
State Water Resources Control Board

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT, STAFF
WORKSHOP, PUBLIC HEARING, AND NOTICE OF FILING¹**

**PROPOSED PART 2 OF THE WATER QUALITY CONTROL PLAN FOR INLAND SURFACE
WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA—TRIBAL AND
SUBSISTENCE FISHING BENEFICIAL USES AND MERCURY PROVISIONS**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive public comments on the proposed Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (referred to as the Provisions) and the Draft Staff Report, including the Draft Substitute Environmental Documentation (Draft SED).

NOTICE IS ADDITIONALLY HEREBY GIVEN that State Water Board staff will hold a staff workshop to provide the public an opportunity to discuss the Provisions. State Water Board staff believes that additional discussion of the Provisions' primary elements will assist the public with formulating written comments and assist staff in appreciating the public's comments. A quorum of Board members may be present; however, no Board action will be taken. The staff workshop will be:

January 9, 2017

9:00 a.m. – 4:00 p.m.

Joe Serna Jr. - CalEPA Headquarters Bldg.

Klamath Hearing Room

1001 I Street, Second Floor

Sacramento, CA 95814

At the staff workshop, staff will present information related to the Provisions in two separate presentations. The first presentation will pertain to the proposed water quality objectives and will be from 9:00 a.m. to 12:00 noon. The second presentation will pertain to the proposed beneficial uses and will be from 1:00 to 4:00 p.m.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public hearing to receive public input and comments on the Provisions and the Draft Staff Report, including the Draft SED. A quorum of the State Water Board may be present; however, no Board action will be taken.

¹ Notice of Filing submitted under California Code of Regulations, title 23, section 3779.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Tuesday, February 7, 2017

9:00 a.m.

Joe Serna Jr. - CalEPA Headquarters Bldg.
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

Additional information on the hearing in Sacramento can be found at the State Water Board's web site at: http://www.waterboards.ca.gov/board_info/calendar/.

THE PROVISIONS

The Provisions include the following three elements: (1) new beneficial use categories and definitions related to tribal traditional and cultural uses of water (CUL), tribal subsistence fishing (T-SUB), and subsistence fishing by the general population (SUB); (2) five fish tissue mercury water quality objectives to protect the health of humans that consume fish at a recreational rate (commercial and sport fishing beneficial use (COMM)), subsistence rates (T-SUB and SUB), wildlife (wildlife habitat (WILD), and rare, threatened, or endangered species (RARE) beneficial uses) from the harmful effects of mercury; and (3) a program of implementation to achieve the water quality objectives for the COMM, WILD, and RARE beneficial uses.

Beneficial Uses

To address direction in Resolution No. 2016-0011, the State Water Board has developed three new beneficial uses that could be designated to waters by Regional Water Boards as appropriate: Tribal Traditional and Cultural Use (CUL); Tribal Subsistence Fishing (T-SUB); and Subsistence Fishing by the general population (SUB).

Water Quality Objectives

New statewide mercury water quality objectives for human health are needed to update the level of protection for recreational consumers of fish. In addition, fish consumption studies indicate higher consumption rates for some groups than were used in U.S. EPA's 2001 recommended mercury criteria. The U.S. Fish and Wildlife Service has found that U.S. EPA's 2001 mercury criteria, if applied, would not be protective of certain threatened or endangered species present in California. Therefore, the Provisions would establish the following five statewide mercury water quality objectives:

- Sport Fish Water Quality Objective;
- Tribal Subsistence Fishing Water Quality Objective;
- Subsistence Fishing Water Quality Objective;
- Prey Fish Water Quality Objective; and
- California Least Tern Prey Fish Water Quality Objective.

The Program of Implementation

The Provisions include implementation provisions to control mercury pertaining to:

- Municipal wastewater and industrial discharges;
- Storm water discharges;
- Discharges from closed or closing mine sites;
- Nonpoint source discharges,
- Discharges from dredging activities, and
- Discharges related to projects that establish or restore wetlands.

DOCUMENT AVAILABILITY

The Provisions and Draft Staff Report, including the Draft SED, and information will be available on the State Water Board's web site on January 3, 2017 at:

http://www.waterboards.ca.gov/water_issues/programs/mercury.

You may request a paper copy of the proposed Provisions by calling Zane Poulson at (916) 341-5488 or via email at Zane.Poulson@waterboards.ca.gov or Jacob Iversen at (916) 341-5479 or via email at Jacob.iversen@waterboards.ca.gov.

PROCEDURAL MATTERS

At the February 7th public hearing, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml.

The State Water Board will schedule a subsequent meeting at which it will consider adopting the Provisions.

SUBMISSION OF WRITTEN COMMENTS

State Water Board staff will also accept input and recommendations through written comments. Written comments must be received no later than **12:00 noon on Friday, February 17, 2017** and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand-delivery)
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate in the subject line: "**Comment Letter -- Beneficial Uses and Mercury Objectives**".

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This is to advise that the State Water Board is proposing to adopt the Provisions in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/EPAbldg/location.html>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. Video and audio broadcasts of the meeting will be available via the internet and can be accessed at: <https://video.calepa.ca.gov/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

FUTURE NOTICES

The State Water Board staff workshop and public hearing will be at the times and places noted above. Any change in the date, time, and place of the staff workshop and public hearing will be noticed on the Lyris e-mail list. Any person desiring to receive future notices concerning the Provisions, including any changes to the notice of public comment, staff workshop, and public hearing and the subsequent meeting for the State Water Board's consideration of adoption, must sign up for a Lyris e-mail list. To sign up for a Lyris list, access the email List Subscription Form at the web address listed below, at the "Water Quality" tab, by checking the box for "Mercury – Statewide Provisions":


http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

ADDITIONAL INFORMATION

Please direct questions about this notice to Zane Poulson at (916) 341-5488 or Zane.Poulson@waterboards.ca.gov or to Jacob Iversen at (916) 341-5479 or Jacob.Iversen@waterboards.ca.gov.

December 16, 2016

Date



Jeanine Townsend
Clerk to the Board