

San Luis & Delta-Mendota Water Authority



P.O. Box 2157
Los Banos, CA 93635
Phone: (209) 826-9696
Fax: (209) 826-9698

State Water Contractors



1121 L St., Suite 1050
Sacramento, CA 95814
Phone: (916) 447-7357
Fax: (916) 447-2734

March 28, 2012

Via E-Mail to commentletters@waterboard.ca.gov



Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814

Subject: Comments for Statewide Mercury Policy- CEQA Scoping

The State Water Contractors, Inc., ("SWC") and the San Luis & Delta-Mendota Water Authority (SLDMWA) submit this letter on behalf of the SWC and its 27 member agencies and the SLDMWA and its 29 member agencies.¹ The SWC is a non-profit association of 27 public agencies from Northern, Central and Southern California that purchase water under contracts from the California State Water Project. Collectively, the SWC member agencies deliver water to more than 25 million residents throughout the state and more than 750,000 acres of agricultural lands. The SLDMWA is a joint powers authority comprised of 29 member agencies, 27 of which have historically received deliveries of Central Valley Project ("CVP") water up to 3,100,000 acre-feet annually for the irrigation of highly productive farm land primarily along the San Joaquin Valley's Westside, for municipal and industrial uses, including within California's Silicon Valley, and for publicly and privately managed wetlands situated in the Pacific Flyway. The SWC, SLDMWA, or any of their member agencies may participate in these proceedings in the future.

On March 5, 2012, the State Water Resources Control Board (Water Board) held a CEQA Scoping meeting regarding a Statewide Mercury Policy and Mercury Control Program for Reservoirs ("Mercury Program"). The CEQA scoping notice names all reservoirs listed on the 303(d) list and includes: Shasta Reservoir, Lake Oroville, Folsom Reservoir, Whiskeytown Reservoir, Trinity Reservoir, Thermalito Afterbay, Castaic Lake, O'Neill Forebay, San Luis Reservoir and Pyramid Lake. The SWC and SLDMWA members derive their water supply, in part, from these facilities.

Historical Mercury Sources

Mercury occurring in reservoirs is due largely to historical and upstream activities, natural processes, and atmospheric deposition. Mercury in naturally occurring minerals and rocks of the California Coast Range and Sierra Nevada continues to erode and be deposited in the State's water bodies through natural processes and upstream anthropogenic activities. Historic mercury mining

¹ The SWC and SLDMWA member agencies are listed on Attachment "A" attached hereto.

and atmospheric deposition are the other major contributors to mercury in reservoirs. As such, reservoir operators and reservoir operations are not responsible for the majority of the mercury load in the reservoirs today and should not be responsible for a majority of the load reduction. The Water Boards need to consider who is responsible for the presence of mercury in impaired reservoirs when assigning load allocations and control responsibilities.

The Control Plan Should Provide Flexibility To Address Unique Factors

The CEQA Scoping Notice considers implementing either a Mercury Program or alternatively implementing a control plan for individual reservoirs. The SWC and SLDMWA support development of consistent mercury objectives and an over-arching structure statewide. However, there are over 92 reservoirs currently on 303(d) list ranging from Northern California to Southern California. Mercury inflow to each reservoir, the chemical composition, mercury sources, reservoir management considerations, and various other factors are wide ranging from reservoir to reservoir. Because each reservoir is unique, the control and implementation program must be flexible enough to adapt to reservoir specific conditions and considerations.

Best Available Science

The Mercury Program is likely to have far-reaching impacts on water management and water supply planning. If TMDLs are established they must be based on well-documented, scientifically reliable evidence and analyses. Additional scientific information in the following five major areas will be needed to develop adequate TMDLs for California reservoirs:

1. Determination of the relationship between mercury inputs and the resulting methylmercury concentrations in reservoirs;
2. Quantification of the effects of reservoir water level changes and other reservoir operations on production and mobilization of methylmercury in reservoirs;
3. Destruction of methylmercury in reservoirs by solar radiation;
4. Effects of sulfate concentrations on mercury methylation; and
5. Importance of airborne mercury deposition to mercury concentration and methylmercury formation in reservoirs, as compared to methylation of mercury in inflows, or mobilization from sediments.

Further, the CEQA Scoping Notice for the Mercury Program outlines potential implementation actions to be considered by the Water Board. Specifically, it includes changes to reservoir management and operations that will modify water chemistry to reduce biologically available forms of mercury and changes in fishery management practices to limit stocking fish that have higher mercury accumulation in fish tissue. It is important that the CEQA document for the Mercury Program be based on the best available scientific evidence. In developing the CEQA document the Water Board must present the scientific evidence available that demonstrates how changes in reservoir operations or fishery management will successfully reduce or mitigate mercury levels or the rate of methylation.

