



CITY OF OCEANSIDE

WATER UTILITIES DEPARTMENT

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

February 17, 2017

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: **PUBLIC COMMENT IN RESPONSE TO 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**

Dear Chair Marcus and Members of the Board:

This letter is in response to the notice of public comment titled “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 Provisions) and the Draft Staff Report, including the Draft Substitute Environmental Documentation (Draft SED).”

The City of Oceanside (City) would first like to request an extension to continue the review the extensive staff report release in January of this year. The City understands development of these Provisions has occurred over a number of years, but the results of this development have only been accessible for a limited period of time as a complete document.

The regulatory framework for implementation of these provisions has not been clearly defined. The staff report identifies that mercury deposits from historic gold and mercury mining are environmentally persistent and may not meet Water Quality Objectives (WQOs) for a century (pg 266). Expectations for achieving WQOs must be clearly identified as well as a realistic timeline. Detailed information needs to be provided of what treatment technologies are available to meet these stringent requirements and if this is fiscally possible to achieve such objectives by the dischargers. Additionally, little guidance is provided on the mechanism for the Regional Boards to amend NPDES permits to incorporate the proposed WQOs.

A suggested mercury source removal for removing mercury discharges in Section 7.1.2 is upgrading secondary wastewater treatment plant to tertiary treatment plants to address mercury disposed of in industrial discharges, household discharges or dental offices to municipal collection systems. Requiring this could cost tens of millions of dollars in construction alone which does not include the drastic increase to Operation and Maintenance (O&M) costs. It should be noted that budgets are fixed and rates cannot be exponentially increased to

accommodate building a new wastewater facility to meet a single effluent limitation. It would be a significant burden to municipalities and rate payers to meet this requirement. Requirements should be focused on controlling industrial and household discharges through industrial pretreatment permits and public outreach. Upgrading wastewater facilities to tertiary treatment for unregulated mercury discharges is not practical or attainable for all districts.

Short of a plant expansion to tertiary treatment, the City did not see sufficient information provided on specific treatment techniques. On page 176 of the staff report does mention current technologies can be used to meet effluent limitations, but does not specify what this entails or what the fiscal impact could be. The anticipated compliance schedules for implementing plant upgrades is not clear from the staff report.

In Section 7.2.8 of the staff report effluent water column limitations are cited as 4 ng/L; currently, wastewater EPA Method 245.1 can only detect down to 33 ng/L. ELAP certified laboratories may be unable to detect mercury to that level due to limitations of current technologies. It is not a reasonable expectation to enforce effluent limits that cannot be seen with this method.

EPA Method 245.7 can see elemental mercury down to 1.8 ng/L with an ML of 5 ng/L, but this is under ideal conditions; any interference will impact the ML. The City suggests that the Board work with dischargers to understand treatment techniques and available laboratory methods to be sure that effluent limitations can be reach and detected with the technology available. Proposing a limit of 4 ng/L is not in line with available laboratory methods.

Under the previous San Diego stormwater (MS4) permit, mercury was not required to be measured in either receiving water monitoring or MS4 outfall monitoring programs. Under the current San Diego MS4 Permit, mercury is only assessed in the receiving water monitoring program, and not in the MS4 outfall discharge monitoring.

- o The San Luis Rey River had not been monitored since 2012 due to no flow. It was sampled for the first time this permit cycle during the January 20 rain events. Results are pending for mercury levels.
- o For the Carlsbad watershed, Oceanside does not discharge to the single receiving water station the copermittees have used for compliance under the current MS4 Permit.

The benchmark reference for mercury in receiving water set by the MS4 copermittees is currently set at 0.002 mg/L, set through the Basin Plan based on the "MUN" (municipal water supply) beneficial use. This will have to be revised if the Mercury Provisions are implemented into future MS4 permits.

Once again, the City requests an extension for review and urges the Board not to approve the Provisions as written, and to continue to work with stakeholders to develop new, more reasonable program measures that are directed toward achieving measureable mercury reductions without substantial increases in cost to water and wastewater ratepayers.

If you have any questions, please do not hesitate to contact me at (760) 435-5912 or by email at lrigby@ci.oceanside.ca.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Rigby". The signature is fluid and cursive, with a large loop at the beginning.

Lori Rigby
Compliance Officer