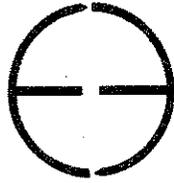


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April 3, 2007

Song Her, Clerk of the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Comment Letter – Mercury TMDL in San Francisco Bay

Dear Members of the Board:

The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit organization of business, labor and community leaders that seeks to achieve the State's environmental goals in a manner consistent with a sound economy. We are writing this letter to request the State Water Resources Control Board (SWRCB) amend the Water Quality Control Plan for the San Francisco Bay Region to adopt the Mercury TMDL as submitted by the San Francisco Regional Board August of 2006.

The San Francisco Regional Board recently adopted and submitted a revised Mercury TMDL to the State Board for final approval. The revised TMDL takes a two-tiered approach designed for maximum flexibility and optimal regulatory oversight. The first tier targets individual waste dischargers' mercury loads, while the second tier is an aggregate water quality limit for a group of waste load dischargers. Thus, individual dischargers are subject to conditions and enforcement actions either when they exceed their individual mercury concentrations or when the group allocation is exceeded. The recently revised NPDES permits for individual waste load dischargers incorporate both the individual concentrations and the group aggregate limits.

The EPA has encouraged states to consider innovative approaches to watershed based water quality standards and long recognized that the TMDL process provides opportunities for alternative approaches. The Regional Board's revised TMDL is that approach. The aggregate approach provides a framework for dischargers to jointly undertake cost-effective mercury clean up projects that would otherwise exceed the resources of any individual discharger.

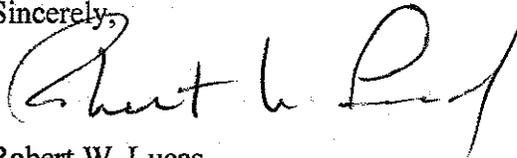


Additionally, under the Regional Board's plan refineries, publicly-owned treatment works, and other industrial dischargers are required to reduce mercury discharges by 33% despite making up only approximately 1.47% of total mercury load in the San Francisco Bay in 2003. This evidences the need for the flexible aggregate allocation system that will allow industrial dischargers to share the burden of reduction.

CCEEB believes the State Board should adopt the Mercury TMDL as submitted by the San Francisco Regional Board in August 2006. Any remaining concerns regarding the operation or enforceability of aggregate limits will be addressed upon incorporation into NPDES permits. Such issues should not serve as a basis for further delays or amendments to the already extensively revised TMDL.

Thank you for this opportunity to comment. If you would like to discuss this matter further, please contact me at (916) 444-7337.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Lucas". The signature is written in a cursive style with a large, prominent initial "R".

Robert W. Lucas

cc: Chair and Members of the State Water Resources Control Board
Gerald Secundy, CCEEB
Jackson Gualco, The Gualco Group, Inc.