

January 5, 2006

Mr. Craig J. Wilson, Chief  
Water Quality Assessment Unit  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Subject: Comments on the *Revision to Federal Clean Water Act Section 303(d) List of Water Quality Limited Segments for California***

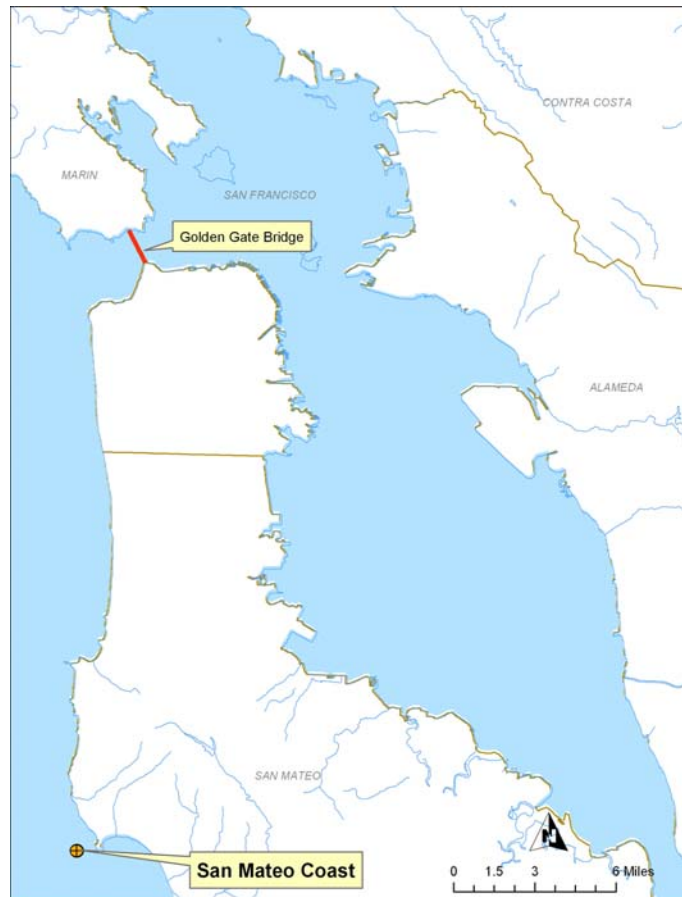
Dear Mr. Wilson:

The North San Mateo County Sanitation District (NSMCSD) appreciates the opportunity to provide comments on the draft *Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments*, released in September 2005. NSMCSD has reviewed the state's proposed revisions and has a concern that the proposed mercury listing for the San Mateo Coast is not supported by the data cited by the State Water Resources Control Board (State Board).

The 2006 303(d) list proposes to list the entire San Mateo Coastline for mercury due to exceedances of the Office of Environmental Health Hazard Assessment (OEHHA) Screening Value of 0.3 µg/g in three out of five samples analyzed. All five samples were collected by the Coastal Fish Contaminant Project in May 2000 (Table 1) at one station named "San Mateo Coast" (lat 37°29.42, long 122°30.44, Figure 1). This station is approximately 0.7 miles offshore and 25 miles south of the Golden Gate.

**Table 1. Data Considered for Proposed Mercury Listing on San Mateo Coast**

Species Common Name	Collection Date	Hg Concentration (µg/g)	Exceeds OEHHA Level?
Black Rockfish	5/9/00	0.0637	No
Rosethorn Rockfish	5/9/00	0.3010	Yes
Spotfin Surfperch	5/22/00	0.0382	No
Brown Rockfish	5/23/00	0.5180	Yes
Lingcod	5/23/00	0.3340	Yes



**Figure 1. Location of San Mateo Coast Monitoring Station**

Based on our review, it appears that the data used does not meet the Data Quantity Assessment standards contained in Section 6.1.5 of the *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List*, adopted September 2004 (Policy). More specifically, Section 6.1.5.3 of the Policy states:

“Samples should be representative of the critical timing that the pollutant is expected to impact the water body. Samples used in the assessment must be temporally independent. If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.”

In addition, the Policy states, “... samples should be available from two or more seasons or from two or more events when effects or water quality objective exceedances would be expected to be clearly manifested.” (Policy, Section 6.1.5.3, page 23.) Finally, the Functional Equivalent

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Document<sup>1</sup> for the Policy indicates that small sample populations can be used as long as the samples are spatially and temporally representative. In other words, data that is not temporally representative should not be used as the primary data set to support listing decisions, and when the data set is small it is even more important that the data be temporally representative.

As shown in Table 1, the data used to propose listing of the San Mateo Coast for mercury does not meet the temporal representation guidelines contained in the Policy. The samples used were all collected in May 2000 at one site, all within 2 weeks of one another. This clearly does not follow the temporal representation guidelines discussed above, nor does it appear to be spatially representative of ocean waters along the San Mateo Coast. Furthermore, there are only 5 samples, which is clearly a small sample size and therefore in need of temporal representation.

In addition, there is other evidence that suggests the listing may not be appropriate for the San Mateo Coast. Other studies have shown that surfperch, lingcod and rockfish travel to estuaries in the spring to bear young and again in the summer to feed (adapted from Salmon and Trout in Estuaries: <http://www.harborside.com/~ssnerr/EMI%20papers/salmon.htm>). This movement could indicate that these species are spending extended periods of time in nearby San Francisco Bay, which is currently listed for mercury. These travel patterns make it difficult to indicate whether it is the influence of San Francisco Bay that is being measured in the five samples, or whether the San Mateo Coast is indeed impaired.

Based on the lack of temporal representation and the lack of any additional evidence that there is impairment, we respectfully request that the San Mateo Coast not be listed at this time for mercury, as there is not adequate information to assess whether water quality standards are being met or beneficial uses are impaired.

Sincerely,

Cynthia J. Royer  
Manager of Technical Services

L06-005

cc: Dyan White, Region 2 Water Board, San Francisco Bay

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<sup>1</sup> Final Functional Equivalent Document: Water Quality Control Policy for Developing California Clean Water Act Section 303(d) List. July 2004.