



BAYKEEPER.

*Defending Our Waters—from the
High Sierra to the Golden Gate*

February 8, 2007

Ms. Tam Doduc, Chair
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812



Sent via electronic mail to commentletters@waterboards.ca.gov.

**Re: Informational Item No. 4: Executive Director's report on the 2006 Section
303(d) Listing of Humboldt Bay for Dioxins**

Dear Chairperson Doduc and Members of the Board:

On behalf of Baykeeper and our San Francisco Bay and Deltakeeper chapters, I am writing to express our support for the State Water Resources Control Board's ("SWRCB") decision to place Humboldt Bay on the 2006 303(d) List of Water Quality Limited Segments for dioxins. This decision represents a step forward in addressing historical contamination in Humboldt Bay and in developing a better understanding of dioxin contamination and its effects on aquatic life and human health.

Dioxins are an incredibly pervasive and bioaccumulative class of chemicals. They are known to cause a host of reproductive and immunological problems in animals and are classified by EPA as likely human carcinogens. They are also a known byproduct of the lumber industry and, as is clearly shown by the data presented to the SWRCB, are present in Humboldt Bay aquatic life at levels exceeding the Office of Environmental Health Hazard Assessment's ("OEHHA") recommended safety levels.

In listing Humboldt Bay for dioxins and in interpreting the North Coast Basin Plan's narrative water quality criteria, SWRCB staff properly relied on the OEHHA dioxin screening value. Section 6.1.3 of the State's listing policy explicitly allows the use of OEHAA screening values as evaluation guidelines for protection from consumption of fish and shellfish. *Water Quality Control Policy for Developing California's Section 303(d) List*, SWRCB Resolution 2004-006, pg. 20 (2004). Furthermore, the screening value for dioxins has previously been used to support a listing decision. In 1998 the U.S. Environmental Protection Agency ("EPA") placed San Francisco Bay on the State's 303(d) list. This decision resulted from a fish consumption advisory issued by OEHAA based on the 0.3 parts per trillion screening value. Thus, not only is the use of the



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screening value consistent with State listing policy, it has been relied upon by EPA and the SWRCB in making previous listing decisions.

In a letter communicating its decision to list the San Francisco Bay for dioxins, EPA emphasized that listing was "intended to focus attention on an urgent human health risk issue and help initiate needed monitoring and assessment activities." Letter from Alexis Strauss, Acting Director, Water Division to Walt Pettit, Executive Director, State Water Resources Control Board (May 12, 1999). Your decision to list Humboldt Bay for dioxins will certainly bring needed attention to a known pollution and likely human health problem. We commend you for taking action on this important issue and look forward to working with you and your staff during the 2008 listing process.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Amy Chastain".

Amy Chastain
Staff Attorney