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April 21, 2008

Carrie M. Austin, P.E.
Project Manager – Hg TMDL in Guadalupe
SFB Water Board
1515 Clay St. #1400
Oakland, Ca 94612

Dear Ms. Austin,

I just finished the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) Project PROPOSED BASIN PLAN AMENDMENT report by the California Regional Water Quality Control Board, San Francisco Bay Region of February 2008, and I am extremely upset with its unprofessional, unscientific, and erroneous nature. The worst problems are:

1. It does not include the scientific information we learned at the conference, particularly the statement that "deposition from the atmosphere is minimal relative to other loads in the watershed." (BPA-6) Sarah Rothenburg, UCLA, SFEI, said that the Hg elemental in the atmosphere is more available to methylation and comes from refineries and the cement plant at Permanente Creek. Don Yee said that the atmospheric mercury coming from China was enough to account for all the methyl mercury in the bay, and that the Chinese could be producing twice as much by next year. It also ignores the map showing bioaccumulation of methyl mercury in small fish is far lower at the outlet of the Guadalupe watershed than at many urban run-off sites.

2.a It does not identify species of mercury as bio-available. Cinnabar, HgS, is not bioavailable, and elemental mercury in drops too large to be airborne is only slightly bio-available, and then only in anaerobic environments where there are sulphur reducing bacteria.

2.b It does not include any references to data it cites, i.e., fish in the Guadalupe Reservoir have 20 times the maximum dose of mercury acceptable.(BPA-5). Where did that come from? It was not reported at the conference!

3. It does not give property owners along the creek time to respond to itself or to its further requirements.

4. It uses inflationary language, i.e. "<u>mercury laden</u> sediments" (BPA-5) when it should say mercury species bearing sediments. Also, "waters impaired by mercury" when it should say waters containing mercury species-bearing sediments.

5. It does not mention sulphur reducing bacteria as a requirement for methylation.

6. It proposes a review of itself after ten years. That is far too long, and out lasts many of its own deadlines. The deadlines are unrealistic, especially the ones for property owners along Los Alamitos Creek to respond with a mass of data by October 2008.

Each of these reasons is enough in itself to reject the validity, usefulness, and legality of this report.

Regards,

Robbie Lamons, PhD, Structural Geologists