



THE CITY OF SAN DIEGO



December 15, 2014

Electronic Submission: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Subject: Comment Letter–Proposed Amendment to the Water Quality Control Policy for  
Developing the Clean Water Act Section 303(d) List (Listing Policy)

Dear Ms. Townsend:

The City of San Diego (City) appreciates the opportunity to provide comments on the proposed amendment to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List (Listing Policy).

The California State Water Resources Control Board (State Board) has expended substantial resources in developing the Water Quality Control Plan For Enclosed Bays And Estuaries Plan Part 1: Sediment Quality (SQO Part 1), and in this effort of updating the Listing Policy. The City commends the State Board on this needed effort and we recommend a few changes to the draft to help make that the Listing Policy as clear and effective as possible at providing direction for when to list a water body.

The City recommends the modification of several sections of the Listing Policy to better incorporate and make clear the need to follow the methodologies of the sediment quality objectives (SQOs) as outlined in the SQO Part 1. The SQOs are structured around assessing the risk to aquatic life and human health via multiple lines of evidence characterizing the quality of the sediments in question. The three lines of evidence for SQOs include sediment toxicity, condition of benthic biota, and sediment chemistry, known as the multiple lines of evidence or the Triad Approach. This in-depth analysis should be incorporated where appropriate in the Listing Policy. Specific recommendations to modify the draft Listing Policy are included in the attached table.



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The City further recommends utilizing all available data in the California Environmental Data Exchange Network (CEDEN) during the upcoming integrated reporting efforts. Utilizing only the data submitted as part of the 2010 solicitation as suggested in the November 12, 2013 letter from Nick Martorano to interested parties would result in at least four years of additional data being left out of the analysis. The City expends significant resources collecting data to meet NPDES permit and total maximum daily load (TMDL) requirements, and all available data should be considered to ensure the 303(d) list reflects the most up to date information.

Lastly, decisions regarding this policy broadly affect the City's water quality programs from TMDL implementation to monitoring. As described in section 6.1.2 of the proposed Listing Policy amendment "off cycle" revisions may be considered; however, the Regional Water Boards often do not have the resources to conduct listing reviews and revisions, particularly in off cycle periods. As such, the City recommends that the State Board provide a mechanism for interested parties to submit requested revisions directly to the State Board rather than solely relying on Regional Water Boards to decide when to administer off cycle processes.

Thank you for your time and consideration of these comments that are offered in an effort to improve the integration of the SQO Part I into 303(d) listing and delisting decisions. If you have questions, please contact Ruth Kolb at (858) 541-4328 or at [rkolb@sandiego.gov](mailto:rkolb@sandiego.gov).

Sincerely,



Drew Kleis  
Deputy Director

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Enclosure: Attachment: City of San Diego Comment Table for Proposed Amendment to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List

cc: Tony Heinrichs, Deputy Chief Operating Officer  
Kris McFadden, Director, Transportation & Storm Water Department  
Heather Stroud, Deputy City Attorney  
Ruth Kolb, Program Manager, Transportation & Storm Water Department

Attachment: City of San Diego Comment Table for Proposed Amendment to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List

#	Page	Section	Topic	Comments
1	5	3.6	Water/Sediment Toxicity	Add language at the end of paragraph one to ensure that toxicity data collected as part of a triad approach under the SQO Part 1 is interpreted accordingly: <u>“Where SQOs are relevant and apply, toxicity data shall be interpreted in accordance with the multiple lines of evidence approach as outlined in the SQO Part 1.”</u>
2	6	3.6	Water/Sediment Toxicity	Sections A – C are not applicable where a triad of data (chemistry, bioassessment, and toxicity) are available. Causal assessments should focus on the stressor identification requirements contained in the SQO Part 1 (Section VII.F). For clarity, Sections A – C should be deleted and replaced with the following: <u>“Where impairments of sediment quality are identified through the multiple lines of evidence approach as described in the SQO Part I, listings should be only for the impairment of sediment quality. Upon performance of the stressor identification process per the SQO Part 1, and identification of the specific stressor, the listing may be modified to reflect the pollutant contributing to or causing the observed impact.”</u>
3	7	3.8	Adverse Biological Response	Add language at the end of the section to incorporate Part 2 of the Sediment Quality Objectives as appropriate when adopted as follows: <u>“Upon adoption of the Part 2 Sediment Quality Objectives related to bioaccumulation, the evaluation should follow guidelines set forth in Part 2 of the SQO Plan where applicable.”</u>
4	7	3.9	Degradation of Biological Populations and Communities	Add language at the end of the section to ensure that bioassessment data collected as part of a triad approach under the SQO Part 1 is interpreted accordingly: <u>“Where SQOs are relevant and apply, bioassessment data shall be interpreted in accordance with the multiple lines of evidence approach as outlined in the SQO Part 1. Where impairments of sediment quality objectives are identified, listings should be for the impairment of sediment quality. Upon performance of the stressor identification process per the SQO Part 1 and identification of the specific stressor, the listing may be modified to reflect the pollutant contributing to or causing the observed impact.”</u>
5	20	6.1.3	Evaluation Guideline Selection Process	Add language to Section 6.1.3.1.A to clarify that the SQO Part 1 is used as appropriate: <u>“If sediment quality objectives apply, the Regional Water Boards shall use the methods and procedures that were adopted to interpret the objective in accordance with the SQO Part 1. Analysis to support listing decisions conducted utilizing the SQO Part 1 methods and procedures supersede previous analyses conducted utilizing one or more of three lines of evidence independently.”</u>

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6	20	6.1.3	Evaluation Guideline Selection Process	Add language to Section 6.1.3.1.B to clarify the use of sediment quality guidelines: “If no applicable sediment quality objectives apply, or insufficient data exists to interpret sediment quality objectives, the Regional Water Boards may select sediment quality guidelines that have been published in the peer-reviewed literature or by state or federal agencies. <u>However, once sufficient data exists to interpret sediment quality objectives, previous analyses utilizing sediment quality guidelines will be superseded and independent lines of evidence shall no longer be considered.</u> Acceptable guidelines include selected values (e.g., effects range-median, probable effects level, probable effects concentration), and other sediment quality guidelines. Only those sediment guidelines that are predictive of sediment toxicity shall be used (i.e., those guidelines that have been shown in published studies to be predictive of sediment toxicity in 50 percent or more of the samples analyzed). <u>Note that effects range-low values are predictive of sediment toxicity in 10 percent of samples analyzed, and are not appropriate sediment quality guidelines.</u> ”
7	25	6.1.5.8	Evaluation of Bioassessment Data	Add a fifth bullet to ensure that bioassessment data collected as part of a triad approach under the SQO Part 1 is interpreted accordingly: “ <u>Where SQOs are relevant and apply, bioassessment data shall be interpreted in accordance with the multiple lines of evidence approach as outlined in the SQO Part 1.</u> ”