

**SANTA ANA RIVER DISCHARGERS ASSOCIATION
(SARDA)**

February 17, 2017

Jeanine Townsend, Clerk to the Board
State Water Resource Control Board
P.O. Box 100
Sacramento, CA 95812-2000
Transmitted via e-mail: commentletters@waterboards.ca.gov

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

Re: Comment Letter - Beneficial Uses and Mercury Objectives



Dear Ms. Townsend:

The Santa Ana River Dischargers Association (SARDA) is thankful for the opportunity to comments on the State Water Quality Control Board's *Draft 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), which was distributed for public review on January 4, 2017. SARDA respectfully requests for the comment period to be extended and to allow for additional steps of the public process for this rulemaking. Additionally, we request that the State Water Board separate the mercury objective, per the U.S. EPA Consent Decree¹ and additional mercury objectives and beneficial use development guidelines. Finally, SARDA is concerned with setting the proposed “converted” water column mercury value at 12 ng/L for water body/beneficial use designations. In particular, how this measure will be measured and how it could impact effluent dominated streams such as the Santa Ana River.

SARDA is an association of 10 inland Publicly Owned Treatment Works (POTW) dischargers along the Santa Ana River in Southern California. This association was formed so discharger agencies could work with one another on common goals associated with federal or state proposed regulations, plans and policies. Since 1991, SARDA has been monitoring several species of fish within the Santa Ana River for mercury, and have recently expanded these monitoring efforts to include methylmercury. SARDA is committed to continuing to work together on issues of importance as a collaborative group and thus, agrees with and supports the Clean Water Summit Partners letter dated January 25, 2017, for the Draft Beneficial Uses and Mercury Objectives.

¹ Our Children's Earth Foundation and Ecological Rights Foundation vs U.S. EPA, No. 3:13-cv-1857-JSE (2014)

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ELSINORE VALLEY MUNICIPAL WATER DISTRICT • INLAND EMPIRE UTILITIES AGENCY
CITY OF REDLANDS • CITY OF RIALTO • CITY OF RIVERSIDE • CITY OF SAN BERNARDINO
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SARDA recognized the importance of protecting the use of state waters for tribal-cultural practices and for subsistence fishing. This includes establishing NEW mercury water quality objectives to protect aquatic life and wildlife. However, SARDA request that adoption of the Draft Beneficial Uses and Mercury Objectives be postponed to allow for an additional 60 days, or until April 17, 2017. This extension would allow for additional time for State Water Board staff and stakeholders, including those impacted in Southern California, to discuss and vet out potential problems for stakeholders while getting further clarification on the proposed plan.

SARDA believes there is a need to separate the U.S. EPA obligation to develop water quality criteria for wildlife (prey fish and California least tern prey fish objectives) from the remaining portion of the proposal. The State Water Board could adopt the objectives consistent with the terms of the Consent Decree while allowing appropriate time and consideration for the development of water quality objectives, beneficial use definitions and program implementation with all stakeholders. SARDA feels that this policy was rushed to meet a deadline and not completely vetted with all stakeholders, especially those impacted in Southern California where river and stream can be effluent dominated.

Finally, SARDA is concerned with the proposed converted water column value of 12 ng/L to be used for reasonable potential analysis and development of effluent limitations. It is understandable that the derived value is from fish tissue, however, the concern is that this may be applied as a standard to the water column as a basin objective. SARDA has mercury fish tissue data from 1991 to 2013 and recently started monitoring for methylmercury in 2015. No water column data has been gathered at the proposed low level and, therefore, the site-specific water column translation is not known. SARDA is concerned that dischargers to the effluent dominated water body, Santa Ana River, would be subject to an unattainable limit or unnecessary TMDL. If this happens, upper discharges could cease and impact downstream beneficial users reliant upon the water.

Thank you again for the opportunity to comment on the Draft Beneficial Uses and Mercury Objectives. If you have any questions, please contact me (951) 928-3777 extension 6327.

Sincerely,



Alfred Javier
SARDA Chairperson

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