Amendments to 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 (Attachment 1 to Resolution No. R5-2010-0043)

Revise Chapter II (Existing and Potential Beneficial Uses), Table II-1 for Sacramento San Joaquin Delta, to add as follows:

Yolo Bypass (8)

Sacramento San Joaquin Delta (8,9)

Addition to Table II-1 Footnote (8) under existing text:

COMM is a designated beneficial use for the Sacramento San Joaquin Delta and Yolo Bypass waterways listed in Appendix 43 and not any tributaries to the listed waterways or portions of the listed waterways outside of the legal Delta boundary unless specifically designated.

Addition to Table II-1 Footnote (9) under existing text:

COMM is a designated beneficial use for Marsh Creek and its tributaries listed in Appendix 43 within the legal Delta boundary.

Revise Chapter III (Water Quality Objectives), under "Methylmercury", to add as follows:

For the Sacramento-San Joaquin Delta and Yolo Bypass waterways listed in Appendix 43, the average methylmercury concentrations shall not exceed 0.08 and 0.24 mg methylmercury/kg, wet weight, in muscle tissue of trophic level 3 and 4 fish, respectively (150-500 mm total length). The average methylmercury concentrations shall not exceed 0.03 mg methylmercury/kg, wet weight, in whole fish less than 50 mm in length.

Revise Chapter IV (Implementation), under "Mercury Discharges in the Sacramento River and San Joaquin River Basins", to add as follows:

Delta Mercury Control Program

The Delta Mercury Control Program applies specifically to the Delta and Yolo Bypass waterways listed in Appendix 43.

This amendment was adopted by the Regional Water Quality Control Board on 22 April 2010, and approved by the U.S. Environmental Protection Agency on 20 October 2011. The Effective Date of the Delta Mercury Control Program shall be 20 October 2011, the date of U.S. EPA approval.

Program Overview

The Delta Mercury Control Program is designed to protect people eating one meal/week (32 g/day) of trophic levels 3 and 4 Delta fish, plus some non-Delta (commercial market) fish. The Regional Water Board recognizes that some consumers eat four to five meals per week (128-160 g/day) of a variety of Delta fish species. The fish tissue objectives will be re-evaluated during the Phase 1 Delta Mercury Control Program Review and later program reviews to determine whether objectives protective of a higher consumption rate can be attained as methylmercury reduction actions are developed and implemented.

Additional information about methylmercury source control methods must be developed to determine how and if Dischargers can attain load and waste load allocations set by the Board. Information is also needed about the methylmercury control methods' potential benefits and adverse impacts to humans, wildlife, and the environment. Therefore, the Delta Mercury Control Program will be implemented through a phased, adaptive management approach.

Phase 1 spans from 20 October 2011 through the Phase I Delta Mercury Control Program Review, expected to be by 20 October 2020. Phase 1 emphasizes studies and pilot projects to develop and evaluate management practices to control methylmercury. Phase 1 includes provisions for: implementing pollution minimization programs and interim mass limits for inorganic (total) mercury point sources in the Delta and Yolo Bypass; controlling sediment-bound mercury in the Delta and Yolo Bypass that may become methylated in agricultural lands, wetland, and open-water habitats; and reducing total mercury loading to San Francisco Bay, as required by the Water Quality Control Plan for the San Francisco Bay Basin.

Phase 1 also includes: the development of upstream mercury control programs for major tributaries; the development and implementation of a mercury exposure reduction program to protect humans; and the development of a mercury offset program.

At the end of Phase 1, the Regional Water Board shall conduct a Phase 1 Delta Mercury Control Program Review that considers: modification of methylmercury goals, objectives, allocations and/or the Final Compliance Date; implementation of management practices and schedules for methylmercury controls; and adoption of a mercury offset program for dischargers who cannot meet their load and waste load allocations after implementing all reasonable load reduction strategies. The review also shall consider other potential public and environmental benefits and negative impacts (e.g., habitat restoration, flood protection, water supply, fish consumption) of attaining the allocations. The fish tissue objectives, the linkage analysis between objectives and sources, and the attainability of the allocations will be re-evaluated based on the findings of Phase 1 control studies and other information. The linkage analysis, fish tissue objectives, allocations, and time schedules shall be adjusted at the end of Phase 1, or subsequent program reviews, if appropriate.

Phase 2 begins after the Phase 1 Delta Mercury Control Program Review or 20 October 2022, whichever occurs first, and ends in 2030. During Phase 2, dischargers shall implement methylmercury control programs and continue inorganic (total) mercury reduction programs. Compliance monitoring and implementation of upstream control programs also shall occur in Phase 2.

Load and Waste Load Allocations
Final methylmercury waste load allocations for point sources and load allocations for non-point sources are listed in Tables A through D. For each subarea listed in Table A, the sum of allocations for agricultural drainage, atmospheric wet deposition, open water, urban (nonpoint source), and wetlands and the individual allocations for tributary inputs (Table D), NPDES facilities and NPDES facilities future growth (Table B), and NPDES MS4 (Table C) within that subarea equals that subarea's assimilative capacity. New or expanded methylmercury discharges that begin after 20 October 2011 may necessitate adjustments to the allocations.

Load allocations are specific to Delta subareas, which are shown on Figure A43. The load allocations for each Delta subarea apply to the sum of annual methylmercury loads produced by different types of nonpoint sources: agricultural lands, wetlands, and open-water habitat in each subarea, as well as atmospheric wet deposition to each subarea (Table A), and runoff from urban areas outside of Municipal Separate Storm Sewer System (MS4) service areas. The subarea allocations apply to both existing and future discharges.

Waste load allocations apply to point sources, which include individual NPDES permitted facility discharges and runoff from urban areas within MS4 service areas within the Delta and Yolo Bypass (Tables B and C, respectively).

Methylmercury allocations are assigned to tributary inputs to the Delta and Yolo Bypass (Table D). Future upstream control programs are planned for tributaries to the Delta through which management practices will be implemented to meet load allocations for tributary inputs assigned by the Delta Mercury Control Program.

Load allocations for the tributary inputs, urban areas outside of MS4 service areas, open-water habitat, and atmospheric deposition, and waste load allocations for the MS4s, are based on water years 2000 through 2003, a relatively dry period. Annual loads are expected to fluctuate with rainfall volume and other factors. As a result, attainment of these allocations shall be assessed as a five-year average annual load. Allocations for these sources will be re-evaluated during review of the Phase 1 Delta Mercury Control Program as wet year data become available.

Margin of Safety
The Delta Mercury Control program includes an explicit margin of safety of 10%.

Final Compliance Date
Methylmercury load and waste load allocations for dischargers in the Delta and Yolo Bypass shall be met as soon as possible, but no later than 2030, unless the Regional Water Board modifies the implementation schedule and Final Compliance Date.

During Phase 1, all dischargers shall implement reasonable, feasible controls for inorganic (total) mercury.

All dischargers should implement methylmercury management practices identified during Phase 1 that are reasonable and feasible. However, implementation of methylmercury management practices identified in Phase 1 is not required for the purposes of achieving methylmercury load allocations for nonpoint sources until the beginning of Phase 2.

