Ms. Jeannette L. Bashaw
State Water Resources Control Board

Subject : Petition of the NPDES permit adopted by the North Coast Regional Water Quality Control Board for the City of Santa Rosa Subregional Wastewater Treatment Facility (Board Order R1-2013-0001, NPDES No. 1B830990SON)

Date : December 20, 2013

Ms. Bashaw, please accept my petition requesting that the State Water Resources Control Board review and remand the recently adopted permit for the City of Santa Rosa. Specific information on this request, in accordance with the State Board's guidance materials, are as follows:

1. Contact information - John Short
1436 Mark West Springs Road
Santa Rosa, CA 95404
707-486-5907
SRJOHNLS@gmail.com

2. Action being petitioned - adoption of a renewed NPDES/WDR permit for discharges of wastewater from the City of Santa Rosa Subregional wastewater treatment facility. A copy of this adopted permit was forwarded to the SWRCB by Regional Board staff and is currently posted on the Regional Board website.

3. Date of Regional Board action - November 21, 2013

4. Statement of reasons - the adopted permit authorizes the discharge of treated wastewater to the Laguna de Santa Rosa, a water of the United States. The Laguna is listed in accordance with CWA Section 303d as impaired due to various pollutants. One of the impairing pollutants is mercury. The mercury impairment listing was based on unsafe levels of mercury in resident fish species which constitute a violation of Basin Plan narrative water quality objectives for aquatic toxicity. Specifically, the Basin Plan objective states " All waters shall be maintained free of toxic substances that are toxic to, or that produce detrimental physiological responses in human, plant, animal or aquatic life.". The SWRCB has conducted extensive research regarding the processes and impacts related to bioaccumulative toxins, such as mercury, during the amendment process for the statewide Enclosed Bays and Estuaries Plan. Although the laguna is not an enclosed bay or estuary, the basic processes for toxic bioaccumulation is similar. Unfortunately, the permit fails to consider the potential bioaccumulative impact of small concentrations of mercury in wastewater effluent. In addition, the permit fails to consider the role that effluent storage ponds and biostimulatory conditions in the receiving water may have in the creation of bioavailable mercury and its accumulation in sediment, plants and aquatic organisms residing in storage ponds and receiving waters. The

permit fails to implement any biological or sediment monitoring to evaluate the extent of mercury impairment and any accumulation of mercury due to authorized wastewater discharges.

5. How was petitioner aggrieved - I am a long time resident within the Laguna de Santa Rosa watershed and frequently recreate within the watershed. I enjoy contact and non-contact recreation in the Laguna and enjoy fishing and wildlife viewing as well. Continued impacts from the bioaccumulation of mercury will directly affect my ability to enjoy the beneficial uses attributed to this sensitive waterway.

6. Action requested - I respectively request that the SWRCB remand this permit to the regional board to properly evaluate whether the discharge of wastewater authorized by this permit is causing or contributing to violations of water quality standards associated with the bioaccumulation of mercury in sediment and aquatic organisms in the Laguna de Santa Rosa. In addition, staff should evaluate whether low dissolved oxygen and excessive biostimulatory activity in the Laguna de Santa Rosa, due partly to wastewater discharges, are creating conditions that accelerate the bioaccumulation of mercury in sediment and aquatic organisms. Lastly, the permit should include biological and sediment monitoring within the receiving water in order to determine the full extent of mercury impairment and to evaluate impacts due to the effluent discharge.

7. Statement of points - as an interested party during the permit adoption process, I submitted formal comments regarding this issue. The points raised during the comment period were not adequately responded to by staff. Staff only considered limited effluent water data for compliance with numerical mercury limits contained in the California Toxics Rule but did not fully evaluate the basic science associated with toxic bioaccumulation (as evaluated during the process for amending the state plan for enclosed bays and estuaries). A full evaluation of whether effluent discharges (including fine sediment and aquatic organisms in the storage pond effluent) are contributing to the 303d impairment and violations of narrative toxicity objectives is needed to comply with the State Implementation Plan and provisions of the Clean Water Act and California Water Code.

8. Circulation of copies - a copy of this petition has been forwarded to the Regional Board Executive Officer and to a representative of the Discharger.

9. Statement regarding the previous raising of important issues - as stated above, I submitted formal comments on this draft permit during the formal comment period. A clerical error by staff prevented me from receiving Board meeting documents including the response to comments in a timely manner and therefore I was not able to make additional comments at the public hearing.