

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, August 14, 2014
Regional Water Board Office
Santa Rosa, California

- ITEM: 5
- SUBJECT: **Public Hearing** to consider adoption of Resolution No. R1-2014-0043 for **Approval of the 303(d) List Portion of the North Coast Region's 2012 Integrated Report** for the Clean Water Act Section 305(b) Assessment of Surface Water Quality and Clean Water Act Section 303(d) List of Water Quality Limited Segments.
- BOARD ACTION: Staff is presenting the 2012 Clean Water Act Section 303(d) List of Impaired Waters for consideration and adoption by the Board in a Public Hearing on Resolution No. R1-2014-0043 to consider whether to affirm, reject, or modify the proposed changes to the Clean Water Act Section 303(d) List of Impaired Waters for the North Coast Region.
- BACKGROUND: The 2012 Integrated Report combines the Clean Water Act (CWA) Section 305(b) Surface Water Quality Assessment and the CWA Section 303(d) List of Impaired Waters into one report.
- The 305(b) Surface Water Quality Assessment is a report on the condition of surface waters in the State. It is an informational report and does not require adoption by the Regional Water Board, State Water Resources Control Board (State Water Board), or U.S. Environmental Protection Agency (USEPA).
- The 303(d) List of Impaired Waters (303(d) List) identifies those surface water bodies for which water quality standards are not attained, or are not expected to be attained, with the implementation of technology-based controls. A water body that does not meet water quality standards is considered "impaired." The 303(d) List identifies those water bodies which are impaired by pollutants.
- States are required to review the 303(d) List every two years, make changes as necessary, and submit it to the USEPA for their consideration and approval. Updates to the 303(d) List include adding (listing) as well as removing (delisting) a water body / pollutant pair from the 303(d) List. A water body / pollutant pair is an association between a water body and a particular pollutant, such as the Eel River for sediment. Placement of a water body on

the 303(d) List generally triggers development of a total maximum daily load (TMDL).

During the current 2012 303(d) List review cycle, Regional Water Board staff evaluated data and information for 991 water body / pollutant pairs. Based on staff's analysis and applying the rules of the *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List* (Listing Policy), staff recommend: delisting 11 water body / pollutant pairs, decreasing the geographic scope of 21 water body / pollutant pair listings, listing 33 new water body / pollutant pairs, and increasing the geographic scope of 1 water body / pollutant pair listing.

Staff developed a fact sheet for every water body / pollutant pair evaluated. A fact sheet includes a decision on whether or not to list, not list, delist, or not delist as impaired, plus at least one line of evidence which describes the details of the data assessment. Tables summarizing staff's recommendations can be found in the Staff Report. All of the fact sheets can be found online at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/

The complete, proposed 2012 303(d) List for the North Coast Region is presented in Table 12 of the Staff Report. Tables 5-9 present the proposed changes from the 2010 303(d) List.

Regional Water Board staff provided advanced notice and opportunity for public comment on the Public Review Draft Staff Report for the 2012 Integrated Report during a 36-day public comment period commencing on March 14, 2014, and ending on April 18, 2014. Additionally, staff held Public Workshops on April 8, 2014, in Santa Rosa, CA and April 9, 2014, in Redding, CA to receive comments on the draft recommendations. Staff responded in writing to all oral and written comments received during the public comment period and revised staff's recommendations for additions, deletions, and changes to the 303(d) List as appropriate. A summary of comments on the Public Review Draft and staff's responses are available in Appendix 4 of the Staff Report.

The Regional Water Board is responsible for approving each proposed addition, deletion, and change to the 303(d) List for the North Coast Region. Following approval by the Regional Water Board, the 303(d) List for the North Coast Region will be transmitted to the State Water Board and USEPA for their consideration and approval.

**SIGNIFICANT
CHANGES:**

Staff made several significant changes to the proposed 2012 303(d) List for the North Coast Region since the Public Review Draft was released. A summary of these changes is provided below with a more detailed explanation in Section 3.7 of the Staff Report.

Mercury in Fish Tissue Assessments: Data for mercury in fish tissue were reassessed using a revised methodology under which each fish tissue composite sample was counted as its own sample instead of the averaging all composite samples collected from a single date and location. This resulted in the recommendation to list two additional water bodies: Spring Lake in Sonoma County and Dead Lake in Del Norte County.

Indicator Bacteria Assessments: State Water Board staff updated assessment methods pertaining to the minimum sample size and number of exceedances for indicator bacteria listing and delisting determinations utilizing a 4% exceedance rate. The new method requires three or more samples to exceed the evaluation guideline in order to recommend listing. As a result, Regional Water Board staff are no longer recommending Bullwinkle Creek be listed for indicator bacteria as there are only two samples for the creek. The other indicator bacteria decisions remain unchanged. Additionally, indicator bacteria data provided by the Humboldt Baykeeper were re-assessed as it was discovered during the public comment period that some of the data were misrepresented as fecal coliform, when they were in fact *E. coli* data. This did not result in changes to listing recommendations for indicator bacteria.

Russian River Indicator Bacteria Assessments: The proposal to delist or decrease the scope of indicator bacteria listings in four water bodies within the Russian River Watershed changed since the release of the Public Review Draft. Staff are now recommending that Russian River indicator bacteria listings remain in place as the most recent information being evaluated for the Russian River Pathogen Indicator Bacteria TMDLs reflect impairment throughout the watershed.

Shasta River Aluminum Assessments: Staff received a request from the Karuk and Yurok Tribes to re-evaluate all aluminum data from the Shasta River watershed against the secondary Maximum Contaminant Level (MCL) for aluminum, which resulted in a recommendation to list the Shasta River for aluminum.

Scott River Re-Segmentation: Public comments reflected concern that the data utilized in the proposed listings for biostimulatory conditions, dissolved oxygen, pH, and aluminum in the mainstem Scott River listing were not representative of the entire mainstem

Scott River. The mainstem Scott River was re-segmented for Integrated Report assessment purposes and the extent of the proposed listings was reduced to apply to the middle mainstem Scott River from Young's Dam to confluence with Boulder Creek.

**PRELIMINARY STAFF
RECOMMENDATION:**

Adopt Resolution No. R1-2014-0043, the 2012 303(d) List for the North Coast Region

**SUPPORTING
DOCUMENTS:**

1. Resolution No. R1-2014-0043
2. The Proposed 2012 303(d) List for the North Coast Region (attached to Resolution No. R1-2014-0043)
3. Staff Report for the 2012 Integrated Report for the Clean Water Act Section 305(b) Surface Water Quality Assessment and the 303(d) List of Impaired Waters
4. Substantive Edits Made to the Staff Report Since the Public Review Draft
5. Summary of Changes in 303(d) Listing and Delisting Recommendations Since the Public Review Draft
6. Public Notice