The Regional Water Board will, as necessary, include schedules of compliance in NPDES permits for compliance with water quality-based effluent limits based on the waste load allocations. The compliance schedules must be consistent with the requirements of federal laws and regulations, including, USEPA regulations 40 CFR 122.47, State laws and regulations, including State Water Board Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits, and the Final Compliance Date. The Regional Board will review the feasibility of meeting wasteload allocations based on reliable data and information regarding variability in methylmercury concentrations and treatment efficiencies and time needed to comply with the wasteload allocations. The Phase 1 Control Studies are designed to provide this information. As needed, the Regional Board shall incorporate the Phase 1 Control Studies into compliance schedules. When Phase 1 studies are complete, the Regional Board will review the need for additional time during Phase 2 for NPDES permittees to comply with the final wasteload allocations.

Implementation Program

Point Sources

The regulatory mechanism to implement the Delta Mercury Control Program for point sources shall be through NPDES permits.

Requirements for NPDES Permitted Facilities

By 20 April 2012, all facilities listed in Table B shall submit individual pollutant minimization program workplans to the Regional Water Board. The dischargers shall implement their respective pollutant minimization programs within 30 days after receipt of written Executive Officer approval of the workplans. Until the NPDES permitted facility achieves compliance with its waste load allocation, the discharger shall submit annual progress reports on pollution minimization activities implemented and evaluation of their effectiveness, including a summary of mercury and methylmercury monitoring results.

During Phase 1, all facilities listed in Table B shall limit their discharges of inorganic (total) mercury to facility performance-based levels. The interim inorganic (total) mercury effluent mass limit is to be derived using current, representative data and shall not exceed the 99.9th percentile of 12-month running effluent inorganic (total) mercury loads (lbs/year). For intermittent dischargers, the interim inorganic (total) mercury effluent mass limit shall consider site-specific discharge conditions. The limit shall be assigned in permits and reported as an annual load based on a calendar year. At the end of Phase 1, the interim inorganic (total) mercury mass limit will be re-evaluated and modified as appropriate.

NPDES permitted facilities that begin discharging to the Delta or Yolo Bypass during Phase 1 shall comply with the above requirements.

Requirements for NPDES Permitted Urban Runoff Discharges

MS4 dischargers listed in Table C shall implement best management practices (BMPs) to control erosion and sediment discharges consistent with their existing permits and orders with the goal of reducing mercury discharges.

The Sacramento MS4 (CAS082597), Contra Costa County MS4 (CAS083313), and Stockton MS4 (CAS083470) permittees shall implement pollution prevention measures and BMPs to minimize total mercury discharges. This requirement shall be implemented through mercury

reduction strategies required by their existing permits and orders. Annually, the dischargers shall report on the results of monitoring and a description of implemented pollution prevention measures and their effectiveness.

The Sacramento MS4 (CAS082597), Contra Costa County MS4 (CAS083313), and Stockton MS4 (CAS083470) shall continue to conduct mercury control studies to monitor and evaluate the effectiveness of existing BMPs per existing requirements in permits and orders, and to develop and evaluate additional BMPs as needed to reduce their mercury and methylmercury discharges into the Delta and Yolo Bypass.

Nonpoint Sources

Nonpoint sources shall be regulated through the authority contained in State and federal laws and regulations, including State Water Board's Nonpoint Source Implementation and Enforcement Policy.

Table A contains methylmercury load allocations for non-point sources in the Delta and Yolo Bypass waterways listed in Appendix 43.

During Phase 1, all nonpoint sources in the Delta and Yolo Bypass shall implement reasonable, feasible actions to reduce sediment in runoff with the goal of reducing inorganic mercury loading to the Yolo Bypass and Delta, in compliance with existing Basin Plan objectives and requirements, and Irrigated Lands Regulatory Program requirements.

Attainment of methylmercury load allocations at the end of 2030 will be determined by comparing monitoring data and documentation of methylmercury management practice implementation for each subarea with loads specified in Table A and Table D.

For subareas not in compliance with allocations by 2030, the Regional Water Board may develop load allocations for individual sources and require individual monitoring and waste discharge requirements.

In subareas needing reductions in methylmercury, proponents of new wetland and wetland restoration projects scheduled for construction after 20 October 2011 shall (a) participate in Control Studies as described below, or shall implement site-specific study plans, that evaluate practices to minimize methylmercury discharges, and (b) implement methylmercury controls as feasible. New wetland projects may include pilot projects and associated monitoring to evaluate management practices that minimize methylmercury discharges.

Phase 1 Control Studies

Point and nonpoint source dischargers, working with other stakeholders, shall conduct methylmercury control studies (Control Studies) to evaluate existing control methods and, as needed, develop additional control methods that could be implemented to achieve their methylmercury load and waste load allocations. The Regional Water Board will use the Phase 1 Control Studies' results and other information to consider amendments to the Delta Mercury Control Program during the Phase 1 Delta Mercury Control Program Review.
A Technical Advisory Committee, described below, will review the Control Studies' designs and results.

Study Participants

Control Studies can be developed through a stakeholder group approach or other collaborative mechanism, or by individual dischargers. Individual dischargers are not required to do individual studies if the individual dischargers join a collaborative study group(s).

Control Studies are required for:

a. Irrigated agricultural lands that discharge to the Yolo Bypass and Delta subareas that require methylmercury source reductions.

b. Managed wetlands and wetland restoration projects that discharge to the Yolo Bypass and Delta subareas that require methylmercury source reductions.

c. Existing NPDES permitted facilities in the Delta and the Yolo Bypass (listed in Table B).

d. Sacramento Area MS4, Stockton MS4, and Contra Costa County MS4 service areas within and upstream of the legal Delta boundary.

e. State and Federal agencies whose activities affect the transport of mercury and the production and transport of methylmercury through the Yolo Bypass and Delta, or which manage open water areas in the Yolo Bypass and Delta, including but not limited to Department of Water Resources, State Lands Commission, Central Valley Flood Protection Board, U.S. Army Corps of Engineers, and U.S. Bureau of Reclamation. If appropriate during Phase 1, the Executive Officer will require other water management agencies whose activities affect methylmercury levels in the Delta and Yolo Bypass to participate in the Control Studies.

f. Other significant sources of methylmercury not listed above, as identified and deemed appropriate by the Executive Officer.

Dischargers in the Central Valley that are not subject to the Delta Mercury Control Program but may be subject to future mercury control programs in upstream tributary watersheds are encouraged to participate in the coordinated Delta Control Studies. Dischargers in and upstream of the Delta who participate in the Control Studies will be exempt from conducting equivalent Control Studies required by future upstream mercury control programs.

Study Objectives

The Control Studies shall evaluate existing control methods and, as needed, additional control methods that could be implemented to achieve methylmercury load and waste load allocations. The Control Studies shall evaluate the feasibility of reducing sources more than the minimum amount needed to achieve allocations.

