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CITY OF HUNTINGTON BEACH

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Robert F. Beardsley, P.E.
Director

Department of Public Works
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January 30, 2006

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



Dear Ms. Potter:

RE: 2006 Proposed Revisions to the Clean Water Act (CWA) Section 303(d) List

The City of Huntington Beach is pleased to submit comments on the 2006 Proposed Revisions to the CWA Section 303(d) list. We would like to commend the State Board for the efforts taken to date to address the State's impaired waterbodies. In addition, we appreciate the improvements in this year's listing process through the implementation of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List.

City Council Members, staff, and residents, are concerned and dedicated to improving water quality throughout the region and believe the 303(d) listing process is a critical step in the process. As such, it is imperative that listings be carefully considered and supported since they will have a great impact on future investments and efforts.

The City has coordinated a review of the 2006 proposed revision with the County of Orange, Resources and Development Management Department, which has resulted in identified misapplications of the listing policy. As such, the City fully supports all comments provided by the County of Orange, submitted under separate cover. We would like to highlight our concerns with the following:

Limited Data: Several listings in Orange County are based on a very limited number of samples taken from only one sampling location. The Listing Policy states "Samples should be representative of the water body segment. To the extent possible, samples should represent statistically or in a consistent targeted manner the segment of the water body." Samples taken from only one sampling location are not representative of the water body segment and should not be the sole basis for placement on the 303(d) list.

Lack of Designated Beneficial Uses: The listing of water bodies for non-attainment of beneficial uses that are not listed in the Basin Plan is inappropriate. In the current

proposed listing, Commercial and Sport Fishing is listed as a beneficial use for Santa Ana Delhi Channel. Currently, no beneficial uses are listed in the Basin Plan for this water body. Additionally, the proposed uses listed in the Region 8 Triennial Review work plan include REC-1, REC-2, WILD and WARM, not Commercial and Sport Fishing. In previous listing cycles, water bodies that are not assigned beneficial uses in the Basin Plan were not placed on the 303(d) List. The listing of water bodies without assigned beneficial uses is contrary to previous actions by the State Board to such draft listings.

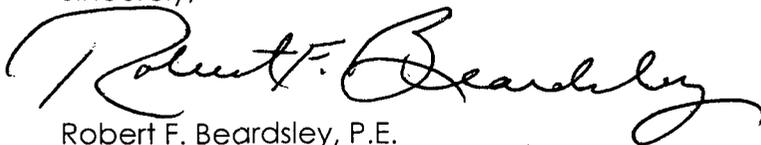
Fish Tissue Data: We believe the use of the OEHHA screening values from the 1999 paper "Prevalence of Selected Target Chemical Contaminants in Sport Fish from Two California Lakes: Public Health Designed Screening Study" by Brodberg and Pollock is inappropriate. The paper states: "The Screening Values are not intended as levels at which consumption advisories should be issued but are useful as a guide to identify fish species and chemicals from a limited data set, such as this one, for which more intensive sampling, analysis or health evaluation are to be recommended." Additionally, the screening values were calculated specifically for the California Lakes Study and were not intended to be used to determine beneficial use impairment in other lakes or other water bodies throughout the state.

We also question the application of the National Academy of Science Guideline as an evaluation guideline for protection of aquatic life. The guidelines were published in 1973 and are based on data collected in the 1960s. Comparing the guidelines to more recent evaluations of concentrations of chemicals in aquatic organism tissue and their apparent effects on aquatic life by the US Army Corps of Engineers and the US EPA, show wide discrepancies between the guideline values and more recent information. We do not consider 40-year-old guidelines as reliable values for evaluating the potential impacts of chemicals on aquatic life. We support the County's recommendation to identify alternative, more applicable sources.

Lastly, we consider that fish tissue data alone should not be used for listing without corresponding water column and/or sediment data confirming the presence of the contaminant in question. Due to the wandering nature of most fish, including sport fish, the presence of contaminants in fish tissue caught at a particular location does not necessarily indicate that the exposure to the contaminant occurred at that location.

Thank you for the opportunity to provide comments on the 2006 proposed revisions to the California Clean Water Act Section 303(d) List. Please contact Geraldine Lucas at (714) 375-8494 if you have any questions regarding these comments.

Sincerely,



Robert F. Beardsley, P.E.
Director of Public Works

cc: David Webb, Deputy Director of Public Works
Geraldine Lucas, Environmental Engineer