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December 2, 2005

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

**SUBJECT: 2004 Clean Water Act Section 303(d) List
Laguna de Santa Rosa Phosphorus & Nitrogen**

Dear Mr. Wilson,

I am writing on behalf of the following local organizations concerned about the welfare of Laguna de Santa Rosa:

Coast Action Group, Pacific Coast Federation of Fishermen's Associations, California Trout, Friends of the River, Russian Riverkeeper, Russian River Watershed Protection Committee, Redwood Chapter Sierra Club, Community Clean Water Institute, Petaluma River Council, Friends of the Eel River, Blucher Creek Watershed Council, Sebastopol Water Information Group.

The Laguna is currently listed as impaired for excess nitrogen, phosphorus, sediment, temperature and for low dissolved oxygen (DO), all of which degrade the Laguna's beneficial uses. However it is the high nutrient levels which play the most fundamental role.

We strongly oppose the State Water Resources Control Board's proposal to remove the Laguna de Santa Rosa from the 303(d) List as impaired for nitrogen and phosphorus.

Along with this letter we send Comments, setting forth our position, with supporting studies and data attached.

Sincerely,

Nancy Kay Webb, Esq.

COAST ACTION GROUP, PACIFIC FEDERATION OF FISHERMEN'S ASSOCIATIONS, CALIFORNIA TROUT, FRIENDS OF THE RIVER, RUSSIAN RIVERKEEPER, RUSSIAN RIVER WATERSHED PROTECTION COMMITTEE, REDWOOD CHAPTER SIERRA CLUB, COMMUNITY CLEAN WATER INSTITUTE, FRIENDS OF THE EEL RIVER, PETALUMA RIVER COUNCIL, BLUCHER CREEK WATERSHED COUNCIL, SEBASTOPOL WATER INFORMATION GROUP

Draft Comments On Proposal to Remove Laguna de Santa Rosa from the 303(d) List for Nitrogen and for Phosphorus

Summary of the Argument

The Laguna de Santa Rosa (Laguna) is impaired by highly elevated nutrient levels. These nutrients, or biostimulatory substances, include phosphorus and all breakdown products of organic nitrogen.

Numeric objectives are not indispensable for evaluating the Laguna's nutrient problem. The narrative water quality standard alone is competent. According to the existing narrative standard, impairments occur when "biostimulatory substances promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses." The concentrations of nitrogen and phosphorus currently measured in the Laguna far exceed levels associated with excessive aquatic growths (primarily *Ludwigia* and algae), and the beneficial uses are obviously impaired. It is not necessary for phosphorus and nitrogen to be the sole cause of nuisance and adverse affect on beneficial uses. It is not necessary that either be identified as the "limiting factor." It is necessary only that these nutrients *promote* the undesirable aquatic growth.

The weight of evidence supports keeping the Laguna on the 303(d) List for nutrients.

The listing of the Laguna for nitrogen and for phosphorus was correct and amply supported in 2002. Delisting now is not justified, and would violate both state and federal law.

The State Water Resources Control Board (SWRCB) bases its proposed delisting on a claim that numeric standards are necessary because the existing narrative standard is impossible to administer. To take such a position, the SWRCB must have ignored much evidence. Attached are data and studies to fill gaps in the administrative record.

While it may be true that the state's screening standards for nutrients need to be developed, the absence of numbers is no excuse for delisting the Laguna, a waterbody so obviously impaired that, no matter what criteria apply, the nutrient levels are bound to far exceed what they should be to preserve and enhance the Laguna's beneficial uses.

The SWRCB appears to have relied on technical comments from the City of Santa Rosa (the City), a major discharger in the Laguna. The City's arguments are specious, its science is flawed, and its raw data do not support the proposal delisting.