Phase 1 studies also may include an evaluation of innovative actions, watershed approaches, offsets projects, and other short and long-term actions that result in reducing inorganic (total) mercury and methylmercury to address the accumulation of methylmercury in fish tissue and to reduce methylmercury exposure.

Dischargers may evaluate the effectiveness of using inorganic (total) mercury controls to control methylmercury discharges.

Dischargers may conduct characterization studies to inform and prioritize the Control Studies. Characterization studies may include, but not be limited to, evaluations of methylmercury and total mercury concentrations and loads in source waters, receiving waters, and discharges, to

determine which discharges act as net sources of methylmercury, and which land uses result in the greatest net methylmercury production and loss.

Final reports for Control Studies shall include a description of methylmercury and/or inorganic (total) mercury management practices identified in Phase 1; an evaluation of the effectiveness, and costs, potential environmental effects, and overall feasibility of the control actions. Final reports shall also include proposed implementation plans and schedules to comply with methylmercury allocations as soon as possible.

If the Control Study results indicate that achieving a given methylmercury allocation is infeasible, then the discharger, or an entity representing a discharger, shall provide detailed information on why full compliance is not achievable, what methylmercury load reduction is achievable, and an implementation plan and schedule to achieve partial compliance.

Control Study Workplans

Control Studies shall be implemented through Control Study Workplan(s). The Control Study Workplan(s) shall provide detailed descriptions of how methylmercury control methods will be identified, developed, and monitored, and how effectiveness, costs, potential environmental effects, and overall feasibility will be evaluated for the control methods.

The Control Study Workplan(s) shall include details for organizing, planning, developing, prioritizing, and implementing the Control Studies.

The Control Studies will be governed using an Adaptive Management approach.

Technical Advisory Committee and Adaptive Management Approach

The Regional Water Board commits to supporting an Adaptive Management approach. The adaptive management approach includes the formation of a Stakeholder Group(s) and a Technical Advisory Committee (TAC). Regional Water Board staff, working with the TAC and Stakeholder Group(s), will provide a Control Study Guidance Document for stakeholders to reference.

The TAC shall be comprised of independent experts who would convene as needed to provide scientific and technical peer review of the Control Study Workplan(s) and results, advise the Board on scientific and technical issues, and provide recommendations for additional studies and implementation alternatives developed by the dischargers. The Board shall form and manage the TAC with recommendations from the dischargers and other stakeholders, including tribes and community organizations.

Board staff shall work with the TAC and Stakeholder Group(s) to review the Control Study Workplan(s) and results. As new information becomes available from the Control Studies or outside studies that result in redirection and/or prioritization of existing studies, dischargers may amend the Control Study Workplan(s) with Executive Officer approval.

Mercury Control Studies Schedule

1. By 20 April 2012, entities required to conduct Control Studies shall submit for Executive Officer approval either: (1) a report(s) describing how dischargers and stakeholders plan to organize to develop a coordinated, comprehensive Control Study Workplan(s), or (2) a report describing how individual dischargers will develop individual Control Study

Workplans. For dischargers conducting coordinated studies, the report shall include a list of participating dischargers, stakeholders, tribes, and community groups. Dischargers shall be considered in compliance with this reporting requirement upon written commitment to either be part of a group developing a Control Study Workplan or develop an individual Control Study Workplan.

2. Control Study Workplans shall be submitted to the Regional Water Board by 20 July 2012. With Executive Officer approval, an additional nine months may be allowed for Workplans being developed by a collaborative stakeholder approach. The Control Study Workplan(s) shall contain a detailed plan for the Control Studies and the work to be accomplished during Phase 1. Regional Water Board staff and the TAC will review the Workplans and provide recommendations for revising Workplans if necessary.

   Within four months of submittal, the Executive Officer must determine if the Workplans are acceptable. After four months, Workplans are deemed approved and ready to implement if no written approval is provided by the Executive Officer, unless the Executive Officer provides written notification to extend the approval process.

   Dischargers shall be considered in compliance with this reporting requirement upon timely submittal of workplans and revisions.

3. By 20 October 2015, entities responsible for Control Studies shall submit report(s) to the Regional Water Board documenting progress towards complying with the Control Study Workplan(s). The report shall include amended workplans for any additional studies needed to address methylmercury reductions. The TAC will review the progress reports and may recommend what additional or revised studies should be undertaken to complete the objectives of the Control Studies. Staff will review the progress reports and recommendations of the TAC and provide a progress report to the Regional Water Board.

4. By 20 October 2018, entities responsible for Control Studies shall complete the studies and submit to the Regional Water Board Control Studies final reports that present the results and descriptions of methylmercury control options, their preferred methylmercury controls, and proposed methylmercury management plan(s) (including implementation schedules), for achieving methylmercury allocations. In addition, final report(s) shall propose points of compliance for non-point sources.

If the Executive Officer determines that dischargers are making significant progress towards developing, implementing and/or completing the Phase 1 Control Studies but that more time is needed to finish the studies, the Executive Officer may consider extending a study's deadlines.

The Executive Officer may, after public notice, extend time schedules up to two years if the dischargers demonstrate reasonable attempts to secure funding for the Phase 1 studies but experience severe budget shortfalls.

Annually, staff shall publicly report to the Regional Water Board progress of upstream mercury program development, discharger and stakeholder coordination, Control Study Workplan status, implementation of Control Studies, actions implemented or proposed to meet load and waste load allocations, and the status of the formation and activities of the TAC.

By 20 October 2015, the Executive Officer shall provide a comprehensive report to the Regional Water Board on Phase 1 progress, including progress of upstream mercury control program development, Control Studies, actions implemented or proposed to meet Delta Mercury Control Program load and waste load allocations, and the status and progress of the TAC.

If dischargers do not comply with Control Study implementation schedules, the Executive Officer shall consider issuing individual waste discharge requirements or ordering the production of technical reports and/or management plans.

Phase 1 Delta Mercury Control Program Review

By 20 October 2020, at a public hearing, and after a scientific peer review and public review process, the Regional Water Board shall review the Delta Mercury Control Program and may consider modification of objectives, allocations, implementation provisions and schedules, and the Final Compliance Date.

If the Executive Officer allows an extension for the Control Studies' schedule, then the Delta Mercury Control Program Review may be delayed up to two years. If the Delta Mercury Control Program Review is delayed more than one year, the Regional Water Board should consider extending the schedule for Phase 2 implementation of methylmercury controls, and the Final Compliance Date.

The Regional Water Board shall assess: (a) the effectiveness, costs, potential environmental effects, and technical and economic feasibility of potential methylmercury control methods; (b) whether implementation of some control methods would have negative impacts on other project or activity benefits; (c) methods that can be employed to minimize or avoid potentially significant negative impacts to project or activity benefits that may result from control methods; (d) implementation plans and schedules proposed by the dischargers; and (e) whether methylmercury allocations can be attained.

The Regional Water Board shall use any applicable new information and results of the Control Studies to adjust the relevant allocations and implementation requirements as appropriate. Interim limits established during Phase 1 and allocations will not be reduced as a result of early actions that result in reduced inorganic (total) mercury and/or methylmercury in discharges.

