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- City of Cloverdale
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- City of Santa Rosa
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- County of Sonoma
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- Mendocino County Inland Water and Power Commission
- Sonoma County Water Agency
- Town of Windsor

DAVE RICHARDSON
Executive Director

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December 19, 2005

Tam Doduc, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Subject: 2006 303(d) List Recommendations for the North Coast Region

Dear Ms. Doduc:

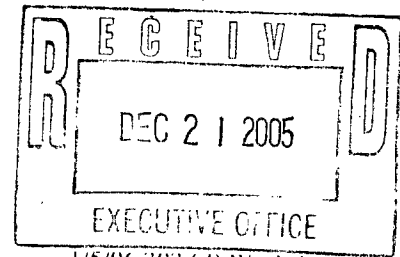
This letter summarizes concerns of the Russian River Watershed Association (hereafter "RRWA") with regard to the current proposal of the State Water Resources Control Board, set forth in "Staff Report - Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments," September 2005 (Vol. I) (hereafter, "State Board Staff Recommendations"), for specific water segments within the North Coast Regional Board's jurisdiction.

The RRWA is a group of cities and other public agencies working together cooperatively to coordinate regional programs for clean water, fisheries restoration, and watershed enhancement. RRWA participants are developing projects to improve the watershed and to help local governments meet requirements for clean water and other needs collectively at reduced cost.

The RRWA has three points of disagreement with the State Board Staff Recommendations and one request for clarification as follows:

- Placing Santa Rosa Creek on the 2006 303(d) list for specific conductance
- Placing the Russian River Guerneville HSA on the 2006 303(d) list for pH
- Placing the Laguna de Santa Rosa on the 2006 303(d) list for mercury
- Clarification of terminology for which water segments are recommended for listing

While the RRWA considered all of the recommended changes to the 303(d) listing, the points listed above represent the common issues of interest held by all of RRWA's eleven member agencies. It should be noted that RRWA member agencies may have their own perspectives related to other 303(d) list recommendations that are not provided here.



1/5/06 303 (d) Workshop
Email: BD, CC, TH, ML, BJ,
SP

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SANTA ROSA CREEK – SPECIFIC CONDUCTANCE LISTING RECOMMENDATION

The SWRCB's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) states

“Waters shall be placed in this category of the section 303(d) list if it is determined, in accordance with the California Listing Factors, that the water quality standard is not attained; the standard's nonattainment is due to toxicity, a pollutant, or pollutants; and remediation of the standards attainment problem requires one or more TMDLs.”

The listing for Santa Rosa Creek for specific conductance (conductivity) was based on exceedances of Basin Plan objectives for conductivity (SWRCB Fact Sheet Supporting Revision to the Section 303(d) List Region 1 (hereafter “Fact Sheet”). However, the only Basin Plan conductivity objectives for the Russian River HU are for the upper and lower mainstem Russian River. The objective applied to Santa Rosa Creek is that for the upper Russian River. The footnote for this objective in the Basin Plan states “Russian River (upstream) refers to the mainstem river upstream of its confluence with Laguna de Santa Rosa.” Santa Rosa Creek is not a tributary to the water to which the objective applies (see Basin Plan Table 3.1) and no impairment as a result of conductivity has been established. Thus, using this objective as a basis for including Santa Rosa Creek on the 303(d) list for conductivity is inconsistent with the Listing Policy and inappropriate.

RUSSIAN RIVER – GUERNEVILLE HSA pH LISTING RECOMMENDATION

Table 6 of the State Board Staff Recommendations lists Russian River HU, Lower Russian River HA, Guerneville HSA as recommended for listing for pH. According to the Fact Sheet, the data set upon which the draft listing was based was collected entirely in Pocket Canyon Creek. Although the Fact Sheet states “This listing should be focused on Pocket Canyon Creek because sampling was limited to Pocket Creek, a tributary to the lower Russian River within the greater Guerneville HSA.” However, the listing is for the entire Guerneville HSA. The State Board Staff Recommendations and Fact Sheet provide no evidence that other water bodies in the Guerneville HSA (including the Russian River) are pH-impaired. Therefore, only Pocket Canyon Creek should be listed for pH, not the entire Guerneville HSA.

LAGUNA DE SANTA ROSA MERCURY LISTING RECOMMENDATION

The State Board Staff Recommendations for listing the Laguna de Santa Rosa (Laguna) is based on screening values, developed by Brodberg and Pollock (1999), which are inappropriate for determining listing. Brodberg and Pollock (1999) states “The Screening Value (SV) approach is recommended by USEPA (1995) to identify chemical contaminants in fish tissue at concentrations which may be of human health concern for frequent consumers of sport fish. The SVs 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.” Thus, the authors are stating that the screening values are only intended for determining when more study is needed.

The Brodberg and Pollock (1999) paper also includes USEPA screening values. According to Brodberg and Pollock (1999), the USEPA screening value for mercury is 0.6 ppm which is double the Brodberg and Pollock report-specific screening value of 0.3 ppm. One value in the Laguna exceeds the USEPA screening value. This one exceedance does not meet the Listing Policy minimum number of measured exceedances needed to place a water segment on the section 303(d) list, and the Laguna should therefore not be listed as impaired for mercury.

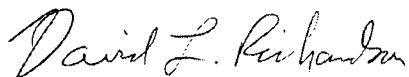
It should be noted that while the RRWA does not support a Laguna mercury listing, mercury pollution prevention within the overall Russian River watershed area is considered a high priority. As such, the RRWA is embarking on a multiple year Mercury Pollution Prevention Program. This program will be a collaborative effort implementing a variety of projects addressing potential sources of mercury such as disposal of consumer products and dental offices processing amalgam fillings and discharging to the sanitary sewer.

CLARIFICATION OF TERMINOLOGY

For Region 1 only, the State Board Staff Recommendations and the Fact Sheets state the HU, HA, and HSA (as appropriate) for each individual water body. For example, the temperature listing for the Pudding Creek has Mendocino Coast HU, Noyo River HA, and Pudding Creek under Water Segment in Table 6 of the State Board Staff Recommendations. For other regions, only the specific water body is listed. This leads to two possible interpretations for Region 1 recommendations – either only the specific water body is recommended for listing or the water body and its, HA and HU are recommended for listing. In the Pudding Creek example given above, it is not clear whether only Pudding Creek is recommended for listing or the Noyo River HA is recommended for listing or the entire Mendocino Coast HU is recommended for listing. Please revise the State Board Staff Recommendations and Fact Sheets to clarify and be consistent with other Region recommendations.

Thank you for your consideration of our comments.

Sincerely,



David L. Richardson
Executive Director

cc: RRWA Board members
Catherine Kuhlman, NCRWQCB