



Sent by Facsimile to: (916) 341-5620
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March 29, 2012



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

Subject: **Comment Letter – Statewide Mercury Policy – CEQA Scoping Comments**

Dear Ms. Townsend:

On March 5, 2012, the State Water Resources Control Board (Water Board) held a CEQA scoping meeting regarding a statewide Mercury policy and Mercury Control Program for reservoirs. The Santa Clara Valley Water District (District) appreciates the opportunity to provide comments on the proposed policy, and mercury control program. District staff has reviewed materials and has the following comments:

1. District staff would support mercury objectives that are consistent yet, flexible enough to adapt to special conditions in each reservoir. We do not believe however that the new policies should apply to watersheds/reservoirs where mercury Total Maximum Daily Loads (TMDL's) have been established and remediation efforts are ongoing, as this could duplicate the efforts being done at these locations.
2. Mercury contamination in reservoirs is from a number of sources such as historical and upstream mining activities, natural processes, and atmospheric deposition. Reservoir operators and operations are not responsible for a majority of the mercury contamination in their facilities and should not be held responsible for the cleanup which is caused by others. The state water board must consider who is responsible for presence of mercury in reservoirs, and assign responsibility to those who generate the contamination.
3. Any new TMDL's established should be based on well-documented, scientifically reliable information.
4. Water Boards should consider the impacts of modifying reservoir operations to control mercury. Some of these actions could have significant impacts on water supply and energy production. Impacts on these factors should be minimized.
5. District staff supports controls on upland earth moving projects and to minimize disturbance of mercury contaminated soils and reduce the mercury load in downstream reservoirs, thus minimizing the need for reservoir operators to mitigate for these impacts. District staff also supports upland earth moving projects as an implementation action to remove mercury contaminated sediment from upstream areas to prevent future mobilization to downstream reservoirs.



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The District appreciates the opportunity to comment on the CEQA scoping document.
If you have any questions or need further information, please contact Shree Dharasker at (408)
265-2607 x3037.

Sincerely,



Ann Draper
Deputy Operating Officer
Watershed Operations

cc: B. Goldie, N. Camacho, J. Fiedler, J. Maher, S. Dharasker, E. Sans, T. Trinh, F.
Brewster, E. Yates, D. Drury, L. Young
Bruce Wolfe, San Francisco Bay Regional Water Quality Control Board