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# Statewide Mercury Provisions

## Addressing Mercury in California's Waters

Mercury is negatively impacting the beneficial uses of many waters of the state by making fish unsafe for human and wildlife consumption. Although mercury occurs naturally in the environment, concentrations of mercury exceed background levels because of human activities. Gold and mercury mines and atmospheric deposition are the predominant sources of mercury, with minor contributions from industrial and municipal wastewater discharges and urban run-off.

On May 2, 2016, the State Water Resources Control Board adopted Resolution 2017-0027, which approved "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." Resolution 2017-0027 provides a consistent regulatory approach throughout the state by setting mercury limits to protect the beneficial uses associated with the consumption of fish by both people and wildlife. Additionally, the State Water Board established three new beneficial use definitions for use the State and Regional Water Boards in designating Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses to inland surface waters, enclosed bays, or estuaries in the state. The State Water Board approved one new narrative and four new numeric mercury objectives to apply to those inland surface waters, enclosed bays, and estuaries of the state that have any of the following beneficial use definitions: COMM, CUL, T-SUB, WILD, MAR, RARE, WARM, COLD, EST, or SAL, with the exception of waterbodies or waterbody segments with site-specific mercury objectives. These provisions will be implemented through National Pollution Discharge Elimination System permits, water quality certifications, waste discharge requirements (WDRs) and waivers of WDRs.

### Announcements

- **NEW! Final Provisions are available.**  
Final 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
  - [HG Provisions](#)

### PREVIOUS ANNOUNCEMENTS

- **OFFICE OF ADMINISTRATIVE LAW APPROVAL**

The Office of Administrative Law has approved State Water Resources Control Board Resolution No. 2017-0027 pursuant to section 11353 of the Government Code.

- [Notice of Approval of Regulatory Action](#)
- [Endorsed and approved Form 400](#)

- **FINAL DOCUMENTS AVAILABLE**

On May 2, 2017, the State Water Resources Control Board adopted Resolution No. 2017-0027, 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.

- [Resolution](#)

The State Water Board has also released the Final Regulatory Language (Appendix A of the Final Staff Report). The Final Regulatory Language and the Final Staff Report, available as separate PDFs at these links:

- [Final Regulatory Language](#) (Appendix A)
- [Final Staff Report](#) (excluding Appendix A)

Changes made to the Draft Resolution and the Revised Draft Final 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 are available in [Change Sheet #1 \(Circulated May 1, 2017\)](#)

[May 2, 2017 Board Meeting recording \(via Youtube\)](#)

- **May 2, 2017 MEETING DOCUMENTS AVAILABLE**

The Clerk to the Board has posted the [Agenda for the May 2, 2017 Board Meeting](#). The Board will consider a proposed Resolution adopting the 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 (Item 6).

[Draft Resolution and the description of the Agenda Item \(number 6\).](#)

[The Summary of the Revisions to the Proposed Final Staff Report and Proposed Final Amendments.](#)

[Revised Draft Final 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 \(Revised Draft Final Staff Report Appendix A\).](#)

[Revised Draft Final Staff Report, Including Substitute Environmental Documentation \(SED\) and Appendices B through U.](#)

[Responses to Comments to the 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](#)

## Water Boards Peer Review documents

- **NOTICE OF PUBLIC MEETING AND CONSIDERATION OF ADOPTION**

The State Water Board will hold a public meeting on **May 2, 2017** to consider (1) adoption of the 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 proposed Final Provisions) and (2) approval of the Final Staff Report, including the Substitute Environmental Documentation (SED). The proposed Final Provisions and Final Staff Report will be released to the public no later than April 22, 2017. The State Water Board will not provide a written comment period for the revisions made to the January 2017 Draft Provisions and Draft Staff Report that will be reflected in the proposed Final Provisions and Final Staff Report; therefore written comments will not be considered. Interested persons may provide oral comments at the public meeting.

[The complete Notice, including time and location of the meeting.](#)

- The State Water Board held a public hearing on **February 7, 2017** to receive public input and comments on the Provisions and the Draft Staff Report, including the Draft SED. A quorum of the State Water Board was not present; and no Board action was taken.

[The Notice of Opportunity for Public Comment, Staff Workshop, Public Hearing, and Notice of Filing.](#) Instructions for submitting comments are included in the notice. The commenting period closed on **February 17, 2017** at 12:00 noon. Information on documents for public comment is available on the [State Water Board's Documents for Public Comment page](#).

For more information about the fish tissue methylmercury objectives, contact [Jacob Iversen](#) at (916) 341-5479 or email [MercuryProvisions@waterboards.ca.gov](mailto:MercuryProvisions@waterboards.ca.gov)

- **NOTICE OF CONTINUATION OF STAFF WORKSHOP**

State Water Board staff held a workshop on January 9, 2017 to explain the draft regulatory language and facilitate public comments. Staff is continuing that workshop to discuss potential instream flow or water supply implications that could be associated with the designation of the proposed beneficial uses, including the Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing beneficial uses. At the staff workshop, staff will present information focusing on the interplay between the proposed beneficial uses and potential instream flow requirements, and the process by which protection of such uses would occur.

The new workshop will take place on **February 1, 2017**, from 10:00 a.m. to 12:30 p.m., at the CalEPA Headquarters Building at 1001 I Street, Sacramento, CA in the Sierra Hearing Room. [Workshop Notice](#)

Note that this workshop will be conducted by staff, but less than a quorum of board members may be present. No board action will be taken at the conclusion of the workshop.