As part of the Phase 1 Delta Mercury Control Program Review and subsequent program reviews, the Regional Water Board may consider adjusting the allocations to allow methylmercury discharges from existing and new wetland restoration and other aquatic habitat enhancement projects if dischargers provide information that demonstrates that 1) all reasonable management practices to limit methylmercury discharges are being implemented and 2) implementing additional methylmercury management practices would negatively impact fish and wildlife habitat or other project benefits. The Regional Water Board will consider the merits of the project(s) and whether to require the discharger(s) to propose other activities in the watershed that could offset the methylmercury. The Regional Water Board will periodically review the progress towards achieving the allocations and may consider additional conditions if the plan described above is ineffective.

The Regional Water Board shall conduct the Phase 1 Delta Mercury Program Review based on information received in Phase 1. If the Regional Water Board does not receive timely information to review and update the Delta Mercury Control Program, then allocations shall not

be raised but may be lowered and the 2030 Final Compliance Date shall not be changed for those individual dischargers who did not complete the Phase 1 requirements.

The Regional Water Board shall require implementation of appropriate management practices. The methylmercury management plan(s) developed in Phase 1 shall be initiated as soon as possible, but no later than one (1) year after Phase 2 begins.

The Regional Water Board shall review this control program two years prior to the end of Phase 2, and at intervals no more than 10 years thereafter.

Compliance Monitoring

Within two years after the start of Phase 2, entities responsible for meeting load and waste load allocations shall monitor methylmercury loads and concentrations and submit annual reports to the Regional Water Board. The points of compliance for waste load allocations for NPDES facilities shall be the effluent monitoring points described in individual NPDES permits. The points of compliance for MS4s required to conduct methylmercury monitoring are those locations described in the individual MS4 NPDES permits or otherwise determined to be representative of the MS4 service areas and approved by the Executive Officer on an MS4-specific basis. The points of compliance and monitoring plans for non-point sources shall be determined during the Control Studies. Compliance with the load allocations for nonpoint sources and waste load allocations for MS4s may be documented by monitoring methylmercury loads at the compliance points or by quantifying the annual average methylmercury load reduced by implementing pollution prevention activities and source and treatment controls.

Entities will be allowed to comply with their mercury receiving water monitoring requirements by participating in a regional monitoring program, when such a program is implemented.

Chapter V, Surveillance and Monitoring, contains additional monitoring guidance.

Requirements for State and Federal Agencies

Open water allocations are assigned jointly to the State Lands Commission, the Department of Water Resources, and the Central Valley Flood Protection Board as applicable. Other agencies that are identified in Phase 1 that implement actions and activities that have the potential to contribute to methylmercury production and loss in open water will be required to take part in the studies. In the Phase 1 review, the Regional Water Board will modify, as appropriate, the list of entities that are responsible for meeting the open water allocations. Open water allocations apply to the methylmercury load that fluxes to the water column from sediments in open-water habitats within channels and floodplains in the Delta and Yolo Bypass.

The State Lands Commission, Central Valley Flood Protection Board, Department of Water Resources, and other identified agencies shall conduct Control Studies and evaluate options to reduce methylmercury in open waters under jurisdiction of the State Lands Commission and floodplain areas inundated by flood flows. These agencies shall evaluate their activities to determine whether operational changes or other practices or strategies could be implemented to reduce ambient methylmercury concentrations in Delta open water areas and floodplain areas inundated by managed floodplain flows. Evaluations shall include inorganic mercury reduction projects. By 20 April 2012, these agencies shall demonstrate how the agencies have secured adequate resources to fund the Control Studies. Regional Water Board staff will work with the

agencies to develop the Control Studies and evaluate potential mercury and methylmercury reduction actions.

Activities including water management and impoundment in the Delta and Yolo Bypass, maintenance of and changes to salinity objectives, dredging and dredge materials disposal and reuse, and management of flood conveyance flows are subject to the open water methylmercury allocations. Agencies responsible for these activities in the Delta and Yolo Bypass include, but are not limited to, Department of Water Resources, State Lands Commission, Central Valley Flood Protection Board, U.S. Bureau of Reclamation, U.S. Army Corps of Engineers (USACE), and the State Water Resources Control Board. Control Studies shall be completed for the activities that have the potential to increase ambient methylmercury levels. These agencies may conduct their own coordinated Control Studies or may work with the other stakeholders in comprehensive, coordinated Control Studies.

The agencies should coordinate with wetland and agricultural landowners during Phase 1 to characterize existing methylmercury discharges to open waters from lands immersed by managed flood flows and develop methylmercury control measures.

New wetland, floodplain, and other aquatic habitat restoration and enhancement projects, including but not limited to projects developed, planned, funded, or approved by individuals, private businesses, non-profit organizations, and local, State, and federal agencies such as USACE, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, U.S. Environmental Protection Agency, U.S. Bureau of Reclamation, State Water Resources Control Board, California Department of Water Resources, and California Department of Fish and Game, shall comply with all applicable requirements of this program, including conducting or participating in Control Studies and complying with allocations. To the extent allowable by their regulatory authority, Federal, State, and local agencies that fund, approve, or implement such new projects shall direct project applicants/grantees/loanees to apply to or consult with the Regional Water Board to ensure full compliance with the water quality requirements herein.

<u>Dredging and Dredge Material Reuse</u>
Dredging activities and activities that reuse dredge material in the Delta should minimize increases in methyl and total mercury discharges to Delta waterways (Appendix 43). The following requirements apply to dredging and excavating projects in the Delta and Yolo Bypass where a Clean Water Act 401 Water Quality Certification or other waste discharge requirements are required. The Clean Water Act 401 Water Quality Certifications shall include the following conditions:

1. Employ management practices during and after dredging activities to minimize sediment releases into the water column.

2. Ensure that under normal operational circumstances, including during wet weather, dredged and excavated material reused at upland sites, including the tops and dry-side of levees, is protected from erosion into open waters.

In addition to the above requirements, the following requirements apply to the California Department of Water Resources, USACE, the Port of Sacramento, the Port of Stockton, and

other State and federal agencies conducting dredging and excavating projects in the Delta and Yolo Bypass:

1. Characterize the total mercury mass and concentration of material removed from Delta waterways (Appendix 43) by dredging activities.

2. Conduct monitoring and studies to evaluate management practices to minimize methylmercury discharges from dredge return flows and dredge material reuse sites. Agencies shall:

   - By 20 October 2013, project proponents shall submit a study workplan(s) to evaluate methylmercury and mercury discharges from dredging and dredge material reuse, and to develop and evaluate management practices to minimize increases in methyl and total mercury discharges. The proponents may submit a comprehensive study workplan rather than conduct studies for individual projects. The comprehensive workplan may include exemptions for small projects. Upon Executive Officer approval, the plan shall be implemented.

   - By 20 October 2018, final reports that present the results and descriptions of mercury and methylmercury control management practices shall be submitted to the Regional Water Board.

