

652

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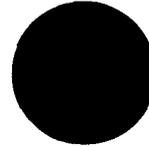
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303 (d) Deadline: 1/31/06

SAN DIEGO PORT TENANTS ASSOCIATION

January 23, 2006



Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Proposed 303(d) Listing of Entire San Diego Bay for Polychlorinated Biphenyls (PCBs)

Dear Board Staff:

The San Diego Port Tenant's Association respectfully objects to the staff proposal that would add the entire San Diego Bay to the federal Clean Water Act Section 303(d) list for PCBs. The Port Tenant Association requests that this proposed addition to the list be deleted for the following reasons:

1. The "screening level" used to justify the listing is not an appropriate basis to show an impairment.

The listing of San Diego Bay for PCBs is based on exceedances of a "screening level" of 20 ppb. This "screening level" does not come from any government adopted regulations, standard, guideline or advisory. Rather, it comes from a study performed in 1999 by two Office of Environmental Health Hazard Assessment (OEHHA) scientists. The study was summarized in a final report entitled "Prevalence of Selected Target Chemical Contaminants in Sport Fish from Two California Lakes: Public Health Designed Screening Study." The "screening values" calculated by the staff scientists were designed merely as guides to identify when more sampling may be appropriate. It is not defensible to base a finding of impairment on exceedances of these "screening values."

2. The line of evidence used to support the proposed listing is extremely limited and does not constitute the "weight of the evidence."

The single line of evidence used to justify the listing for the entire San Diego Bay suffers from several obvious deficiencies: (1) the small number of

Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
January 23, 2006
Page 2

samples, (2) the small number of stations, (3) the fact that the stations appear to relative to the entire Bay, (5) the age of the data, and (6) the fact that the data only relates to fish tissue, rather than sediment or water column quality. These deficiencies, coupled with the readily available evidence of low sediment levels of PCBs in the Bay, lead to the conclusion that the "weight-of-the-evidence" approach has not been satisfied.

3. All readily available evidence was not utilized.

The San Diego Regional Water Quality Control Board has collected a considerable body of evidence regarding PCB levels in San Diego Bay sediments. The Regional Board has derived sediment chemistry levels for use in evaluating the feasibility of shoreline cleanups to background sediment conditions from a pool of San Diego Bay reference stations. This pool of reference stations was sampled during three independent sediment quality investigations: (1) Southern California Right 1998 Regional Monitoring Program, (2) 2001 Mouth of Chollas Creek and Mouth of Poleta Creek TMDL studies, and (3) 2001 NASSCO and Southwest Marine Sediment Investigation. Eighteen stations within San Diego Bay made up the Baseline Pool. Analysis of the data from this sampling pool shows background levels for PCBs averaging 84 ug/kg. This level is dramatically below the PCB sediment guideline values in the State Water Board's Listing Guidelines, which range from 400-676 ug/kg. Thus, major portions of San Diego Bay have dramatically lower levels of PCBs in sediments than the guideline values of the Listing Policy. Based on this evidence, the listing is inappropriate.

4. The State Water Board's development of Sediment Quality Objectives is a more appropriate approach to sediment issues for entire water bodies, such as the San Diego Bay.

The State Water Board is required by statute to adopt Sediment Quality Objectives as part of a comprehensive program to protect existing and future beneficial water uses within California's enclosed bays and estuaries. These objectives must be adopted by February 28, 2007. Given this statewide effort, a decision to list an entire water body for a sediment water quality problem is premature.

For the above reasons, the San Diego Port Tenant's Association respectfully requests the removal of the proposed listing of San Diego Bay for PCBs from the new 303(d) list.

Very truly yours,



Sharon Bernie-Cloward
Executive Director