

**African American Farmers of California
California Citrus Mutual
California Farm Bureau Federation
California Fresh Fruit Association
California Rice Commission
Dairy Cares
East San Joaquin Water Quality Coalition
Nisei Farmers League
Sacramento Valley Water Quality Coalition
San Joaquin County and Delta Water Coalition**

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

January 23, 2017



Via Electronic Mail

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Beneficial Uses and Mercury Objectives
Request for Extension of Time

Dear Ms. Townsend:

The above-listed agricultural organizations join with other stakeholders¹ to respectfully request that the State Water Resources Control Board (State Water Board) extend the time for submission of written comments on the *Draft Staff Report, Including Substitute Environmental Documentation for 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). On January 3, 2017, State Water Board staff released the aforementioned Draft Staff Report and associated documents. According to the Notice of Opportunity for Public Comment, Staff Workshop, Public Hearing and Notice of Filing, written comments are due to be submitted by noon on February 17, 2017. Considering the import of this proposed action, the substantial volume of documents released and technical nature of the information, a 45-day comment period is not adequate for proper public review and comment.

The agricultural organizations listed above understand that the State Water Board is moving quickly in an attempt to adopt mercury water quality objectives prior to June 30, 2017, due to a Consent Decree in *Our Children's Earth Foundation v. U.S. Environmental Protection Agency* (Case No. 3:13-cv-2857-JSW). While we appreciate the State Water Board's preference

¹ We understand that other stakeholders will also be submitting similar letters requesting an extension of time for public comment, and accordingly, we join with those stakeholders in making this request.

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to promulgate such water quality objectives for California, rather than the U.S. EPA, attempting to meet the June 30, 2017 deadline will unfortunately curtail a robust public review process for this rulemaking that will greatly impact dischargers of all types, including agricultural dischargers. Further, the proposed action here is much larger and broader than the adoption of mercury objectives for aquatic life and aquatic-dependent wildlife, which is the scope of the Consent Decree as it applies to mercury.

Considering the broad scope of the action proposed, including the adoption of multiple mercury water quality objectives and the creation of new beneficial uses, we join other stakeholders in requesting an extension of time and additional steps to the public process for this rulemaking. Specifically, we join the Association of California Water Agencies and others to request an extension of the public comment period by 60 additional days to on or about April 17, 2017, and postponement of the State Water Board's first hearing on this issue until May 2017. Then, there should be additional opportunity for the submission of written public comments on any revisions, followed by a final hearing for consideration of adoption in September 2017. Further, we understand that this proposed timeline can be accommodated under the terms of the Consent Decree, in that the State Water Board can work with the U.S. EPA to obtain an automatic extension of the Consent Decree. To the extent that the U.S. EPA does not obtain the automatic extension, this timeline would still allow the State Water Board to develop water quality objectives and beneficial uses that are not part of the Consent Decree, and an associated Program of Implementation for all water quality objectives.

Please contact Tess Dunham at (916) 446-7979 should you have any questions with respect to the above request.

Sincerely,

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cc: Felicia Marcus, Chair
Frances Spivy-Weber, Vice Chair
Tam M. Doduc
Steven Moore
Dorene D'Adamo