   Studies should be designed to achieve the following aims for all dredging and dredge material reuse projects. When dredge material disposal sites are utilized to settle out solids and return waters are discharged into the adjacent surface water, methylmercury concentrations in return flows should be equal to or less than concentrations in the receiving water. When dredge material is reused at aquatic locations, such as wetland and riparian habitat restoration sites, the reuse should not add mercury-enriched sediment to the site or result in a net increase of methylmercury discharges from the reuse site.

The results of the management practices studies should be applied to future projects.

<u>Cache Creek Settling Basin Improvement Plan and Schedule</u>
Department of Water Resources, Central Valley Flood Protection Board, and USACE, in conjunction with any landowners and other interested stakeholders, shall implement a plan for management of mercury contaminated sediment that has entered and continues to enter the Cache Creek Settling Basin (Basin) from the upstream Cache Creek watershed. The agencies shall:

1. By 20 October 2012, the agencies shall take all necessary actions to initiate the process for Congressional authorization to modify the Basin, or other actions as appropriate, including coordinating with the USACE.

2. By 20 October 2013, the agencies shall develop a strategy to reduce total mercury from the Basin for the next 20 years. The strategy shall include a description of, and schedule for, potential studies and control alternatives, and an evaluation of funding options. The agencies shall work with the landowners within the Basin and local communities affected by Basin improvements.

3. By 20 October 2015, the agencies shall submit a report describing the long term environmental benefits and costs of sustaining the Basin's mercury trapping abilities indefinitely.

4. By 20 October 2015, the agencies shall submit a report that evaluates the trapping efficiency of the Cache Creek Settling Basin and proposes, evaluates, and recommends potentially feasible alternative(s) for mercury reduction from the Basin. The report shall evaluate the feasibility of decreasing mercury loads from the basin, up to and including a 50% reduction from existing loads.

5. By 20 October 2017, the agencies shall submit a detailed plan for improvements to the Basin to decrease mercury loads from the Basin.

The agencies shall submit the strategy and planning documents described above to the Regional Water Board for approval by the Executive Officer. During Phase 1, the agencies should consider implementing actions to reduce mercury loads from the Basin. Beginning in Phase 2, the agencies shall implement a mercury reduction plan.

Tributary Watersheds
Table D identifies methylmercury allocations for tributary inputs to the Delta and Yolo Bypass.

The sum total of 20-year average total mercury loads from the tributary watersheds identified in Table D needs to be reduced by 110 kg/yr. Initial reduction efforts should focus on watersheds that contribute the most mercury-contaminated sediment to the Delta and Yolo Bypass, such as the Cache Creek, American River, Putah Creek, Cosumnes River, and Feather River watersheds.

Future mercury control programs will address the tributary watershed methylmercury allocations and total mercury load reductions assigned to tributary inputs to the Delta and Yolo Bypass. Additional methylmercury and total mercury load reductions may be required within those watersheds to address any mercury impairment within those watersheds.

Mercury control programs will be developed for tributary inputs to the Delta by the following dates:

2012: American River;
2016: Feather, Sacramento, San Joaquin, and Mokelumne Rivers, and Marsh and Putah Creeks; and
2017: Cosumnes River and Morrison Creek.

Mercury Offsets
The intent of an offset program is to optimize limited resources to maximize environmental benefits. The overall objectives for an offset program are to (1) provide more flexibility than the current regulatory system provides to improve the environment while meeting regulatory requirements (i.e., load and wasteload allocations) at a lower overall cost and (2) promote watershed-based initiatives that encourage earlier and larger load reductions to the Delta than would otherwise occur.

On or before 20 October 2020, the Regional Water Board will consider adoption of a mercury (inorganic and/or methyl) offsets program. During Phase 1, stakeholders may propose pilot offset projects for public review and Regional Water Board approval. The offsets program and any Phase 1 pilot offset projects shall be based on the following key principles:

- Offsets shall be consistent with existing USEPA and State Board policies and with the assumptions and requirements upon which this and other mercury control programs are established.
- Offsets should not include requirements that would leverage existing discharges as a means of forcing dischargers to bear more than their fair share of responsibility for causing or contributing to any violation of water quality standards. In this context "fair share" refers to the dischargers' proportional contribution of methylmercury load.
- Offset credits should only be available to fulfill a discharger's responsibility to meet its (waste) load allocation after reasonable load reduction and pollution prevention strategies have been implemented.
- Offsets should not be allowed in cases where local human or wildlife communities bear a disparate or disproportionate pollution burden as a result of the offset.
- Offset credits should be available upon generation and last long enough (i.e., not expire quickly) to encourage feasible projects.
- Creditable load reductions achieved should be real, quantifiable, verifiable, and enforceable by the Regional Water Board.

Alternatives to direct load credits may be developed.

<u>Exposure Reduction Program</u>
While methylmercury and mercury source reductions are occurring, the Regional Water Board recognizes that activities should be undertaken to protect those people who eat Delta fish by reducing their methylmercury exposure and its potential health risks. The Exposure Reduction Program (ERP) is not intended to replace timely reduction of mercury and methylmercury loads to Delta waters.

The Regional Water Board will investigate ways, consistent with its regulatory authority, to address public health impacts of mercury in 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 Delta caught fish, such as subsistence fishers and their families (*State Water Board Resolution No. 2005-0060*).

By 20 October 2012, Regional Water Board staff shall work with dischargers (either directly or through their representatives), State and local public health agencies (including California Department of Public Health, California Office of Health Hazard Assessment, and county public health and/or environmental health departments), and other stakeholders, including community-based organizations, tribes, and Delta fish consumers, to complete an Exposure Reduction Strategy. The purposes of the Strategy will be to recommend to the Executive Officer how dischargers will be responsible for participating in an ERP, to set performance measures, and to propose a collaborative process for developing, funding and implementing the program. The Strategy shall take into account the proportional share of methylmercury contributed by individual dischargers. If dischargers (either directly or through their representatives) do not participate in the collaborative effort to develop the ERP, the Regional Water Board will evaluate

and implement strategies, consistent with the Regional Water Board's regulatory authority, to assure participation from all dischargers or their representatives.

The objective of the Exposure Reduction Program is to reduce mercury exposure of Delta fish consumers most likely affected by mercury.

The Exposure Reduction Program must include elements directed toward:

- Developing and implementing community-driven activities to reduce mercury exposure;
- Raising awareness of fish contamination issues among people and communities most likely affected by mercury in Delta-caught fish such as subsistence fishers and their families;
- Integrating community-based organizations that serve Delta fish consumers, tribes, and public health agencies in the design and implementation of an exposure reduction program;
- Identifying resources, as needed, for community-based organizations and tribes to participate in the Program;
- Utilizing and expanding upon existing programs and materials or activities in place to reduce mercury, and as needed, create new materials or activities; and
- Developing measures for program effectiveness.

