



303 (d) Deadline:
1/31/06

January 26, 2006

State Water Resources Control Board
Executive Office
Attention: Selica Potter, Acting Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: State Water Resources Control Board Draft 2006 303(d) List

Dear Ms. Potter:

Bell-Carter Olive Company, Inc. (Bell-Carter) appreciates the opportunity to comment on the proposed changes to the State Water Resources Control Board Draft 2006 303(d) List and respectively submits the following comments.

Bell-Carter disagrees with the staff recommendation to list the Sacramento River from Red Bluff to Knights Landing as impaired for mercury. Bell-Carter believes that the available data does not support the listing of this stretch of the Sacramento River.

The samples that were used to support the listing were collected at two sites: Arnold Bend near Colusa and one mile upstream of the Colusa Drain outlet at Knights Landing. The Board has previously identified the stretch of the Sacramento River from the Colusa Drain outlet to the Delta as impaired for mercury. The fish samples that demonstrated excessive levels of mercury included largemouth bass and Sacramento pike minnow. Both of these fish species are highly mobile and could easily have traveled from the impaired section of the Sacramento River to the sampling site. As a result, there is no way of knowing the origin of the mercury found in the fish tested at this sample site. Because of the proximity of the sample site to a known impaired stretch of the Sacramento River and the mobility of the fish species tested, Bell-Carter feels that the data collected at this site is not representative of the stretch of the Sacramento River proposed for listing and should not be used in determining the impairment of the river.

Bell-Carter also feels that the data used in making this recommendation violates section 6.1.5.2 of the Listing Policy. The sampling sites are not spatially representative of the entire stretch proposed for listing. One mile upstream of Knights Landing is approximately river mile 91 and the Arnold Bend area is approximately river mile 144. Bell-Carter's Industrial Treatment Facility outfall is located approximately at river mile 218 and Red Bluff is approximately river mile 244. The data used to support this listing does not include any samples taken within 74 miles of Bell-Carter's outfall nor in the northern 100 miles of the stretch of the river proposed for listing. The data's spatial representation of the Sacramento

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Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
January 11, 2006
Page 2

River becomes even more suspect when the concerns outlined above regarding the sampling site located one mile upstream from the Colusa Drain outlet are taken into consideration.

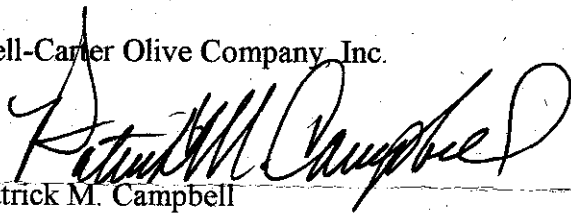
Mercury concentrations in the Sacramento River were analyzed during the 2003 update and 2005 renewal of Bell-Carter's National Pollutant Discharge Elimination System (NPDES) permit. All of the samples collected had concentrations below the California Toxics Rule (CTR) human health criteria. While these samples were river samples and not tissue samples, the human health criteria concentrations for mercury in the CTR are calculated with a bioconcentration factor that is used to account for bioaccumulation in tissue. While no fish samples were analyzed for the permit renewal, Bell-Carter feels that the results of the river sampling provide evidence that the Sacramento River is not impaired for mercury in the vicinity of Bell-Carter's outfall.

Given the reasons outlined above, Bell-Carter respectfully requests that the Board take one of two actions: defer the decision to list the stretch of the Sacramento River from Red Bluff to Knights Landing as impaired for mercury until more data that is spatially representative of this entire river reach can be collected, or restrict the listing to a reach downstream of the Butte City Bridge (approximately river mile 169), which is a section of the Sacramento River that is spatially represented by the data.

We would again like to thank the Board for the opportunity to comment and appreciate your efforts in protecting water quality throughout the State.

Sincerely,

Bell-Carter Olive Company, Inc.



Patrick M. Campbell
Vice President of Operations

Cc: Jud Carter
Emmett Lazaro
Phil Quigley
Steve Henderson