



Department of Public Works

VIA FACSIMILE/US MAIL

February 17, 2004

Mr. Craig J. Wilson
TMDL Listing Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Comments on the Draft Water Quality Control Policy for Developing California's
CWA Section 303(d) List and Delisting Functional Equivalent Document

Dear Mr. Wilson:

Thank you for the opportunity to provide comment on such an important water quality control policy. We also wish to thank the State Water Resources Control Board for recognizing the level of local interest in drafting policy documents and choosing to hold a hearing in Los Angeles County on February 5th. It is through these combined efforts that the State Board can assure a development of a water quality control policy for California's 303(d) listing that will be consistent and fair to all interested stakeholders.

The City of Monrovia strongly supports the State's goal of establishing a standardized approach for assigning water bodies to the State of California's 303(d) list. We support the inclusion of requirements for data quality and quantity, requirements for consistency and statistically valid data evaluations, and implementation provisions. There has been much discussion on the problems of water body listings in the 1998 and 2002 listing process, and better requirements for data quality and evaluations will prevent these problems from reoccurring.

Like many cities, counties and sanitation agencies that provided verbal testimony of February 5th, the City also supports the inclusion of a planning/monitoring list in this policy. This was removed from the previous July draft policy, and it is important that it be re-inserted in the revised draft policy. As you are aware, planning/monitoring list are important in cases where:

- the impairments are undetermined (e.g. unknown toxicity)
- data are insufficient to determine if an impairment exist
- water quality standards may be inappropriate (e.g. concrete lined flood control channels)

This planning/monitoring list would allow for a suspected impaired water body to be further studied before being placed on the 303(d) list. Use of these types of lists has been strongly recommended by the National Academy of Sciences (NAS) in a report to Congress:

“EPA should approve the use of both a preliminary list and an action list instead of one 303d list. Many waters now on state 303d lists were placed there without the benefit of adequate water quality standards, data, or water body assessment. These potentially erroneous listings contribute to a very large backlog of TMDL segments and foster the perception of a problem that is larger than it may actually be. States should be allowed to move those waters for which there is a lack of adequate water quality standards or data and analysis from the 303d list back to a preliminary list.This would provide the assurance that listed waters are indeed legitimate and merit the resources required to complete a TMDL.”¹

Planning/monitoring list save both the State and regulated community valuable monetary and staff resources required to complete a TMDL in an era where resources are becoming more limited. Although the City recognizes the concern from the environmental community that these lists essentially remove impaired water bodies from the 303(d) list, an establishment of a time limit for the duration a water body remains on a planning/monitoring list can address the concern.

The City is also concerned with the provisions in the draft policy that would allow listings based on pooled data. As it is reflected now, a water body segment can be place on the 303(d) list if only one sample from that segment exceeded water quality criteria and if samples in adjacent segments also exceed criteria. The draft policy should be amended so that each water body is required to be evaluated separately.

Another area the City respectfully request the State Board consider is the re-evaluation of each water body identified on previous 303(d) list. Listings made on the 1998 and 2002 list may have been inappropriate because of inadequate data quality or quantity, evidence that natural sources may have caused or contributed to the impairment, or water quality standards upon which the listings are based may be improper. The City of Monrovia feels a water body in its jurisdiction has been an unfortunate casualty of an inappropriate listing.

Finally, the City also concurs with concerns presented by the Executive Advisory Committee for the Stormwater Program – County of Los Angeles, the County of Los

¹ The National Academy of Sciences, *Assessing the TMDL Approach to Water Quality Management – Executive Summary*, (Washington DC: National Academy Press, 2001), Pg. 5.

Angeles, and Mr. Richard Watson, Richard Watson & Associates, representing the Coalition for Practical for Regulation on the problems associated with *Trends in Water Quality and Alternate Data Evaluation*.

Once again thank you for the opportunity to comment on such an important water quality control policy. We look forward to a final product that will achieve a standardized approach for assigning water bodies to the State's 303(d) list. If you have any questions, please contact me at (626) 932-5544, or my staff Louis Celaya, at (626) 932-5577.

Sincerely,



David Fike
Director of Public Works

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