The dischargers, either individually or collectively, or based on the Exposure Reduction Strategy, shall submit an exposure reduction workplan for Executive Officer approval by 20 October 2013. The workplan shall address the Exposure Reduction Program objective, elements, and dischargers' coordination with other stakeholders. Dischargers shall integrate or, at a minimum, provide good-faith opportunities for integration of community-based organizations, tribes, and consumers of Delta fish into planning, decision making, and implementation of exposure reduction activities.

The dischargers shall implement the workplan by six months after Executive Officer approval of workplan. Every three years after workplan implementation begins, the dischargers, individually or collectively, shall provide a progress report to the Executive Officer. Dischargers shall participate in the Exposure Reduction Program until they comply with all requirements related to their individual or subarea methylmercury allocation.

The California Department of Public Health, the California Office of Environmental Health Hazard Assessment, and the local county public health and/or environmental health departments should collaborate with dischargers and community and tribal members to develop and implement exposure reduction programs and provide guidance to dischargers and others that are conducting such activities. The California Department of Public Health and/or other appropriate agency should seek funds to contribute to the Exposure Reduction Program and to continue it beyond 2030, if needed, until fish tissue objectives are attained.

The State Water Board should develop a statewide policy that defines the authority and provides guidance for exposure reduction programs, including guidance on addressing public health impacts of mercury, activities that reduce actual and potential exposure of, and mitigating health impacts to those people and communities most likely to be affected by mercury.

<u>Exceptions for Low Threat Discharges</u>
Discharges subject to a waiver of waste discharge requirements based on a finding that the discharges pose a low threat to water quality, except for discharges subject to water quality certifications, are exempt from the mercury requirements of this Delta Mercury Control Program.

Discharges subject to waste discharge requirements for dewatering and other low threat discharges to surface waters are exempt from the mercury requirements of this Delta Mercury Control Program.

Revise Chapter IV (Implementation), under "Recommended for Implementation by the State Water Board", to add:

Delta Mercury

1. The State Water Board should consider requiring methylmercury controls for new water management activities that have the potential to increase ambient methylmercury levels as a condition of approval of any water right action required to implement the project. The State Water Board Division of Water Rights should consider requiring the evaluation and implementation of feasible management practices to reduce or, at a minimum, prevent methylmercury ambient levels from increasing from those changes in water management activities and flood conveyance projects that have the potential to increase methylmercury levels. The State Water Board should consider funding or conducting studies to develop and evaluate management practices to reduce methylmercury production resulting from existing water management activities or flood conveyance projects.

2. During future reviews of the salinity objectives contained in the Bay-Delta Plan, the State Water Board Division of Water Rights should consider conducting studies to determine whether proposed changes to salinity objectives could affect methylmercury production and should consider the results of these studies in evaluating changes to the salinity objectives.

Revise Chapter IV (Implementation), under "Recommended for Implementation by Other Agencies", to add:

Delta Mercury

1. USEPA and the California Air Resources Board should work with the State Water Board and develop a memorandum of understanding to evaluate local and statewide mercury air emissions and deposition patterns and to develop a load reduction program(s).

2. The State of California should establish the means to fund a portion of the mercury control projects in the Delta and upstream watersheds.

3. Watershed stakeholders are encouraged to identify total mercury and methylmercury reduction projects and propose and conduct projects to reduce upstream non-point sources of methylmercury and total mercury. The Regional Water Board recommends that state and federal grant programs give priority to projects that reduce upstream non-point sources of methylmercury and total mercury.

4. Dischargers may evaluate imposed administrative civil liabilities projects for total mercury and methylmercury discharge and exposure reduction projects, consistent with Supplemental Environmental Project policies.

Revise Chapter IV (Implementation), under "Estimated Costs of Agricultural Water Quality Control Programs and Potential Sources of Financing", to add:

Delta Mercury Control Program

The total estimated costs (2007 dollars) for the agricultural methylmercury control studies to develop management practices to meet the Delta methylmercury allocations range from $290,000 to $1.4 million. The estimated annual costs for agricultural discharger compliance monitoring range from $14,000 to $25,000. The estimated annual costs for Phase 2 implementation of methylmercury management practices range from $590,000 to $1.3 million.

1. Potential funding sources include those identified in the San Joaquin River Subsurface Agricultural Drainage Control Program and the Pesticide Control Program.

Revise Chapter V (Surveillance and Monitoring), under "Mercury and Methylmercury", to add as follows:

Delta

<u>Fish Methylmercury Compliance Monitoring</u>
The Regional Water Board will use the following specifications to determine compliance with the methylmercury fish tissue objectives in the Sacramento-San Joaquin Delta. Beginning 2025, Regional Water Board staff will initiate fish tissue monitoring. Thereafter compliance monitoring will ensue every ten years, more frequently as needed where substantial changes in methyl or total mercury concentrations or loading occur, but not to exceed ten years elsewhere.

Initial fish tissue monitoring will take place at the following compliance reaches in each subarea:

- Central Delta subarea: Middle River between Bullfrog Landing and Mildred Island;
- Marsh Creek subarea: Marsh Creek from Highway 4 to Cypress Road;
- Mokelumne/Cosumnes River subarea: Mokelumne River from the Interstate 5 bridge to New Hope Landing;
- Sacramento River subarea: Sacramento River from River Mile 40 to River Mile 44;
- San Joaquin River subarea: San Joaquin River from Vernalis to the Highway 120 bridge;
- West Delta subarea: Sacramento/San Joaquin River confluence near Sherman Island;
- Yolo Bypass-North subarea: Tule Canal downstream of its confluence with Cache Creek; and
- Yolo Bypass-South subarea: Toe Drain between Lisbon and Little Holland Tract.

Compliance fish methylmercury monitoring will include representative fish species for comparison to each of the methylmercury fish tissue objectives:

- Trophic Level 4: bass (largemouth and striped), channel and white catfish, crappie, and Sacramento pikeminnow.
- Trophic Level 3: American shad, black bullhead, bluegill, carp, Chinook salmon, redear sunfish, Sacramento blackfish, Sacramento sucker, and white sturgeon.
- Small (<50 mm) fish: primary prey species consumed by wildlife in the Delta, which may include the species listed above, as well as inland silverside, juvenile bluegill, mosquitofish, red shiner, threadfin shad, or other fish less than 50 mm.

Trophic level 3 and 4 fish sample sets will include three species from each trophic level and will include both anadromous and non-anadromous fish. Trophic level 3 and 4 fish sample sets will include a range of fish sizes between 150 and 500 mm total length. Striped bass, largemouth bass, and sturgeon caught for mercury analysis will be within the CDFG legal catch size limits. Sample sets for fish less than 50 mm will include at least two fish species that are the primary prey species consumed by wildlife at sensitive life stages. In any subarea, if multiple species for a particular trophic level are not available, one species in the sample set is acceptable.

Water Methylmercury and Total Mercury Compliance Monitoring

Compliance points for irrigated agriculture and managed wetlands methylmercury allocations shall be developed during the Phase 1 Control Studies.

In conjunction with the Phase 1 Control Studies, nonpoint sources, irrigated agriculture, and managed wetlands shall develop and implement mercury and/or methylmercury monitoring, and submit monitoring reports.

