



## California Council for Environmental and Economic Balance

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***Via Electronic Submission***  
**[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)**

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812-2000

**RE: SWRCB Proposed Inland Surface Waters, Enclosed Bays & Estuaries Plan for Tribal, Tribal Cultural & Subsistence Fishing Beneficial Uses and Statewide Mercury Water Quality Objectives**

Dear Ms. Townsend:

On behalf of the California Council for Environmental & Economic Balance (CCEEB), we must convey our serious concerns with the current timeline, process, approach and requisite impacts associated with the current proposed Tribal, Tribal Cultural & Subsistence Fishing Beneficial Uses and Statewide Mercury Water Quality Objectives under the Inland Surface Waters, Enclosed Bays & Estuaries Plan. In this regard, we respectfully urge the Board to move to bifurcate the proposals so as to provide additional opportunity to work on the technical, widespread impacts this will have on all dischargers in the state.

CCEEB is a coalition of business, labor, and public leaders that works together to advance strategies to achieve a sound economy and a healthy environment. Founded in 1973, CCEEB is a non-profit and non-partisan organization.

The current proposal would have significant, widespread ramifications that CCEEB members and others are working to understand. Unfortunately, however, the timeline to do so is quite tight given the 724 page Draft Staff Report and associated documents and comment deadline of February 17<sup>th</sup>. Given the highly technical and substantial documentation needing to be reviewed and understood as well as the significant and widespread impacts it will have on dischargers throughout the state, we would appreciate an alternative approach be undertaken for this proposal.

As discussed at the State Water Resources Control Board's (SWRCB) Board meeting last week, Board members discussed the proposal and concerns raised by Board Member D'Adamo. One of the suggestions offered to ameliorate the concerns

she has with the proposal was to bifurcate the proposal so as to address the short-term need to respond to the USEPA Consent Decree deadline by June relative to the Wildlife Mercury Water Quality Objective (WQO). It was shared that such an alternative approach could then permit further discussion, outreach and technical work on the other pieces of the proposal to address the concerns raised.

CCEEB strongly urges the Board to revise its approach to this proposal and bifurcate the Wildlife Mercury WQO from the other provisions in the proposal so as to allow additional time for stakeholders to understand the technical nature and widespread impacts it will have going forward. Notably, the proposal provisions, while interconnected, are actually in fact distinct, far reaching proposals. Further, while the development of the new Tribal, Tribal Cultural and Subsistence Fishing beneficial uses are being proposed in conjunction with the Mercury provisions, they will have broader impact on many other contaminants for which permit limits will be established and/or significantly decreased in association with the higher fish consumption rates tied to these new beneficial uses. We can appreciate that they will not go into effect unless a regional board designates specific water bodies with such as part of their Basin Plan amendment process. However, the Board and staff have thus far declined to develop substantive guidance regarding the designation of site specific values for Mercury, much less the other contaminants that will be tied to their use.

We appreciate your consideration of these concerns and urge the Board to bifurcate the proposals going forward. We believe this is critical and a fair compromise to address the needs of the state to comply with the Consent Decree in the short term while we work on the other pieces that will have detrimental impacts for all municipal and industrial dischargers in the state.

If you have any questions regarding the items highlighted in this letter, please contact CCEEB Water, Chemistry and Waste Project Manager Dawn Koepke with McHugh, Koepke & Associates at (916) 930-1993 or CCEEB Water Quality Task Force Consultant Susan Paulsen at (626) 463-7075. Thank you.

Sincerely,



Gerald D. Secundy  
CCEEB President

Cc: SWRCB Board Members  
Jonathan Bishop, SWRCB  
Karen Larsen, SWRCB  
Rik Rasmussen, SWRCB  
CCEEB WCW Project Members  
CCEEB WQTF Project Members