



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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April 18, 2014

GENERAL MANAGER

CAROL RISCHE

Katharine Carter
Northcoast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Via email: Katharine.Carter@waterboards.ca.gov

Re: Public Review Draft 2012 Integrated Report comments

Dear Ms. Carter,

The purpose of this letter is to provide comments on the draft "Staff Report for the 2012 Integrated Report for the 305(b) Water Quality Assessment and the 303(d) List of Impaired Waters."

I would like to acknowledge staff for responding to several questions we had regarding the proposed listing. The response was very timely and much appreciated.

Introduction

The Humboldt Bay Municipal Water District is a regional water supplier that provides drinking water on a wholesale basis to seven Municipal agencies in Humboldt County - the cities of Arcata, Blue Lake and Eureka, and Fieldbrook-Glendale, Humboldt, Manila and McKinleyville Community Services Districts. We serve approximately 88,000 people, approximately two-thirds of Humboldt County's population. Until recently, the District also supplied untreated water to two large industrial customers located on the Samoa Peninsula.

The District's source of supply is Ruth Lake and the Mad River. Ruth Lake is located in the upper watershed in southern Trinity County.

As a Public Water System we are responsible for providing safe drinking water in accordance with numerous federal and state drinking water standards and programs. We have a great interest in water quality and the protection of public health.

Comments on Draft Report

We have three comments on the draft report – two of a specific nature given the proposed 303(d) listings on the Mad River and one of a general nature.

- 1) We recommend that Aluminum not be listed on the Mad River. We also recommend the State Water Resources Control Board (SWRCB) revisit the basis upon which a water body is proposed to be listed for Aluminum.

Pursuant to the Safe Drinking Water Act, the United States Environmental Protection Agency (USEPA) is responsible for establishing drinking water regulatory standards and programs to protect public health. USEPA establishes *primary* drinking water standards for microbiological, chemical and radioactive contaminants that may be found in drinking water and may pose adverse health effects. The *primary* standard, called the Maximum Contaminant Level (MCL), is the maximum allowable concentration of the contaminant in drinking water. States are delegated the responsibility for operation and regulatory oversight of the federal drinking water program. States must establish *primary* drinking water standards that are as stringent as those established by USEPA. In California, the Department of Public Health (CDPH) has adopted the USEPA *primary* standards, and for some contaminants, has established more stringent requirements.

USEPA and CDPH also establish *secondary* drinking water standards for certain contaminants which do not pose a health threat, but affect the taste, odor, or appearance of water. Secondary standards establish recommended MCLs, but they are not enforceable regulatory standards.

Aluminum is proposed to be listed on the Mad River. A total of 33 samples were taken. NCRWQCB staff originally determined that four of the 33 exceeded the pollutant threshold. They later revised their determination that 12 exceeded the pollutant threshold. We consulted with staff to understand the basis for the listing. We received the following response:

“We do not know the source of the Aluminum, but we know it is very abundant in the earth's crust and could likely be naturally occurring. We are listing many more water bodies for Aluminum as the State Water Board has recently directed us to compare data to the secondary MCL (we used to use the less stringent primary MCL) which is a very low value. Secondary MCLs are not health threatening but may cause water to be colored or smell bad. Secondary MCLs are generally meant to be applied to treated drinking water; however the State Water Board applies it to surface waters to be very protective of beneficial uses, such as municipal drinking water supply.”

The SWRCB does not have regulatory jurisdiction over drinking water, yet they are using a drinking water standard as the basis for determining whether a surface water body is polluted. Furthermore, they are using the secondary MCL as the threshold, which is a concentration that USEPA and CDPH have determined does *not* pose a threat to public

health. Even the Public Health Goal (another health standard for drinking water) is 0.6 mg/L for Aluminum which is above the threshold established by the SWRCB.

The District has tested for Aluminum in its drinking water. All results were not only below the primary drinking water MCL of 1.0 mg/L, but also below the secondary MCL of 0.2 mg/L. The District has also conducted tests of the Mad River surface water at our point of diversion. All but two were below the secondary standard of 0.2 mg/L.

We are concerned about public confusion and unwarranted concern about the quality of the drinking water given the proposed listing, especially since the SWRCB is basing its determination on drinking water standards. Once again, we recommend that the Mad River not be listed as impaired for Aluminum and the basis for listing be revisited.

- 2) We recommend that the Regional Boards and SWRCB reconsider whether there really is sufficient evidence to warrant a listing for Mercury at Ruth Lake and other water bodies. We understand the sole basis for the listings are results of a screening survey conducted by the SWRCB in 2007 and 2008 of contaminants in sport fish in California lakes and reservoirs. The basis for listing is described in the draft 2012 Integrated Report as follows:

“Based on the readily available data and information, the *weight of evidence* indicated there is sufficient justification in favor of placing this water segment-pollutant combination on the section 303(d) list..” and “Two of four samples exceed the evaluation guideline and this exceeds the allowable frequency...”

So for the Mad River (at Ruth Lake), the *weight of evidence* is based on a sample population of only four, with two positive results. This is an incredibly small and time-limited sample population.

We believe additional monitoring and testing is warranted to justify the listing. If the SWRCB in fact lists Ruth Lake and other lakes and reservoirs as impaired for Mercury, we request that SWRCB (or appropriate agency) initiate a broad public education campaign as to what the listing means for public health and sports fishing interests.

- 3) The Listing and Delisting Methodology (Section 3.4.2) states that “staff recommended a water body/pollutant be listed as impaired for the first time or remain listed as impaired if any one the following statements was found to be true.” Conversely to delist, none of the seven statements can be “true”. The seven statements were then included.

In our opinion, determining whether each statement is true or not true would be very difficult, if not impossible, to determine conclusively. This approach appears to be inherently biased toward a listing determination (versus not listing).

The draft 2012 Integrated Report states that based on guidance from USEPA (1997) TMDL schedules should be expeditious and normally extend from eight to thirteen years in length. The District participated in the TMDL process for the turbidity and sediment listings on the Mad River. It was time consuming and costly, and unless we are

mistaken, the regulatory process is yet to be concluded. We bring this up to note that each pollutant added to the 303(d) list will trigger a costly, time consuming process. We very much support and advocate for water quality – both surface water and drinking water and we understand the statutory basis for the TMDL regulatory program. However, we believe the basis upon which listing decisions are made should be revisited and that the resource-side of the equation be appropriately factored in.

We appreciate the opportunity to provide comments.

Sincerely,



Carol Rische
General Manager

cc: HBMWD Municipal Customers
Steve Canale, Ruth Lake CSD
Association of California Water Agencies (regulatory staff)