NPDES facilities' compliance points for methylmercury and total mercury monitoring are the effluent monitoring points currently described in individual NPDES permits.

During Phase 1 and Phase 2, facilities listed in Table B shall conduct effluent total mercury and methylmercury monitoring starting by 20 October 2012. Monitoring frequencies shall be defined in the NPDES permits. Effluent monitoring requirements will be re-evaluated during the Delta Mercury Control Program Reviews.

Facilities that begin discharging to surface water during Phase 1 and facilities for which effluent methylmercury data were not available at the time Table B was compiled, shall conduct monitoring.

Compliance points and monitoring frequencies for MS4s required to conduct methylmercury and total mercury monitoring are those locations and wet and dry weather sampling periods currently described in the individual MS4 NPDES permits or otherwise determined to be representative of the MS4 service areas and approved by the Executive Officer on an MS4-specific basis.

Annual methylmercury loads in urban runoff in MS4 service areas within the Delta and Yolo Bypass may be calculated by the following method or by an alternate method approved by the Executive Officer. The annual methylmercury load in urban runoff for a given MS4 service area

during a given year may be calculated by the sum of wet weather and dry weather methylmercury loads. To estimate wet weather methylmercury loads discharged by MS4 urban areas, the average of wet weather methylmercury concentrations observed at the MS4's compliance locations may be multiplied by the wet weather runoff volume estimated for all urban areas within the MS4 service area within the Delta and Yolo Bypass. To estimate dry weather methylmercury loads, the average of dry weather methylmercury concentrations observed at the MS4's compliance locations may be multiplied by the estimated dry weather urban runoff volume in the MS4 service area within the Delta and Yolo Bypass.

TABLE A
METHYLMERCURY LOAD AND WASTE LOAD ALLOCATIONS FOR EACH DELTA SUBAREA BY SOURCE CATEGORY

Source Type	DELTA SUBAREA													
	Central Delta		Marsh Creek		Mokelumne River		Sacramento River		San Joaquin River		West Delta		Yolo Bypass	
	Current Load (g/yr)	Allocation (g/yr)	Current Load (g/yr)	Allocation (g/yr)	Current Load (g/yr)	Allocation (g/yr)	Current Load (g/yr)	Allocation (g/yr)	Current Load (g/yr)	Allocation (g/yr)	Current Load (g/yr)	Allocation (g/yr)	Current Load (g/yr)	Allocation (g/yr)
Methylmercury Load Allocations														
Agricultural drainage [(d)]	37	37	2.2	0.40	1.6	0.57	36	20	23	8.3	4.1	4.1	19	4.1
Atmospheric wet deposition	7.3	7.3	0.23	0.23	0.29	0.29	5.6	5.6	2.7	2.7	2.4	2.4	4.2	4.2
Open water	370	370	0.18	0.032	4.0	1.4	140	78	48	17	190	190	100	22
Tributary Inputs [(a)]	37	37	1.9	0.34	110	39	2,034	1,129	367	133			462	100
Inputs from Upstream Subareas	(b)	(b)	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	(b)	(b)	- - -	- - -
Urban (nonpoint source)	0.14	0.14	---	---	0.018	0.018	0.62	0.62	0.0022	0.0022	0.066	0.066	---	---
Wetlands [(d)]	210	210	0.34	0.061	30	11	94	52	43	16	130	130	480	103
Methylmercury Waste Load Allocations														
NPDES facilities [(a)]	1.3	1.3	0.086	0.086	0	0	162	90	40	15	0.0019	0.0019	1.0	0.42
NPDES facilities future growth [(a)]	---	0.32 [(b)]	---	0.21	---	0	---	8.6	---	2.1	---	0.25 [(b)]	---	0.60
NPDES MS4 [(a)]	5.4	5.4	1.2	0.30	0.045	0.016	2.8	1.6	4.8	1.7	3.2	3.2	1.5	0.38
Total Loads [(c)] (g/yr)	**668**	**668**	**6.14**	**1.66**	**146**	**52.6**	**2,475**	**1,385**	**528**	**195**	**330**	**330**	**1,068**	**235**

Table A Footnotes:

(a) Values shown for Tributary Inputs, NPDES Facilities, NPDES Facilities Future Growth, and NPDES MS4 represent the sum of several individual discharges. See Tables B, C, and D for allocations for the individual discharges that should be used for compliance purposes.

(b) The Central Delta subarea receives flows from the Sacramento, Yolo Bypass, Mokelumne, and San Joaquin subareas. The West Delta subarea receives flows from the Central Delta and Marsh Creek subareas. These within-Delta flows have not yet been quantified because additional data are needed for loss rates across the subareas. Federal and state agencies whose activities affect methylmercury loss and production processes in the Delta and Yolo Bypass are assigned joint responsibility for the open water allocation. These subarea inflows are expected to decrease substantially (e.g., 40-80%) as upstream mercury management practices take place. As a result, reductions for sources within the Central and West subareas and tributaries that drain directly to these subareas are not required.

(c) For each Delta subarea, the allocations in Table A for agricultural drainage, atmospheric wet deposition, open water, urban (nonpoint source), and wetlands plus the individual allocations for tributary inputs (Table D), NPDES facilities and NPDES facilities future growth (Table B), and NPDES MS4 (Table C) within that subarea equal the Delta subarea's TMDL (assimilative capacity).

(d) The load allocations apply to the net methylmercury loads, where the net loads equal the methylmercury load in outflow minus the methylmercury loads in source water (e.g., irrigation water and precipitation).

TABLE B
MUNICIPAL AND INDUSTRIAL WASTEWATER METHYLMERCURY (MeHg) ALLOCATIONS

PERMITTEE [a]	NPDES Permit No.	MeHg Waste Load Allocation [b] (g/yr)
Central Delta		
Discovery Bay WWTP	CA0078590	0.37
Lincoln Center Groundwater Treatment Facility	CA008255	0.018
Lodi White Slough WWTP	CA0079243	0.94
Metropolitan Stevedore Company	CA0084174	[c]
Unassigned allocation for NPDES facility discharges	[d]	0.31
Marsh Creek		
Brentwood WWTP	CA0082660	0.14
Unassigned allocation for NPDES facility discharges	[d]	0.16
Sacramento River		
Rio Vista Northwest WWTP	CA0083771	0.069
Rio Vista WWTP	CA0079588	0.056
Sacramento Combined WWTP	CA0079111	0.53
SRCSD Sacramento River WWTP	CA0077682	89
Unassigned allocation for NPDES facility discharges	[d]	8.5
San Joaquin River		
Deuel Vocational Inst. WWTP	CA0078093	0.021
Manteca WWTP	CA0081558	0.38
Mountain House Community Services District WWTP	CA0084271	0.37
Oakwood Lake Subdivision Mining Reclamation [f]	CA0082783	0.38 [f]
Stockton WWTP	CA0079138	13
Tracy WWTP	CA0079154	0.77
Unassigned allocation for NPDES facility discharges	[d]	1.7
West Delta		
GWF Power Systems [e]	CA0082309	0.0052
Mirant Delta LLC Contra Costa Power Plant	CA0004863	[e]
Ironhouse Sanitation District	CA0085260	0.030
Unassigned allocation for NPDES facility discharges	[d]	0.22
Yolo Bypass		
Davis WWTP [g]	CA0079049	0.17 [g]
Woodland WWTP	CA0077950	0.43
Unassigned allocation for NPDES facility discharges	[d]	0.42

Table B Footnotes:

(a) If NPDES facilities that have allocations in Table B regionalize or consolidate, their waste load allocations can be summed.

