

State Water Resources Control Board

NOTICE OF PUBLIC MEETING AND CONSIDERATION OF ADOPTION

PROPOSED FINAL 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

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will hold a public meeting to consider: (1) adoption of the proposed 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 (referred to as the proposed Final Provisions) and (2) approval of the Final Staff Report, including the Substitute Environmental Documentation (SED). The proposed Final Provisions and Final Staff Report will be released to the public no later than April 22, 2017. The State Water Board will not provide a written comment period for the revisions made to the January 2017 Draft Provisions and Draft Staff Report that will be reflected in the proposed Final Provisions and Final Staff Report; therefore written comments will not be considered. Interested persons may provide oral comments at the public meeting. The date, time, and location of the public meeting for consideration of adoption is:

Tuesday, May 2, 2017, 9:00 a.m.
Joe Serna Jr. - CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

BACKGROUND

The Provisions include the following three elements: (1) new beneficial use categories and definitions related to tribal traditional and cultural uses of water (CUL), tribal subsistence fishing (T-SUB), and subsistence fishing by the general population (SUB); (2) five fish tissue mercury water quality objectives to protect the health of humans that consume fish at a recreational rate (commercial and sport fishing beneficial use (COMM)), and at subsistence rates (T-SUB and SUB), and to protect tribal traditional and cultural uses of water (CUL) and wildlife (wildlife habitat (WILD), and rare, threatened, or endangered species (RARE) beneficial uses) from the harmful effects of mercury; and (3) a program of implementation to achieve the water quality objectives.

Beneficial Uses

To address direction in [Resolution No. 2016-0011](#), the State Water Board has developed three new beneficial uses that could be designated to waters by Regional Water Boards as appropriate: Tribal Traditional and Cultural Use (CUL); Tribal Subsistence Fishing (T-SUB); and Subsistence Fishing by the general population (SUB).

Water Quality Objectives

New statewide mercury water quality objectives for human health are needed to update the level of protection for recreational consumers of fish. In addition, fish consumption studies indicate higher consumption rates for some groups than were used in U.S. EPA's 2001 recommended mercury criteria. The U.S. Fish and Wildlife Service has found that U.S. EPA's 2001 mercury criteria, if applied, would not be protective of certain threatened or endangered species present in California. Therefore, the Provisions would establish the following five statewide mercury water quality objectives:

- Sport Fish Water Quality Objective;
- Tribal Subsistence Fishing Water Quality Objective;
- Subsistence Fishing Water Quality Objective;
- Prey Fish Water Quality Objective; and
- California Least Tern Prey Fish Water Quality Objective.

The Program of Implementation

The Provisions include implementation provisions to control mercury pertaining to:

- Municipal wastewater and industrial discharges;
- Storm water discharges;
- Discharges from closed or closing mine sites;
- Nonpoint source discharges,
- Discharges from dredging activities, and
- Discharges related to projects that establish or restore wetlands.

DOCUMENT AVAILABILITY

The Draft Provisions and Draft Staff Report, including the Draft SED, and information were made available on the State Water Board's web site on January 3, 2017 at: http://www.waterboards.ca.gov/water_issues/programs/mercury. The proposed Final Provisions and Final Staff Report will be posted to the same website on or before April 22, 2017.

You may request a paper copy of these documents by calling Zane Poulson at (916) 341-5488 or via email at Zane.Poulson@waterboards.ca.gov or by calling Jacob Iversen at (916) 341-5479 or via email at Jacob.Iversen@waterboards.ca.gov.

PROCEDURAL MATTERS

At the public meeting at which the State Water Board will consider adopting the proposed Final Provisions, interested persons will have an opportunity to comment orally on the proposed Final Provisions and proposed Final Staff Report. Given the extensive public participation provided on the prior draft documents, oral comments on the proposed Final Provisions and proposed Final Staff Report will be limited to the proposed revisions made to the Draft Provisions and Draft Staff Report that are reflected in the proposed Final Provisions and Final Staff Report (which will be distributed and posted on or before April 22, 2017). There will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions.

To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. Video and audio broadcasts of the meeting will be available via the internet and can be accessed at: <https://video.calepa.ca.gov/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

FUTURE NOTICES

The State Water Board public meeting will be at the time and place noted above. Any change in the date, time, and place of the public meeting will be noticed on the Lyris e-mail list. Any person desiring to receive future notices concerning the Provisions, including any changes to the notice of public comment or the public meeting must sign up for a Lyris e-mail list. To sign up for the Lyris list, access the email List Subscription Form at the web address listed below, at the "Water Quality" tab, by checking the box for "Mercury – Statewide Provisions":

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

ADDITIONAL INFORMATION

Please direct questions about this notice to Zane Poulson at (916) 341-5488 or Zane.Poulson@waterboards.ca.gov or to Jacob Iversen at (916) 341-5479 or Jacob.Iversen@waterboards.ca.gov.

March 31, 2017
Date



Jeanine Townsend
Clerk to the Board