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Big Bear Municipal Water District

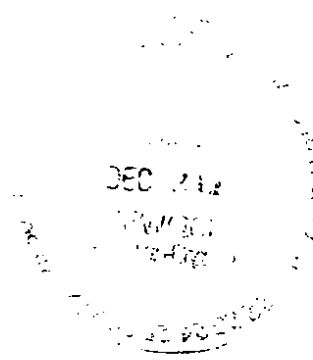
Lake Management

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December 9, 2008

Hope Smythe
 Senior Environmental Scientist
 California Regional Water Quality Control Board, Santa Ana Region
 3737 Main Street, Ste 500
 Riverside, CA 92501-3348



CRWQCB - REGION 8	
HAS	12/15
WHP	

DEC 10 2008

Re: CEQA Scoping Meeting and Development of a Basin Plan Amendment for Mercury TMDL for Big Bear Lake

Dear Ms. Smythe,

Thank you for this opportunity to comment on the development of the scope and content of the CEQA document and proposed amendment to the Big Bear Lake Watershed Basin Plan. The Big Bear Municipal Water District (District) and the constituents it serves have a vested interest in the health of Big Bear Lake and its fisheries. Big Bear Lake is the reason a population of 20,000 people can live and work here and can host 80,000 to 100,000 visitors on busy weekends. The District also has a fiduciary responsibility to wisely spend property tax dollars and money that people pay to recreate on the lake. Without this income there would be no usable Big Bear Lake to develop a mercury TMDL for.

The District obviously is keenly aware of its responsibility to do its part in protecting the health of its constituents in the most financially responsible way possible. There is no need to turn this effort into an unending research project that common sense and available data already show is not necessary. The community does not have the financial resources for it and more important health and safety issues would likely suffer as a result. We already know, based on research by the Federal Environmental Protection Agency that the dominant human exposure route for mercury (methyl mercury) is fish tissue. We also already know that concentrations of mercury in Big Bear Lake water and sediments are significantly below safe exposure limits established by local, state and federal health authorities.

Sample analytical results have already shown that the human health concerns associated with mercury in Big Bear Lake is not its presence in either the water or lake bed sediments. Sediment samples for mercury from fifty locations collected in 2005 returned non-detectable results except for a single sample returning an 18 parts per billion value. Eight sediment samples collected and analyzed by the Regional Water Quality Control Board using a lower concentration detection method in 2008 returned results that were equal to or less than one tenth of one part per billion. Ten lake water samples collected in

2008 were analyzed by the Regional Water Quality Control Board. In order to detect mercury in the water samples they were analyzed at parts per trillion concentrations. The analytical findings show that mercury in lake water is more than 625 times less than what is permitted in our drinking water. Clearly, mercury in lake sediment and lake water is not a health risk.

Sufficient data have been collected, however, to show that consuming substantial quantities of bass flesh taken from Big Bear Lake might have adverse health consequences. The threshold established by the EPA is intended to serve as a level of exposure without expectation of adverse effects when that exposure is encountered on a daily basis for a lifetime. Largemouth bass in Big Bear Lake are the only species found that exceed EPA standards for mercury. To put this into perspective, and based on the mercury concentration found in largemouth bass, the public is advised not to eat more than 1.1 pounds of bass fillets a month. Protection of the public health on this issue could easily and cost effectively be implemented by posting signs around the lake. After obtaining permissions from the State Department of Fish and Game anglers could read signs with the following information:

- a. Methyl mercury at concentrations exceeding federal health advisories is present in largemouth bass in Big Bear Lake
- b. Fishermen who practice catch and release bass fishing will experience no adverse health effects from this source
- c. Fishermen who consume their largemouth bass catch should limit their ingestion to less than 1.1 pounds per month

Fishing rules, fisheries management regulations and fisheries permits in Big Bear Lake are administered by the California Department of Fish and Game. Specific rules concerning fish plants, limits, and allowable species in Big Bear Lake is also governed by Fish and Game. The California Department of Fish and Game is the final authority on fisheries management. Shouldn't they participate financially and scientifically in establishing health advisories and outcomes of any proposed mercury TMDL in Big Bear Lake? What role should the federal Fish and Wildlife Service play in data analysis and funding studies associated with a mercury TMDL for Big Bear Lake?

According to a June 2001 EPA Fact Sheet fossil fuel combustion facilities contribute approximately 87% of the emissions of mercury in the United States. Some even say that coal fired power plants in China are contributors to mercury fall out in California. How does our community protect Big Bear Lake from this source of mercury? According to their web page the "South Coast Air Quality Management District (AQMD) is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties." Shouldn't the AQMD participate financially and scientifically in determining sources of mercury loading to Big Bear Lake? Shouldn't they, as experts in the field of air quality, conduct the investigations needed to identify how to reduce mercury fall out on the lake and watershed and then conduct the monitoring necessary to measure the results of their actions?

Saddling the Big Bear Community with another costly scientific investigation and expensive, unending monitoring because of a federal unfunded mandate is unfair and does nothing significant to protect the public health. The District, City of Big Bear Lake,

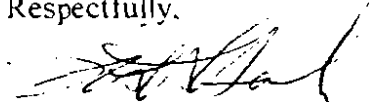
the mountain resorts, and county, state and federal agencies are already spending hundreds of thousands of dollars pursuing the nutrient TMDL with no sure end in sight. The State has taken more than \$400,000 from City coffers to try to close a huge budget shortfall and the deficit still threatens the MWD's tax revenue. How much will this proposed mercury TMDL cost this community? How long will monitoring dollars be expended?

Mercury in the environment has been studied for years. Air deposition sampling of mercury at Converse Flats just south of Big Bear Valley has been ongoing for more than two years. What additional data needs have not been identified? Won't the best management practices being implemented as part of the nutrient TMDL be effective for mercury entrained in stream sediments? Based on what we know is it actually probable that the concentration of mercury in largemouth bass can be reduced to an acceptable level in the foreseeable future as a result of action that this community can take? Or is it unlikely that mercury concentrations will ever be able to be reduced to acceptable levels? If it is unlikely to improve significantly, how will the development of a mercury TMDL protect the public health?

In a resort community like Big Bear publicity brought on by media articles published down the hill and on national news services is damaging to the local economy. This public hearing already has caused undue concern by both locals and visitors alike. Will the Regional Water Quality Control Board evaluate the economic impacts of the proposed mercury TMDL? The impact of negative press on local lodging, visitor, commercial, and marina operations could be significant. How will the diversion of public funds used to address the mercury TMDL impact lake management operations? For instance, for the price of one year of nutrient sampling in the lake, additional staff could be hired to protect the lake from a much more significant threat, the Quagga Mussel. Adding the financial burdens of a costly mercury TMDL will reduce the resources needed for the management and public safety activities of the District.

The District understands that the Regional Water Quality Control Board has certain legal obligations that have been imposed by the Federal Government as it relates to the proposed mercury TMDL. The District urges the Regional Water Quality Control Board to prepare the mercury TMDL in the most cost effective manner and place a premium on utilizing existing data, prohibit duplicative sampling and avoiding a research type mentality during the course of this effort. Providing it is satisfied that only necessary work is being done, the District will be a cooperative partner in the development of a mercury TMDL.

Respectfully,



Scott Heule
General Manager

Cc RWQCB Board and MWD Board of Directors

