

**Preliminary Draft  
Delta Mercury Control Program  
Stakeholder Group  
Memorandum of Intent  
Preliminary Outline  
Version - July 16, 2009**

1 The following Memorandum of Intent (MOI) memorializes shared objectives and agreements by members of the  
2 Delta Mercury Control Program Stakeholder Group (Stakeholder Group) regarding the management and  
3 implementation of the Delta Methylmercury (MeHg) Total Maximum Daily Load (Delta MeHg TMDL). This  
4 document is superceded by all descriptions of, and mandates described in the *Delta Mercury Control Program*  
5 *Basin Plan Amendment* (BPA) (approved XX, XXXX). This document has been mutually agreed to by  
6 Stakeholder Group consensus (consensus decision process described in the document titled "*Delta Mercury*  
7 *Control Program – Stakeholder Group Charter, dated XX, XXXX.*  
8

9 The MOI is the product of ongoing discussions and negotiations between directly affected stakeholders. The MOI  
10 combines and presents the products of the full Stakeholder Group and several related topic-specific Workgroups.  
11 Workgroups include:  
12

- 13 • Adaptive Management Framework
- 14 • National Pollutant Discharge Elimination System (NPDES) Wastewater
- 15 • Non-Point Source Conditions
- 16 • Stakeholder Assurances
- 17 • OTHERS...

18  
19 This MOI presents the following information.  
20

21 **Section 1** presents General Principles that all stakeholders have agreed will guide the management and  
22 implementation of the Delta MeHg TMDL.  
23

24 **Section 2** presents a description of the phased approach for the Delta MeHg TMDL (as also described in the  
25 BPA)  
26

27 **Section 3** presents a specific description of the mutually agreed on Adaptive Management approach that will be  
28 employed for the duration of the Delta MeHg TMDL. This includes:  
29

- 30 • Coordination and communication methods for point source dischargers (NPDES permittees)
- 31 • Coordination and communication methods for non-point dischargers (public and private managed  
32 wetlands, and irrigated agricultural lands)
- 33 • Scientific review and integration methods to be employed in the adaptive management process.

34  
35 **Section 4** presents a specific description of the Implementation Program to be performed in Phase I. This  
36 includes a description of all project milestones including:  
37

- 38 • Mandatory milestones described in the BPA and,
- 39 • Flexible milestones that will occur in between mandatory milestones.

40 Related to milestones, this section also includes a specific description of the actions to be conducted during  
41 Phase I including:  
42

- 43 • **Mandatory control** studies to be conducted / information to be provided by dischargers
- 44 • **Voluntary characterization** studies that may be conducted / information to be provided by any  
45 stakeholders.  
46

**Preliminary Draft  
Delta Mercury Control Program  
Stakeholder Group  
Memorandum of Intent  
Preliminary Outline  
Version - July 16, 2009**

- 1       • **Risk Management / Exposure Reduction actions** that any stakeholder may employ to reduce  
2       immediate risk of exposure, production, and/or transport of MeHg.

3  
4 This section also includes a description of potential consequences under the following circumstances:

- 5
- 6       • Insufficient discharger completion of mandatory milestones (*should this be in the BPA instead?*)
- 7       • Identification of MeHg “hot spots” that may require more immediate enforcement actions that control and  
8       characterization studies.

9  
10 **POTENTIAL: Section 5** describes specific methods and criteria o propose, review, revise, and potentially  
11 approve case-specific offset projects. All offset projects will be done on a case-by-case basis.

12  
13 **Section 6** describes mutually agreed on methods and timetables to review and revise this MOI and the  
14 associated Implementation Workplan

15  
16 **Appendix A** presents a set of definitions for terms commonly used in this document.

17  
18 **Appendix X** presents the NPDES Wastewater Workgroup Summary of Issues and Workgroup recommendations.

19  
20 **Appendix X** presents the Non-Point Source Workgroup Summary of Issues and Workgroup recommendations.

21  
22 **Appendix X** presents the Offsets Program Workgroup Summary of issues and Workgroup recommendations  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50