Provisions) is available as of **January 3, 2017**. The Provisions include proposed statewide mercury water quality objectives. [The revised Notice of Opportunity for Public Comment, Staff Workshop, Public Hearing and Notice of Filing.](#)

- The proposed Provisions and Draft Staff Report and SED is a very large document. Staff have broken up the documents into sections that will allow more user-friendly navigation, and are downloadable as individual PDF files. In the table below, click on the link in the **Document Section** column to download a PDF of the sections described. The new uploaded Document Sections contain changes to the page numbers of the staff report, and formatting corrections to Appendix A's headings.

<b>Document Section</b>	<b>Description</b>
<a href="#">Staff Report</a>	The Executive Summary and Chapters 1 - 10 of the Staff Report and SED
<a href="#">Appendix A</a>	Proposed Provisions for 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 (proposed Regulatory Language)
<a href="#">Appendix B</a>	Abbreviations and Definitions
<a href="#">Appendix C</a>	List of Waters Impaired By Mercury
<a href="#">Appendix D</a>	Description of the Nine Water Board Regions
<a href="#">Appendix E</a>	Related Government Mercury Programs
<a href="#">Appendix F</a>	Abandoned Mines and Suction Dredge Mining
<a href="#">Appendix G</a>	Fish Consumption Studies
<a href="#">Appendix H</a>	Calculation of the Human Health Objectives
<a href="#">Appendix I</a>	Calculation of the Water Column Targets

Appendix K	Wildlife Targets
Appendix L	Derivation of Trophic Level Ratios
Appendix M	Summary of Mercury TMDLs
Appendix N	Wastewater and Industrial Discharges
Appendix O	Methods to Measure Mercury
Appendix P	Storm Water Permits
Appendix Q	Wetland Studies
Appendix R	Economic Analysis
Appendix S	Responses to the External Peer Review
Appendix T	Development of Beneficial Uses
Appendix U	Overriding Considerations

- The State Water Board will receive public comments on the proposed Provisions starting on January 3, 2017.

State Water Board staff held a staff workshop on **January 9, 2017** to provide the public an opportunity to discuss the Provisions. No Board action was taken. Staff gave two presentations. The first presentation was on the proposed Mercury Water Quality Objectives and the proposed program

- [Mercury Provisions Staff Workshop, January 9, 2017](#)

## Beneficial Uses: Tribal Traditional Cultural, Tribal Subsistence Fishing, and Subsistence Fishing

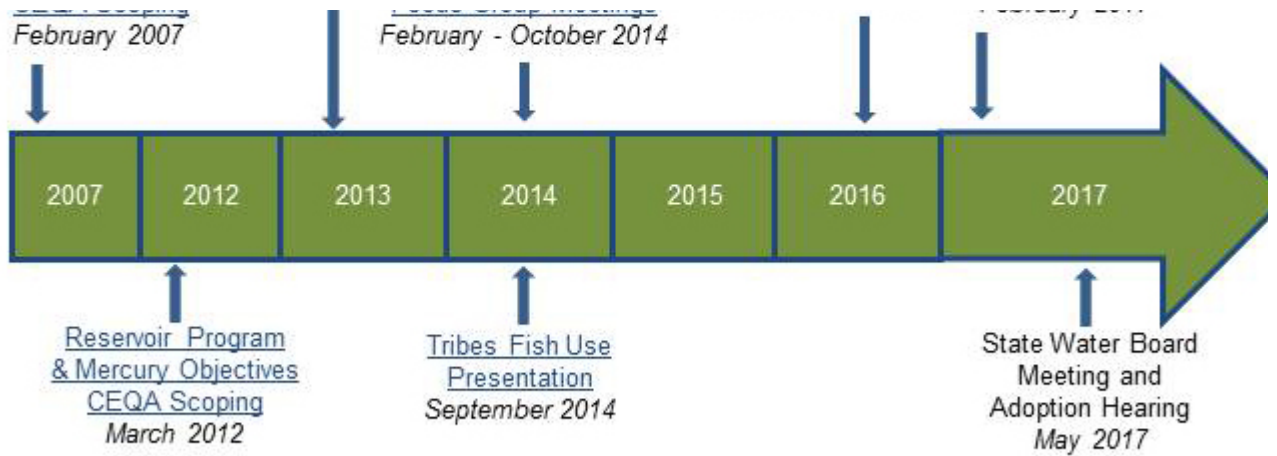
The State Water Board is developing beneficial categories pertaining to tribal traditional and cultural practices, tribal subsistence fishing, and subsistence fishing by other cultures or individuals. For more information, see:

- [Proposed Beneficial Uses: Tribal Traditional and Cultural, Tribal Subsistence Fishing, and Subsistence Fishing webpage](#)

The beneficial uses will be released for public comment and considered for adoption by the State Water Board as part of the Mercury Water Quality Objectives project. These beneficial uses will be included in the Mercury Water Quality Objectives project since these beneficial uses include fish consumption and the Mercury Water Quality Objectives will protect fish consumption.

## Timeline

This timeline shows the development of the Statewide Mercury Program. The presentation materials from the listed events, including the CEQA scoping documents and comment letters, are available for your review.



Subscribe directly to the Statewide Mercury Provisions Email List



### Other Mercury Related Programs

- Statewide Mercury Control Program for Reservoirs
- Total Maximum Daily Loads for Mercury in California Waters
- Fish Consumption Advisories and Other State Programs to Address Mercury

(Page last updated 8/22/17)

*Water is a precious resource in California, and maintaining its quality is of utmost importance to safeguard the health of the public and the environment.*

### Statewide Campaigns

EPA Water Sense

Save Our Water