

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0022**

ALLOCATE \$370,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA)
TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
(CENTRAL VALLEY WATER BOARD) FOR THE DELTA MERCURY EXPOSURE
REDUCTION PROGRAM (PROJECT)

WHEREAS:

1. The Central Valley Water Board is requesting a total of \$370,000 from the CAA for the Delta Mercury Exposure Reduction Program (MERP);
2. The Sacramento-San Joaquin River Delta Estuary (the "Delta") has been listed as an impaired water body pursuant to federal Clean Water Act section 303(d) because elevated concentrations of methylmercury in fish tissue pose a threat to humans;
3. In 2010, the Central Valley Water Board adopted [Resolution No. R5-2010-0043](#), which added a program for the control of methylmercury and total mercury in the Sacramento-San Joaquin River Delta Estuary (the "Delta Mercury Control Program") to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (the "Basin Plan"). The Delta Mercury Control Program establishes a total maximum daily load (TMDL) and a control program to reduce fish methylmercury levels in the Delta and Yolo Bypass;
4. A provision in State Water Resources Control Board [Resolution No. 2005-0060](#), approving the TMDL, directed the Central Valley Water Board to "investigate ways, consistent with their regulatory authority, to address public health impacts of mercury in San Francisco Bay/Delta fish, including activities that reduce actual and potential exposure of and mitigate health impacts to those people and communities most likely to be affected by mercury in San Francisco Bay-Delta caught fish, such as subsistence fishers and their families." The Delta Mercury Control Program includes elements designed to comply with this provision;
5. The Delta Mercury Control Program requires those entities that discharge methylmercury in the Delta and Yolo Bypass to participate in a program to reduce human exposure to mercury-contaminated fish. In 2012, Central Valley Regional Board staff worked with dischargers and other stakeholders to develop a strategy to fund and implement a Delta MERP;
6. The objective of the MERP is to reduce mercury exposure of Delta fish consumers most likely affected by mercury. A study of Delta anglers estimated that 5% of anglers and their families take in methylmercury from local fish at ten times the U.S. EPA's safe intake level for methylmercury. MERP activities are intended to benefit those that eat Delta fish in excess of fish consumption advisory levels and/or are members of sensitive groups, including pregnant and nursing women, women who may become pregnant, and children;

7. The CAA funds will be used to create and implement exposure reduction activities that may include, but are not limited to, identifying at-risk populations and working with these communities to provide messages and educational materials through routes of distribution that are most appropriate for the communities;
8. The MERP strategy estimates the overall cost to form and implement the program will be \$870,000 for a six year period. MERP activities will be described in a work plan developed by stakeholders that is due to be submitted to the Central Valley Water Board's Executive Officer by October 20, 2013;
9. The CAA funds will cover a portion of the State's proportional share of the program costs. The Central Valley Water Board expects in-kind contributions from other state agencies will supplement the funding requested from the CAA; and
10. The requested allocation is consistent with the purposes of the Water Code section 13442. Water Code section 13442 provides that the State Water Resources Control Board (State Water Board) may order monies to be paid from CAA to a public agency with the authority to cleanup or abate the effects of a waste in order "to assist it in cleaning up the waste or abating its effects on waters of the state".

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves \$370,000 from the CAA to fund the Project.
2. Approves the funding with the expectation that if the agreement has not been executed by June 30, 2014, the Executive Director will bring this item back to the State Water Board in October 2014 for possible rescission of funding.
3. Shall make the funds available until May 31, 2020, and shall revert any unexpended funds to the CAA as of June 30, 2020, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on August 20, 2013.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None

Jeanine Townsend
 Clerk to the Board