



California Stormwater Quality Association®

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

January 25, 2017

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

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board



Subject: Comment Letter – Beneficial Uses and Mercury Objectives: Request for Extension of Time

Dear Ms. Townsend:

The California Stormwater Quality Association (CASQA) joins with other stakeholders¹ to respectfully request that the State Water Resources Control Board (State Water Board) extend the time for submission of written comments on the *Draft Staff Report, Including Substitute Environmental Documentation for 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* (Draft Beneficial Uses and Mercury Objectives). According to the Notice of Opportunity for Public Comment, Staff Workshop, Public Hearing and Notice of Filing, released on January 3, 2017, written comments are due to be submitted by noon on February 17, 2017. Considering the substantial volume of documents released, the technical nature of the information, and the magnitude of potential implementation requirements, a 45-day comment period is not adequate for proper public review and comment.

CASQA understands that the State Water Board intends to adopt Mercury water quality objectives prior to June 30, 2017 to comply with a Consent Decree in *Our Children's Earth Foundation v. U.S. Environmental Protection Agency* (Case No. 3:13-cv-2857-JSW). We support the State Water Board's effort to promulgate such water quality objectives for California rather than allowing the U.S. EPA to do so. However, attempting to meet the June 30, 2017 deadline will unfortunately curtail a robust public review process for this rulemaking that will greatly impact permittees of all types, including municipal and industrial stormwater permittees. Further, in addition to the adoption of mercury objectives for aquatic life and aquatic-dependent wildlife, which in itself satisfies the Consent Decree as it applies to mercury, the proposed action proposes new tribal and subsistence fishing beneficial uses, raising much larger and broader concerns

Considering the broad scope of the action proposed, including the adoption of multiple mercury water quality objectives and the creation of new beneficial uses, CASQA joins other stakeholders in requesting an extension of time and additional steps to the public process for this rulemaking. Specifically, CASQA joins the Association of California Water Agencies and others to request extension of the public comment period by 60 additional days to on or about April 17, 2017, and postponement of the State Water Board's first hearing on this issue until May 2017. Then, there

¹ CASQA understands that other stakeholders will also be submitting similar letters requesting an extension of time for public comment, and accordingly, CASQA joins with those stakeholders in making this request.

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should be additional opportunity for the submission of written public comments on any revisions, followed by a final hearing for consideration of adoption in September 2017.

CASQA understands that this proposed timeline can be accommodated under the terms of the Consent Decree in that the State Water Board can work with U.S. EPA to obtain an automatic extension of the Consent Decree. To the extent that U.S. EPA does not obtain the automatic extension, this timeline would still allow the State Water Board to develop water quality objectives and beneficial uses that are not part of the Consent Decree, and an associated Program of Implementation for all water quality objectives.

Please contact CASQA Executive Director Geoff Brosseau at (650) 365-8620 should you have any questions with respect to the above request.

Sincerely,

A handwritten signature in cursive script that reads "Jill C. Bicknell".

Jill Bicknell, Chair
California Stormwater Quality Association

cc: Rik Rasmussen, State Water Board
CASQA Board of Directors
CASQA Executive Program Committee
CASQA Policy and Permitting Subcommittee