

February 28, 2007

Ms. Song Her, Clerk  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100 [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



**Re: Proposed Methylmercury Statewide Water Quality Objective**

Dear Ms. Her:

The City of Santa Rosa (CSR) is an NPDES discharger operating a Subregional System that includes the Cities of Santa Rosa, Rohnert Park, Cotati and Sebastopol, and the South Park County Sanitation District. The City of Santa Rosa appreciates the opportunity to provide these comments on the proposed "Methylmercury Objective for Inland Surface Waters, Enclosed Bays and Estuaries in California" (hereafter, "Me-Hg Objective").

In general, CSR supports the notion, suggested by Ms. Roberta Larson (California Association of Sanitation Agencies) at the February 20<sup>th</sup> "Scoping Meeting" that the State Board turn its focus and energies on developing a "*Comprehensive Mercury Improvement Program*" for the State of California. This Program would have the benefit of addressing the mercury issues on a *multi-media* basis, which most scientists agree will be necessary to make any meaningful improvements to reduce mercury in our watersheds.

Simply adopting a Me-Hg Objective - -whether it is reflected as a water column concentration standard, or a fish tissue standard - -will do little or nothing to address the more significant mercury-related issues such as historical or "legacy" mercury leftover from the Gold Rush era, or aerial deposition of mercury onto land or waters that contribute significantly to the mercury load, or the role that wetlands creation and management play in mercury methylation.

However, by pursuing a "*Comprehensive Mercury Improvement Program*" as suggested, the State Board will be in a better position to develop a comprehensive water quality objective for regulated entities, in the *context* of also developing a state strategy for reducing all sources of mercury to the watersheds.

With respect to the Scoping Document, CSR offers these comments for consideration by State Board staff as this Me-Hg Objective continues to be developed.

We have reviewed the six options presented in the Scoping Document, and find that none of them are acceptable based on the various reasons noted below. Instead, CSR supports a new alternative where individual watershed conditions are considered in

establishing mercury fish tissue objectives. These watershed-based fish tissue objectives (WBFTO) would be based on region-specific fish consumption rates and other specific criteria potentially not applicable in all regions of the state, and which are *not* converted to ambient water quality objectives. We believe a WBFTO is superior to the other Options discussed in the Scoping Document for these reasons:

- ▶ A WBFTO is acceptable under federal guidance and consistent with establishing site specific objectives as per EPA Water Quality Standards Handbook.

- ▶ A WBFTO has some support in existing state and federal regulations and policies - - the CTR, for example, specifically allows for different copper objectives for different parts of San Francisco Bay based on site-specific criteria and conditions

- ▶ A WBFTO recognizes the reality that there are varying environmental conditions and fish consumption patterns among individual watersheds and regions.

- ▶ A WBFTO is preferred over the other six Options because fish tissue objectives are a better surrogate for beneficial use protection - they better reflect risk to human and wildlife consumers of fish.

- ▶ Fish tissue objectives keep management focus on important mass loadings and in-system processes as the key to broad-based watershed solutions.

CSR fundamentally opposes the use of bioaccumulation factors (BAFs) to convert from fish tissue objectives to total mercury levels in water. Therefore, we are equally opposed to Options 1 through 5 due to their use of total mercury water column objectives. Without additional scientific support, we cannot support use of BAFs in the derivation of methyl-mercury water column objectives. To begin with, the science behind the conversion of a fish tissue objective to an ambient water quality objective using BAFs is the subject of significant controversy. It is well established that total mercury levels in water bear no reliable relationship to levels in fish.

CSR sees no advantage to employing mercury concentration objectives in addition to fish tissue objectives. For one, the focus on total or methylmercury concentrations in water unnecessarily complicates the issue and fails to offer any gains in mercury management or reduction. Moreover, for certain substances that lead to toxicity, concentration controls make sense (e.g., ammonia, copper). For other substances, and particularly bioaccumulative substances like mercury, controlling mass is the most important and effective mechanism known at this time.

We note the Scoping Document acknowledges that a variance procedure would be required as part of the implementation strategy for a methylmercury water column objective. This, alone, is reason enough to not go in this direction. Aside from the enormous amount of public and private resources that would be wasted by going through the variance procedure for virtually *all* watersheds throughout the state, we note that there are few (if any) examples of variances even being granted through this

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process in California. It would seem to make little sense for the State Board to adopt a water quality objective that it knows, from the beginning, most or all dischargers cannot meet.

The focus of mercury management and regulation statewide should remain on the outcome, specifically reductions in either mercury loads or in-system methylation processes as ways to seek attainment of fish tissue objectives. For this reason, CSR supports the development of a "*Comprehensive Mercury Improvement Program*" for the state as a starting point for developing specific water quality objectives.

Sincerely,

Lynn M. Small  
Deputy Director Environmental Services