



October 6, 2011

State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-0100

Via email: commentletters@waterboards.ca.gov

Re: Exception to the California Ocean Plan for the Humboldt State University
Telonicher Marine Laboratory Discharge into the Trinidad Head Area of Special
Biological Significance

Board members:

On behalf of the Board and Staff of Humboldt Baykeeper, the following comments are submitted regarding the Exception to the California Ocean Plan for the Humboldt State University Telonicher Marine Laboratory Discharge into the Trinidad Head Area of Special Biological Significance (“TML ASBS Exception”). Humboldt Baykeeper works to safeguard our coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay Community through education, scientific research, and enforcement of laws to fight pollution. We thank you for this opportunity to provide comments regarding the Initial Study and proposed Exception to the ASBS Discharge Prohibition.

Humboldt Baykeeper supports the work that is conducted by the Telonicher Marine Lab (“TML”) to provide students and research faculty at Humboldt State University with facilities to expand their education into marine biology and marine resources, as well as their availability to the general public and local schools to experience the marine environment.

Humboldt Baykeeper is concerned, however, with the proposed Exception to the Ocean Plan’s prohibition on discharges to Areas of Special Biological Significance (“ASBS”)

for the TML. Humboldt Baykeeper has reviewed the Initial Study that was prepared for this project, and does not believe that sufficient information is provided to justify granting the TML ASBS Exception without the inclusion of additional provisions for the identification and elimination of the sources of constituents that are found both within the TML discharges and within the waters of Trinidad Bay, within the Trinidad Head ASBS.

Humboldt Baykeeper is concerned that the State Water Board will be making a decision based upon only one sampling event. The results of the single sampling event showed conflicting results regarding one major constituent of concern, hexavalent chromium, yet no work has been conducted to resolve the conflict nor to identify the actual source of the discharge, if it is not being discharged from the TML. The Initial Study states “there is a significant discrepancy in the analytical data, with hexavalent chromium concentrations greater than the low total chromium concentrations in the waste seawater effluent (0.24 ug/l in both replicates), casting some doubt onto the validity of the measurements.” Initial Study at 46. Despite this, there is no requirement within the mitigation measures to conduct sampling required to eliminate the doubt that was created with the sampling that was conducted.

We are additionally concerned with the elevated levels of cadmium, copper, and zinc in the stormwater discharge samples from the TML. All of the samples that were analyzed for these constituents found levels that exceeded the Ocean Plan 6-month median in varying degrees. Cadmium was found at 3.3 and 3.5 ug/l respectively in the duplicate samples, this concentration is more than three times the Ocean Plan limits. Initial Study at 56. Copper was found at 29.8 and 30.9 ug/l, approximately ten times the Ocean Plan’s limit of 3 ug/l. Initial Study at 56. Zinc was found at 41.8 and 42.2 ug/l, more than double the Ocean Plan limit of 20 ug/l. Initial Study at 56. These concentration levels are found in discharges that originate in the TML stormwater discharge. No actual evidence is provided within the TML ASBS Exception that they originate from any source other than the TML.

In addition to the elevated levels of metals found above, there were also elevated levels of PAHs found in the TML stormwater discharges. Total PAHs were found at 43.1 ng/l, exceeding the Ocean Plans 30-day average limit of 8.8 ng/l.

The mitigation measures in the Initial Study additionally provide an inconsistency in their requirements for waste seawater effluent sampling, requiring sampling of a reference site at the same time as the sampling of waste seawater is conducted. The Initial Study requires the waste seawater to be tested once annually, and then states that the reference

site must be sampled twice annually. See, e.g. Initial Study at page 53. This sampling requirement must be clarified.

The mitigation measures that are included in the Initial Study are not sufficient to meet the requirements of the Ocean Plan and need to be adapted to ensure that water quality within the Trinidad Head ASBS improves. The measures included are good first steps, but the actual source of the constituents being discharged from the TML and being found within Trinidad Bay must be identified. Humboldt Baykeeper believes that a comprehensive sampling regime must be initiated to protect and restore water quality within the Trinidad Bay ASBS. This must be a comprehensive effort including the TML, the City of Trinidad and the Trinidad Rancheria, as well as other possible sources of contaminant discharges to Trinidad Bay.

Thank you for your consideration of our comments.

/s/ _____
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