

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
JULY 6, 2010**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE \$702,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) FOR THE MERCURY LISTING AND CLEANUP TOOL DEVELOPMENT AND DEMONSTRATION CLEANUP PROJECT (PROJECT)

DISCUSSION

The Division of Water Quality (DWQ) is requesting \$702,000 from the CAA for the Project. The Project will develop a tool for evaluating mercury cleanups and identify mercury-impaired water bodies [Clean Water Act Section 303(d) List]. DWQ will evaluate effectiveness of this tool through a cleanup demonstration project on Deer Creek or the South Fork of the Yuba River to stabilize mercury contaminated mining debris.

Abandoned mines and hydraulic mining debris are legacy sources of mercury contamination. Transport, methylation, and bioaccumulation of mercury from abandoned mines and mercury-contaminated mine waste in the state's water bodies pose a threat to human health and the environment. The current method for 303(d) mercury listings is limited and is based on exceeding two standards:

- Water column: total mercury (>50 ng/L, unfiltered)
- Fish tissue: methylmercury (or Total Hg) in fillet (>0.3 ppm wet)

There are drawbacks to these two standards that limit their use. The water column total mercury standard is largely unused due to cost, variability, and unreliability. The fish tissue methylmercury standard is limited due to the difficulty of sampling the same species, access, correlation of contamination, and expense.

The primary goals of the Project are to:

- Compile available data for mercury and methylmercury in sediment, biota, and water;
- Collect sediment total mercury and methylmercury data and fish tissue total mercury in selected water bodies to fill data gaps;
- Collect data for the mercury-contaminated hydraulic mining debris stabilization project;
- Complete statistical analysis of data to evaluate mined versus non-mined areas;
- Stabilize a slope of hydraulic mining debris on Deer Creek or the South Fork of the Yuba River known to be contaminated with mercury;
- Design a tool to evaluate site cleanups and develop improved 303(d) mercury listings;
and
- Prepare a USGS data report, interpretive report, and journal article.

The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Resources Control Board (State Water Board) may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste in order “to assist it in cleaning up the waste or abating its effects on the waters of the state.”

POLICY ISSUE

Should the State Water Board approve funding \$702,000 from the CAA for the Project?

FISCAL IMPACT

As of April 21, 2010, the uncommitted CAA balance is estimated to be no less than \$8.5 million according to the most current data.

REGIONAL BOARD IMPACT

No.

STAFF RECOMMENDATION

The State Water Board should approve funding \$702,000 from the CAA to the Project.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012, to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California’s water planning processes.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

ALLOCATE \$702,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) FOR THE MERCURY LISTING AND CLEANUP TOOL DEVELOPMENT AND DEMONSTRATION CLEANUP PROJECT (PROJECT)

WHEREAS:

1. The Division of Water Quality (DWQ) is requesting \$702,000 from the CAA for the Project;
2. Abandoned mines and hydraulic mining debris are legacy sources of mercury contamination. Transport, methylation, and bioaccumulation of mercury from abandoned mines and mercury-contaminated mine waste in the state's water bodies pose a threat to human health and the environment;
3. The current methods for listing mercury-impaired water bodies under Clean Water Act Section 303(d) are limited;
4. The Project will develop a tool for evaluating mercury cleanups and identifying mercury-impaired water bodies;
5. The effectiveness of the tool will be evaluated through a cleanup demonstration project on Deer Creek or the South Fork of the Yuba River to stabilize mercury contaminated hydraulic mining debris; and
6. The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Resources Control Board (State Water Board) may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste "to assist it in cleaning up the waste or abating its effects on the waters of the state."

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves funding \$702,000 from the CAA to DWQ for the Project; and
2. Shall revert to the CAA any unexpended funds as of December 21, 2013, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension. The funds will be available until February 28, 2014.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on July 6, 2010.

Jeanine Townsend
Clerk to the Board