

CITY OF MERCED

"Gateway to Yosemite"



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March 23, 2011

Mr. Charlie Hoppin, Chairman
State Water Resources Control Board
1001 I Street
P. O. Box 2000
Sacramento, CA 95812-2000

RE: SWRCB Investigation Order WR 2011-0003-EXEC

Dear Chairman Hoppin:

We are writing this letter in support of the Merced Irrigation District's Petition for Reconsideration and Request for Stay in the Investigation Order WR 2011-0003-EXEC.

In this time of belt tightening and economic difficulty, it makes no sense to require Merced Irrigation District to perform these excessive, expensive and time-consuming studies at rate payers' expense. The majority of these studies are not needed by the SWRCB to perform its water quality certification function as it relates to the Merced Irrigation District's Hydroelectric Relicensing Project.

The fact is that Merced Irrigation District has not even applied for a water quality certification. At a minimum, it looks as though the state prematurely issued the Investigation Order prior to an application. More likely, it looks like the state is attempting to pass the burdensome costs of unrelated studies onto local agencies because the state lacks the funding and resources to carry out monitoring programs on its own.

Most appalling is the broad and over-reaching interpretation of Water Code § 13383 by this Investigative Order which would authorize the SWRCB to require similar studies of any discharger regardless of whether they were regulated by a NPDES permit, Waste Discharge Report, a waiver of WDR, or not regulated at all.

We urge you to reconsider the order and withdraw WR 2011-0003-EXEC allowing Merced Irrigation District to apply for CWA § 401 water quality certification when appropriate.

Sincerely,

William Spriggs
Mayor

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