Changes to Reservoir Operations

The CEQA Scoping Notice for the Mercury Program lists several potential implementation actions that would change reservoir operations to influence water chemistry. The actions being considered by the Water Board include:

- Water aeration and circulation in increase oxygen;
- Removal or capping of mercury contaminated sediment upstream and in reservoirs;
- Identifying areas where mercury accumulates in sediment through monitoring;
- Modifying channel geometry to direct flows away from mercury contaminated areas; and
- Modify water storage and discharge patterns to reduce mercury methylation.

The above contemplated activities could have significant impacts on water supply and energy production including negative effects on the approximately 25 million people who rely and the more than 2 million acres of prime farmland that depend upon SWP and CVP water deliveries. The Water Board must consider and analyze the following potential impacts:

- Changes to water supplies deliveries;
- Conflicts with the loss of water supply carryover;
- Impacts to ability to meet downstream water quality objectives, including objectives intended to protect beneficial uses by fish and wildlife;
- Conflicts that may occur with flood control operations;
- Conflicts with releases made for in-stream fishery requirements;
- Loss of hydropower generation due to reservoir reoperations;
- Consequences of increased carbon emissions from replacing energy supplies from decreased hydropower generation;
- Conflicts with existing energy and renewable energy policies;
- Impacts on potential loss of recreation activities; and
- Ability of reservoir operators to enter land upstream to minimize the amount of mercury entering the reservoir.

In-stream Projects and Upland Earth Moving Projects

The CEQA Scoping Notice for the Mercury Program lists implementation actions that would change in-stream projects and upland earth moving projects that could disturb mercury contaminated soils or sediments. The SWC and the SLDMWA support and encourage efforts to minimize these sources of mercury. Actions that reduce or eliminate disturbance of mercury contaminated soils or sediments will likely reduce the mercury load in downstream reservoirs and reduce or eliminate the need for reservoir operators to mitigate for these impacts caused by others, using expensive technology and limited water supply resources. Related, the SWC and SLDMWA encourage the Water Board to consider continuation of the present moratorium on recreational suction dredging. The environmental impacts from suction dredging are significant and unavoidable in streams upstream of and in mercury impaired reservoirs. In other words, dredging in these waters would cause more mercury to move into reservoirs already designated as impaired.

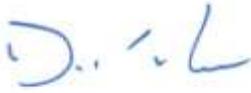
Ms. Jeanine Townsend

March 28, 2012

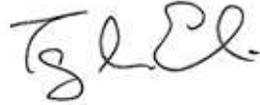
Page 4

The SWC and SLDMWA appreciate the opportunity to comment on the proposed CEQA Scoping for the Mercury Program. Should you have any questions please feel free to contact us.

Sincerely Yours,



Daniel G. Nelson
Executive Director
San Luis & Delta-Mendota Water Authority



Terry L. Erlewine
General Manager
State Water Contractors

ATTACHMENT A

SWC Member Agencies:

Alameda County Flood Control & Water Conservation District, Zone 7; Alameda County Water District; Antelope Valley East Kern Water Agency; Casitas Municipal Water District on behalf of the Ventura County Flood Control District; Castaic Lake Water Agency; Central Coast Water Authority on behalf of the Santa Barbara County Flood Control & Water District; City of Yuba City; Coachella Valley Water District; County of Kings; Crestline-Lake Arrowhead Water Agency; Desert Water Agency; Dudley Ridge Water District; Empire-West Side Irrigation District; Kern County Water Agency; Littlerock Creek Irrigation District; The Metropolitan Water District of Southern California; Mojave Water Agency; Napa County Flood Control & Water Conservation District; Oak Flat Water District; Palmdale Water District; San Bernardino Valley Municipal Water District; San Gabriel Valley Municipal Water District; San Geronimo Pass Water Agency; San Luis Obispo County Flood Control & Water Conservation District; Santa Clara Valley Water District; Solano County Water Agency; and, Tulare Lake Basin Water Storage District.

SLDMWA Member Agencies:

Banta-Carbona Irrigation District; Broadview Water District; Centinella Water District; City of Tracy; Del Puerto Water District; Eagle Field Water District; Fresno Slough Water District; James Irrigation District; Laguna Water District; Mercy Springs Water District; Oro Loma Water District; Pacheco Water District; Panoche Water District; Patterson Water District; Plain View Water District; Reclamation District 1606; San Benito County Water District; San Luis Canal Company; San Luis Water District; Santa Clara Valley Water District; Tranquility Irrigation District; West Side Irrigation District; West Stanislaus Irrigation District; Westlands Water District; and Widren Water District.