

ORANGE COUNTY

COASTKEEPER

EDUCATION / ADVOCACY / RESTORATION / ENFORCEMENT

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January 31, 2006

Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I st. 24th Floor
Sacramento Ca, 95814



303 (d) Deadline:
1/31/06

Subject: Orange County Coastkeeper Comments on 2006 revisions to the 303d list

Dear Ms Potter,

Orange County Coastkeeper is submitting the following comments for the State Boards current revision process for the Clean Water Act section 303(d) list of water quality limited segments for California.

1. The decision was made by the State Board to use the Effects Range Medium (ERM) developed by Long et.al. as the standard for determining exceedences for metals statewide. In our opinion the ERM levels do not provide a sufficient level of protection to marine life. The levels outlined by Long to create the ERM were not intended to be used as a standard to evaluate sediment or water quality. We propose that the standards used to determine water and sediment quality be created specifically for that purpose rather than as part of a study with a different focus. If a currently existing set of "standards" are to be used, O.C. Coastkeeper suggests the Threshold Effects Level (TEL) developed by Mc Donald et.al. as the preferred set or at a minimum the Effects Range Low (ERL) developed by Long et.al. By using these lower standards to evaluate sediment and water quality for metals, the state will provide better protection for humans and wildlife form the bioaccumulative effects of toxic metals.
2. The decision to not list Anaheim Bay for Antimony, Arsenic, Cadmium, Chromium, (total), Copper, Lead, Mercury, Silver, and Zinc should be reconsidered in light of the comments made in section one of this letter. It is imperative that metals levels in sediment and water occur at levels low enough to protect humans and wildlife for the effects of bioaccumulation.

3. The fact sheet supporting the do not list recommendation for Toxicity in Anaheim Bay states that 36% of the total samples collected exceeded the minimum significant difference test and 51% of the wet weather samples exceeded the minimum significant difference test. We do not see this as evidence that beneficial uses are not being impaired. On the contrary, with 51% of the wet weather tests exhibiting toxicity this data should be used to support listing Anaheim Bay for Toxicity. It is unacceptable to have over half the bay exhibiting toxic effects during wet weather.
4. Huntington Harbour should be considered for listing due to sedimentation. There is ample evidence of excessive sedimentation from flood control channels and stormdrains in the harbor. This sedimentation is having an adverse effect on many of the beneficial uses in the harbor.

Sincerely,

Ray Hiemstra
Associate Director-Projects
Orange County Coastkeeper