



**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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Arnold
Schwarzenegger
Governor

May 27, 2010

Jeanine Townsend
State Water Resources Control Board
1001 I street
Sacramento, CA 95814

Dear Ms. Townsend:

Subject: Comments from the North Coast Regional Water Quality Control Board (Region 1) on the Proposed 2010 Integrated Report.

File: WATERBODY LISTING & ASSESSMENT: Integrated Report, 303(d) List and 305(b) Report: 2010 Update.

North Coast Regional Water Quality Control Board staff have reviewed the Staff Report and Attachments for the 2010 Integrated Report, Clean Water Act Sections 303(d) and 305(b) developed by the State Water Resources Control Board and have the following comment:

Decision #4228 for the "Lower Eel River HA (includes the Eel River Delta)" for "Temperature, Water" needs to be edited so that the "Status" reflects that it is "being addressed by a USEPA approved TMDL". The TMDL was approved by USEPA in 2007, as stated in the decision. This change to the decision would result in the change of this waterbody/pollutant pair from category 5A to category 5B.

For your reference, the changes suggested above have been made in track changes on to a copy of the decision and attached to this letter. The change will need to be made in the CALWQA database and in the State Board's 2010 Integrated Report and the appropriate Attachments.

Sincerely,

Catherine Kuhlman
Executive Officer

Enclosure: Decision #4228 with the requested edits in track changes.

California Environmental Protection Agency

Decision Quick Report

Board Name: Regional Board 1 - North Coast Region Listing Cycle: 2008
 Water Body Name: Eel River HU, Lower Eel River HA (includes the Eel River Delta)
 Water Body ID: CAR1111103219980709182643

Decision ID	4228
Decision was last updated on	03/03/2010
Parent Decision ID	3192
Last Listing Cycle's Final Listing Decision	List on 303(d) list (TMDL required list)(2006)
Status	Do Not Delist from 303(d) list (TMDL required list) (being addressed by a USEPA approved TMDL)
Decision Revision Name	Revised
Year Pollutant First Listed	1996
Pollutant(s)	Temperature, water
Source(s)	Nonpoint Source Removal of Riparian Vegetation
TMDL Code	
TMDL Name	
Expected TMDL Completion Date	2007
EPA TMDL Approval Date	<u>2007</u>
Expected Attainment Date	
De-List Reason	
Impairment Due to a Pollutant (Y/N)	Y
Waters are Threatened (Y/N)	N
Assessment Data with Poor QA (Y/N)	N
Assessment Based on Insufficient Samples (Y/N)	N
Relationships to this Decision	This pollutant is being considered for removal from the Section 303(d) List under Section 4.2 of the Listing Policy. Under this section of the Policy, a minimum of one line of evidence is needed to assess listing status. Two lines of evidence are available in the administrative record. Based on the readily available information, the weight of evidence indicates that there is sufficient justification against removing this water segment-pollutant combination from the Water Quality Limited Segments Being Addressed portion of the Section 303(d) List. This conclusion is based on staff findings that: (1) The Lower Eel River Total Maximum Daily Loads for Temperature and Sediment were established by the USEPA on December 18, 2007. (2) Temperature data from McNulty Slough (LOE 5590) were not comparable to the evaluation guideline used to interpret the water quality objective as none of the samples were collected over 7 consecutive days. (3) The data used satisfies the data quality requirements of Section 6.1.4 of the Listing Policy. (4) Pursuant to Section 4.11 of the Listing Policy, no additional data and information are available indicating that standards are attained.
Regional Board Recommendation	After review of the available data and information, North Coast RWQCB staff concludes that the water body-pollutant combination should not be removed from the Section 303(d) List because applicable water quality standards for the pollutant are being exceeded.
State Board Recommendation	After review of this Regional Board decision, SWRCB staff recommend the decision be approved by the State Board.
USEPA Recommendation	
Implementation Action Other than TMDL	
Comments for the 303(d) List	
Approved by the Region (Y/N)	Y
Ready for State Approval (Y/N)	N
Approved by the State (Y/N)	N

Decision Quick Report

Board Name: Regional Board 1 - North Coast Region **Listing Cycle:** 2008
Water Body Name: Eel River HU, Lower Eel River HA (includes the Eel River Delta)
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Associated LOEs

LOE ID	Listing Cycle	Beneficial Use	Pollutant	Matrix	Fraction	# of Exceedances out of # of Samples	Associated Decisions	Use Rating	Include in Final Use Rating?
3661	2006	Cold Freshwater Habitat	Temperature, water	Not Specified	None	0 out of 0	3192 , 4228	Not Supporting	Y
5590	2008	Cold Freshwater Habitat	Temperature, water	Water	None	0 out of 0	4228	Insufficient Information	Y