



February 3, 2017

Public Comment
Beneficial Uses and Mercury Objectives
Deadline: 2/17/17 12 noon

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-2000
Via: commentletters@waterboards.ca.gov



RE: SWRCB Proposed Inland Surface Waters, Enclosed Bays & Estuaries Plan for Tribal, Tribal Cultural & Subsistence Fishing Beneficial Uses and Statewide Mercury Water Quality Objectives

Dear Ms. Townsend:

On behalf of the signatories to this letter, we must respectfully convey our concerns with the proposed Tribal, Tribal Cultural & Subsistence Fishing Beneficial Uses and Statewide Mercury Water Quality Objectives under the Inland Surface Waters, Enclosed Bays & Estuaries Plan. Based on the concerns further outlined below, we strongly urge the Board to bifurcate the two proposals going forward.

We are concerned that the current process and approach are problematic and the associated timeline contemplated for the proposal hasn't provided sufficient time for the regulated community to digest and understand the relevance and widespread impacts associated with the proposal. Bifurcating the approach, on the other hand, will provide the opportunity for the Board to respond to the USEPA Consent Decree for the development of the Wildlife Mercury Water Quality Objective by the June deadline, while providing sufficient time and opportunity for the regulated community to work with the Board to understand the highly technical proposal and the broad impacts it will have on the regulated community.

While we can appreciate that the State Water Resources Control Board (SWRCB) has been working on this proposal informally with USEPA and the tribal community for many years via the tribal consultation process and provisions, the regulated community will have had a mere 45 days to review, digest and begin to understand the broad impacts associated with the proposal and associated staff report (724 pages, no less). Further, despite the January 9th and February 1st workshops, the regulated community is only

just beginning to understand the gravity of the proposal , barely in time for the February 7th Board hearing, and February 17th comment deadline and adoption late this Spring.

Certainly, we appreciate the importance of considering tribal, tribal cultural and subsistence fishing practices relative to the use of waters of the state. Similarly, we understand the need to consider water quality objectives for mercury to protect the aquatic environment and the wildlife that depends upon it. That said, the pace at which the Board has set to consider these related, but highly distinct proposals is of great concerns as the impacts will be widespread and for the new beneficial uses, apply far more broadly than just for mercury. To the extent possible, the additional time to work with the Board by bifurcating the proposal could result in revisions that may help alleviate the regulated community's serious concerns and provide sufficient time to develop detailed guidance for regional boards in designating waters with these new beneficial uses in a consistent, clear manner across the state.

On behalf of the signatories to this letter, we appreciate your consideration of our request to bifurcate the proposal and look forward to continuing to work with the Board to address these significant issues of concern. If you have questions regarding the points raised in this letter, please contact Dawn Koepke with McHugh, Koepke & Associates at (916) 930-1993. Thank you.

Sincerely,

California Building Industry Association
California Chamber of Commerce
California Manufacturers & Technology Association
California Metals Coalition
California League of Food Processors
Industrial Environmental Association
Rural County Representatives of California
Western States Petroleum Association

cc: SWRCB Board Members
Jonathan Bishop, SWRCB
Karen Larsen, SWRCB
Rik Rasmussen, SWRCB