

People for Children's Health & Environmental Justice  
All Positives Possible  
First Generation  
Parents 4 A Healthy Communities  
Whole Education

April 22, 2010

Ms. Kathryn Hart, Chair  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

Re: The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Methylmercury and Total Mercury in the Sacramento-San Joaquin River Delta Estuary

Dear Chairwoman Hart and Fellow Board Members,

We appreciate the opportunity to comment on the BPA/TMDL, Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Methylmercury and Total Mercury in the Sacramento-San Joaquin River Delta Estuary.

As we stated in previous communications to the California Regional Water Quality Control Board, we respectfully and strenuously disagree with the position that the BPA was a collaborative effort that included the environmental justice community. The facts are that EJ community based organizations serving African Americans communities especially those of low-income were not invited or included in the beginning of the BPA/TMDL processes. Of interesting note, the initial invitees listed are not community based organizations or actually serve or address low-income African American communities or issues affecting them. In addition, once the stakeholder advisory committee was implemented there continued to be no representation from EJ communities or community based organizations serving African Americans. Much later in the process it was opened up to allow those who wanted to participate to be involved, however the BPA had already been done. Substantial funding was provided for facilitation and related activities however, no funding was provided to low-income frontline community based organizations in desperate need of funding to be able to effectively participate in these processes.

It is our position that the current proposed BPA and related processes have huge barriers that are very difficult for small frontline community based groups like ours to understand and engage. However, we have been committed and have worked diligently with our very limited and in many cases no resources to try to be engaged so our concerns and issues are included but we are in desperate need of funding and trusted technical assistance to ensure that real benefits go to groups like ours who have been working on these issues.

We are recommending the following:

- Actions must be taken right now to address the elimination and reduction of toxic exposures in our fish, water.

- The most protective water standards be implement to eliminate the mercury, methylmercury and other contaminates affecting the quality of fish consumed by low-income communities who have no or limited choices or culturally who rely on fishing for self-sustainability.
- Funding provided to African American community based groups with limited or no funding so they can effectively participate in these processes.
- Funding provided to community based groups for outreach, education, activities and projects designed by communities such as workshops, surveys, fish farms, exchange of fish programs etc.
- A simplified funding proposal process that is not burdensome on low-income communities to apply for funding.
- Agencies from all the regions must collaborate and connect so that effective protective standards can be implemented throughout California to have any real chance of eliminating the current toxic treats that exist in our waterways affecting the quality of fish we eat.

In order for any real and actual benefits to come out of these processes agencies must respect EJ communities and understand that EJ communities can and do advocate and speak for themselves and must be at the decision-making table to communicate and have a vote and power to work with agencies to come up with real benefits. This process must not be agency, or discharger controlled process where communities are held hostage or enslaved by agency, dischargers or academia, but are in fact at the decision-making table with equal power to effect positive change for our communities especially those that are most negatively affected.

This plan must not be Delta focused but must include all who are affected by this proposed plan. This issue does not only affect those living in the Delta, but includes those who visit or fish regularly and share the fish caught from the Delta with their families, neighbors and friends.

Sincerely,

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