



March 20, 2009

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RE: North Coast Regional Water Quality Control Board's 2008 303(d) List of Water Quality Limited Segments

Dear North Coast Regional Water Quality Control Board:

On behalf of the board and staff of Humboldt Baykeeper submits the following comments regarding the 2008 update to California's Clean Water Act section 303(d) list of Water Quality Limited Segments ("Impaired Waters List"). Humboldt Baykeeper appreciates the time and effort expended by staff in preparing the list and associated fact sheets.

Mad River DDE Impairment

Humboldt Baykeeper strongly supports staff's recommendation to list the Mad River on its Impaired Waters List for DDE. Humboldt Baykeeper was dismayed to learn that this dangerous chemical impacts the primary source of drinking water for the Humboldt Bay area. DDE is listed on California's Proposition 65 List of probable human carcinogens,¹ as well as being listed by the Environmental Protection Agency on IRIS as a probable human carcinogen.²

¹ Available at http://www.oehha.ca.gov/prop65/prop65_list/files/P65single121908.pdf.

² Available at <http://cfpub.epa.gov/ncea/iris/index.cfm>.

Furthermore, DDE is believed to be a neuro- and endocrine toxicant.³ Though DDE itself was never used or applied, its presence is the result of the breakdown of DDT, which was probably used as an insecticide in timber operations prior to being banned in 1972.

The Mad River's beneficial uses are extensive – containing almost every use that can be established for a waterbody⁴, and all of these beneficial uses are negatively impacted by the DDE found in the River.

Both DDT and DDE bind strongly to soil and organic particles, though they can also be found in vapor form. DDE is known to bioaccumulate in the fatty tissues and organs of species exposed to them, creating a concern not only for human health but also for the health of wildlife that has been exposed to it in the Mad River and the Mad River watershed. Of particular concern are the impacts to salmonids, both hatchery and wild, which are listed as threatened under the Federal Endangered Species Act. Just upstream of the sampling location is the Mad River Fish Hatchery which raises and releases salmonids into the Mad River.

Humboldt Baykeeper would like to encourage Regional Water Board Staff to make the TMDL preparation for this pollutant/waterbody combination one of its top priorities in the TMDL process. As noted above the Mad River is the primary source of drinking water for the Humboldt Bay community, with its waters being provided to seven municipalities.⁵ It is imperative that these communities be provided with a clean and safe supply of drinking waters and the expense of further treatment not be unnecessarily borne by end users of this resource.

Humboldt Bay Dioxin Listing

Humboldt Baykeeper strongly supports staff's recommendation to maintain Humboldt Bay's listing status as Impaired for dioxins and furans. As recognized by the staff report prepared for this listing determination, the weight of the evidence overwhelmingly supports the continuation of this listing. Both Human and ecological health continue to be negatively impacted by this exceptionally harmful developmental and reproductive toxicant.

As a result of this listing a representative group of concerned stakeholders from industry, agencies, and environmental organizations has been formed to discuss and address this issue. Should the waterbody/pollutant combination be considered for delisting it is likely that cooperative efforts would be eliminated, further frustrating and delaying restoration of this waterbody to a productive and healthful level.

³ Available at <http://www.epa.gov/ttn/atw/hlthef/dde.html>.

⁴ See Water Quality Control Plan for the North Coast Region at 2-8.00, available at http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/basin_plan.shtml.

⁵ See <http://www.hbmwd.com/home>.

In addition to the listings above, Humboldt Baykeeper further supports the continued Listings of our local beaches as impaired by indicator bacteria as well as the Listings on the Klamath River for impairment by Cyanobacteria hepatotoxic microcystins. Humboldt County beaches are used extensively by surfers, families with young children, and other visitors and residents of our area. Humboldt Baykeeper believes it is necessary to identify the sources of these bacteria and eliminate their discharge into our local waterways. Cyanobacteria is a dangerous toxicant that severely impairs the many beneficial uses of the Klamath River system.

Thank you for your consideration of our comments. We look forward to the data solicitation period for the 2010 §303(d) update cycle.

_____/s/_____
Michelle D. Smith
Staff Attorney, Humboldt Baykeeper

Cc: Pete Nichols, Director, Humboldt Baykeeper