Hetch Hetchy
Regional Water System
Services of the San Francisco Public Utilities Commission

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March 30, 2012

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

Re: SFPUC Comment Letter – Statewide Mercury Policy and Control Program – CEQA Scoping

Dear Ms. Townsend:

Thank you for the opportunity to comment on the CEQA Scoping Notice for a Statewide Mercury Policy and Mercury Control Program for Reservoirs, which outlines the potential implementation actions that are under consideration by the SWRCB. The San Francisco Public Utilities Commission (SFPUC) recognizes the importance of protecting public health and the environment from the threat of mercury contamination, and recommends that the SWRCB comprehensively study the efficacy, cost implications, and potential impacts of any proposed statewide mercury control program. The CEQA process should fully consider and evaluate implementation issues of potential control measures, particularly as they relate to alternatives that affect reservoir operations.

Introduction

The SFPUC provides drinking water to approximately 2.5 million residential, commercial, and industrial customers in the San Francisco Bay Area via the distribution of treated water from six regional reservoirs and Hetch Hetchy Reservoir in Yosemite National Park. The Hetch Hetchy watershed is managed by the National Park Service (NPS). The NPS has an agreement with the SFPUC regarding the protection of water quality consistent with National Park regulations. Hiking and camping in designated locations within the watershed and fishing from the shoreline of the reservoir are permitted. Hetch Hetchy Reservoir has been included on the State of California's 303[d] list as a mercury impaired water body due to the elevated concentration of mercury in fish tissue.

The SFPUC also manages regional reservoirs and their associated watersheds to ensure high quality drinking water and to protect habitats of threatened and endangered species. Currently, 24,000 acres in the San Mateo Creek and Pilarcitos Creek watersheds are protected on the San Francisco Peninsula and 36,000 acres are protected in the East Bay, primarily within the Calaveras, San Antonio, and Alameda Creek watersheds. Public access is permitted, but strictly controlled, on all SFPUC watershed lands and fishing is not allowed on any of the regional reservoirs. The SFPUC also limits activities within the watersheds to those that comport with the Peninsula and Alameda Creek Watershed Management Plans and the SFPUC's Environmental Stewardship Policy. Calaveras Reservoir has also been included on the State of California's 303[d] list as a mercury impaired water body due to elevated concentration of mercury in fish tissue.

Establishment of a Statewide Mercury Policy and Reservoir Control Program

Atmospheric Deposition

The first priority in addressing mercury pollution should be to control mercury emissions at their source through the rigorous application of the Clean Water and Clean Air Acts. This should include all point source as well as non-point source discharges. Unless both water and air sources are controlled and ultimately eliminated, the burden to address mercury pollution will unreasonably fall on agencies that manage watersheds, lakes, streams, rivers, and reservoirs. Absent significant source controls, these agencies will not have the ability to address mercury pollution within their service areas. Many drinking water utilities already restrict watershed land activities and public access to a significant degree to ensure conditions consistent with the impoundment of high quality water. These utilities have no tools to limit atmospheric deposition or other sources of mercury beyond their watershed boundaries. The SFPUC encourages the SWRCB to work closely with the U.S. EPA, the California Air Resources Board, local air quality management districts, and industrial facilities to study and implement effective mercury source reduction strategies.

Changes in Reservoir Operations to Influence Water Chemistry in Reservoirs

Methods to manipulate water chemistry in reservoirs to limit the bioavailability of methylmercury will be of significant cost to drinking water utilities and will be

especially burdensome to those agencies without any direct source of mercury within their watersheds. The consequences of the installation of aeration and/or oxygenation systems and their associated distribution lines will need to be addressed programmatically through this CEQA process. The SWRCB should study the efficacy of installing aeration and/or oxygenation systems and only propose the most sound control measures to limit the bioavailability of methylmercury in reservoirs given that the affected reservoirs already have seen bioaccumulation of methylmercury in fish. The SWRCB also should consider potential significant impacts stemming from construction and maintenance of such systems during this CEQA process. Construction of an oxygenation or aeration system where there is public access and recreation, and regular truck deliveries of oxygen for an oxygenation system once in place, potentially could have a significant impact on aesthetics, noise, air quality, recreation, and greenhouse gas emissions. Likewise, routine maintenance and security measures required for a new facility could have similar impacts.

Requiring the removal of or capping of mercury laden sediment, also will be of significant cost to drinking water utilities and futile if air deposition is not controlled. In reservoirs where fishing is not allowed (e.g., Calaveras Reservoir), costs of sediment removal could be unreasonable relative to the level of public health or environmental risk associated with leaving these sediments in place. The SWRCB should also evaluate potential significant impacts involved with sediment removal and disposal.

Fisheries Management

Fishing is allowed at Hetch Hetchy Reservoir, but all SFPUC reservoirs in the Bay Area, including Calaveras Reservoir, are closed to fishing to protect water quality, thereby eliminating the public's exposure to potentially contaminated fish. The SFPUC is unclear how effective the potential measures outlined by the SWRCB to manipulate these fisheries will be in reducing methylmercury levels and is interested in learning more about the SWRCB's plans to study this issue more closely.

Summary

The SFPUC is mindful of the existing public health risk associated with this issue, and is working with the NPS in Yosemite to better understand potential sources and bioaccumulation pathways. Given the geographic extent at which this is known to affect California reservoirs, lakes, and streams, we want to

emphasize the need for the State to develop solutions at the appropriate scale to address the problems at their source. There are point sources that have been identified throughout the State, but to date we are not aware of any sources in either the Hetch Hetchy or the Calaveras Reservoir watersheds. Research to date suggests air deposition contributes to this problem, and we strongly encourage the SWRCB to coordinate its efforts with the California Air Resources Board.

Thank you for the opportunity to comment. If you have questions about these comments, please contact Tim Ramirez at tramirez@sfwater.org or (415) 554-3265.

Sincerely,

Steven R. Ritchie
Assistant General Manager for Water

cc: David Briggs, SFPUC
Andrew DeGraca, SFPUC
Margaret Hannaford, SFPUC