



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

IN REPLY REFER TO:

MP-740
WTR-7.00

MAR 30 2012

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814Subject: Comment Letter – Statewide Mercury Policy – California Environmental Quality Act
(CEQA) Scoping Comments, Bureau of Reclamation

Dear Ms. Townsend:

The State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (Water Boards) are in the early stages of developing a statewide mercury Policy (Policy) to control mercury in California's waters. The Policy would define an overall structure for adopting water quality objectives, general implementation requirements, and control plans for mercury-impaired water bodies. The project under consideration is the development and adoption by the SWRCB of: (1) A Policy that will provide the framework for mercury control programs in California's inland waters; and (2) A control program for mercury-impaired reservoirs. As required by the CEQA (California Public Resources Code section 21000, et seq.) and the Water Boards' regulations for compliance with CEQA (California Code of Regulations, Title 23, Division 3, Chapter 27), interested parties and concerned California residents may provide comments and suggestions to the SWRCB early in the project development process.

The Mid-Pacific Region, Bureau of Reclamation, submits the following five comments to the SWRCB:

1. Mercury-laden sediments that have been stabilized in reservoirs currently pose a significant threat to water quality if released to the Delta. Actions resulting from this initiative have the potential to create additional environmental consequences if the sediments are disturbed and/or released downstream.
2. Public Law 102-575 Title 34, the Central Valley Project Improvement Act (CVPIA), significantly influences Reclamation's reservoir operations strategies for the benefit of wildlife, recreation, and water quality. Such requirements are difficult to change and may conflict with the proposed Policy. These types of conflicts must be identified and addressed to ensure successful implementation of a mercury control program.

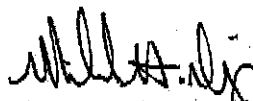
3. A specific set of conditions in the reservoir environment facilitate the creation of methyl mercury. These conditions occur in various places and at various times depending on the availability (among others) of inorganic mercury, organic carbon, dissolved oxygen, and sunlight. Reliable information about the sources and fate of mercury in a large sample of reservoirs is not currently available. It is important to develop an understanding of mercury in reservoirs and to use the information for decision making under a Policy framework.
4. Several competing interests exist for meeting municipal, industrial, irrigation, and environmental water demands that must all be considered when managing Reclamation reservoirs. Operating rules are developed for all of our reservoirs to optimize benefits to:
 - Water delivery schedules for agricultural and municipal contracts.
 - Hydro-power production.
 - Downstream temperature regimes for endangered species.
 - Downstream environmental uses (endangered species minimum and pulsed flow requirements).
 - Downstream flood management.
 - In-lake recreation and wildlife habitat.
 - Flow requirements for existing total maximum daily load.
 - The CVPIA.
 - San Joaquin River Restoration Program.
 - Central Valley Salinity Alternative for Long-Term Sustainability (aka CVSALTS).
 - Bay-Delta Conservation Plan.

Mercury control requirements in reservoirs could conflict with the environmental and social benefits currently achieved by our reservoir operations.

5. Reclamation currently operates multiple reservoirs in California that have been identified by the SWRCB as mercury-impaired. These reservoir impairments could be addressed much more efficiently under a state-wide policy. New mercury regulations should be promulgated after a statewide coordinated and tiered approach has been taken to develop the standards put forth in the new policy. At this point, scientific research cannot fully explain how mercury behaves in the reservoir ecosystem. Obtaining quality scientific information about methyl mercury in reservoirs will be paramount to developing and implementing the appropriate controls and mitigating environmental impact. Reclamation supports science-based mercury policy implementation at the state level.

If you have any questions or comments, please contact Mr. Michael Mosley at 916-978-5119, or mmosley@usbr.gov.

Sincerely,



Michelle H. Denning
Regional Planning Officer