicative LOEs that should be addressed if waterbodies need to be delisted.	<p>Comment noted. Please see principal response 3.2 for Data Not Used for Assessments and principal response 3.4 for Inclusion of Older Data regarding the pre-2010 data use.</p> <p>Additionally, see comment Letter 17 for more specific comments related to data locations and duplicative LOEs in Orange County.</p>
046.10.1	Commenter noted that Central Valley Clean Water Association (“CVCWA”) has found a number of issues with listings that they came across during last cycle and is requesting additional time for review of the 2024 California Integrated Report.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding the available time for public review of documents.
046.10.2	Testing of aluminum at POTWs has found that the toxicity levels were way higher than what the numeric outputs would reflect. Supports not using the dissolved criteria for aluminum to focus in on areas of greatest concern.	Comment noted.
046.10.3	Commenter agrees with earlier comments by Jared Voskuhl from CASA and would like to see engagement not from just the State Water Board level, but also at the Regional Water Board level.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding the State Water Board administration of the public process and Regional Water Board involvement.

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046.10.4	Commenter appreciates all the work that Water Boards staff are doing on the Integrated Report and wants to recognize the effort that has gone into the process.	Comment noted.
046.11.1	Commenter is requesting that State Water staff are able to confirm with Larry Walker Associates that they have caught all the new proposed listings.	Comment noted. State Water Board staff in the Division of Water Quality met with Larry Walker Associates on August 9, 2023, to discuss their concerns with pyrethroids and other listings. For additional inquiries, commenters are encouraged to contact staff at the State or Regional Water Boards.
046.11.2	Commenter notes that there seem to be additional listings in this cycle based on the trihalomethane formation potential data set. Commenter thought it was not going to be used in this cycle after previous issues last cycle and would like Water Boards staff to review this issue.	Comment noted. Please see principal response 5 for Central Valley Regional Water Board Trihalomethanes for a more thorough response to this comment and see Appendix T: List of Central Valley Regional Water Board Decisions Revised Due to Removal of Data Previously Associated with Decisions for Trihalomethanes for a full list of affected decisions and changes to listing recommendations.
046.11.3	Commenter is requesting additional time for public review of the California Integrated Report.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process regarding the available time for public review of documents.
046.12.1	Commenter is requesting that additional time be granted for review of the California Integrated Report.	Comment noted. Please see principal response 3.5 for Data Submission Timeline and the Public Process

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		regarding the available time for public review of documents.