(b) Methylmercury waste load allocations apply to annual (calendar year) discharge methylmercury loads.

(c) A methylmercury waste load allocation for non-storm water discharges from the Metropolitan Stevedore Company (CA0084174) shall be established in its NPDES permit once it completes three sampling events for methylmercury in its discharges. Its waste load allocation is a component of the "Unassigned Allocation" for the Central Delta subarea.

(d) Table B contains unassigned waste load allocations for new discharges to surface water that begin after 20 October 2011. New discharges that may be allotted a portion of the unassigned allocation may come from (1) existing facilities that previously discharged to land and then began to discharge to surface water or diverted discharges to another facility that discharges to surface water as part of ongoing regionalization efforts; (2) newly built facilities that have not previously discharged to land or water; and (3) expansions to existing facilities beyond their allocations listed in Table B where the additional allocation does not exceed the product of the net increase in flow volume and 0.06 ng/l methylmercury. The sum of all new and/or expanded methylmercury discharges from NPDES facilities within each Delta subarea shall not exceed the Delta subarea-specific waste load allocation listed in Table B.

(e) Methylmercury loads and concentrations in heating/cooling and power facility discharges vary with intake water conditions. To determine compliance with the allocations, dischargers that that use ambient surface water for cooling water shall conduct concurrent monitoring of the intake water and effluent. The methylmercury allocations for such heating/cooling and power facility discharges are 100%, such that the allocations shall become the detected methylmercury concentration found in the intake water. GWF Power Systems (CA0082309) acquires its intake water from sources other than ambient surface water and therefore has a methylmercury allocation based on its effluent methylmercury load.

(f) The waste load allocation for the Oakwood Lake Subdivision Mining Reclamation (CA0082783) shall be assessed as a five-year average annual methylmercury load.

(g) The City of Davis WWTP (CA0079049) has two discharge locations; wastewater is discharged from Discharge 001 to the Willow Slough Bypass upstream of the Yolo Bypass and from Discharge 002 to the Conaway Ranch Toe Drain in the Yolo Bypass. The methylmercury load allocation listed in Table B applies only to Discharge 002, which discharges seasonally from about February to June. Discharge 001 is encompassed by the Willow Slough watershed methylmercury allocation listed in Table D.

TABLE C
MS4 METHYLMERCURY (MeHg) WASTE LOAD ALLOCATIONS FOR URBAN RUNOFF WITHIN EACH DELTA SUBAREA

Permittee	NPDES Permit No.	MeHg Waste Load Allocation [a, b] (g/yr)
Central Delta		
Contra Costa (County of) [c]	CAS083313	0.75
Lodi (City of)	CAS000004	0.053
Port of Stockton MS4	CAS084077	0.39
San Joaquin (County of)	CAS000004	0.57
Stockton Area MS4	CAS083470	3.6
Marsh Creek		
Contra Costa (County of) [c]	CAS083313	0.30
Mokelumne River		
San Joaquin (County of)	CAS000004	0.016
Sacramento River		
Rio Vista (City of)	CAS000004	0.0078
Sacramento Area MS4	CAS082597	1.0
San Joaquin (County of)	CAS000004	0.11
Solano (County of)	CAS000004	0.041
West Sacramento (City of)	CAS000004	0.36
Yolo (County of)	CAS000004	0.041
San Joaquin River		
Lathrop (City of)	CAS000004	0.097
Port of Stockton MS4	CAS084077	0.0036
San Joaquin (County of)	CAS000004	0.79
Stockton Area MS4	CAS083470	0.18
Tracy (City of)	CAS000004	0.65
West Delta		
Contra Costa (County of) [c]	CAS083313	3.2
Yolo Bypass		
Solano (County of)	CAS000004	0.021
West Sacramento (City of)	CAS000004	0.28
Yolo (County of)	CAS000004	0.083

Table C Footnotes:

(a) Some MS4s service areas span multiple Delta subareas and are therefore listed more than once. The allocated methylmercury loads for all MS4s are based on the average methylmercury concentrations observed in runoff from urban areas in or near the Delta during water years 2000 through 2003, a relatively dry period. Annual loads are expected to fluctuate with water volume and other factors. As a result, attainment of these allocations shall be assessed as a five-year average annual load. Allocations may be revised during review of the Delta Mercury Control Program to include available wet year data.

(b) The methylmercury waste load allocations include all current and future permitted urban discharges not otherwise addressed by another allocation within the geographic boundaries of urban runoff management agencies within the Delta and Yolo Bypass, including but not limited to Caltrans facilities and rights-of-way (NPDES No. CAS000003), public facilities, properties proximate to banks of waterways, industrial facilities, and construction sites.

(c) The Contra Costa County MS4 discharges to both the Delta and San Francisco Bay. The above allocations apply only to the portions of the MS4 service area that discharge to the Delta within the Central Valley Water Quality Control Board's jurisdiction.

TABLE D
TRIBUTARY WATERSHED
METHYLMERCURY (MeHg) ALLOCATIONS

Tributary	MeHg Load Allocation [a] (g/yr)
Central Delta	
Bear Creek @ West Lane / Mosher Creek @ Morada Lane (sum of watershed loads)	11
Calaveras River @ railroad tracks u/s West Lane	26
Marsh Creek	
Marsh Creek @ Highway 4	0.34
Mokelumne River	
Mokelumne River @ Interstate 5	39.3 (39) [b]
Sacramento River	
Morrison Creek @ Franklin Boulevard	4.2
Sacramento River @ Freeport	1,125 (1,100) [b]
San Joaquin River	
French Camp Slough downstream of Airport Way	4.0
San Joaquin River @ Vernalis	129 (130) [b]
Yolo Bypass	
Cache Creek	30 [c]
Dixon Area	0.77
Fremont Weir	39
Knights Landing Ridge Cut	22
Putah Creek @ Mace Boulevard	2.4
Ulatis Creek near Main Prairie Road	2.1
Willow Slough	3.9

Table D Footnotes:

(a) Methylmercury allocations are assigned to tributary inputs to the Delta and Yolo Bypass. Mercury control programs designed to achieve the allocations for tributaries listed in Table D will be implemented by future Basin Plan amendments. Methylmercury load allocations are based on water years 2000 through 2003, a relative dry period. Annual loads are expected to fluctuate with water volume and other factors. As a result, attainment of these allocations shall be assessed as a five-year average annual load. Allocations will be revised during review of the Delta Mercury Control Program to include available wet year data.

(b) Tributary load allocations rounded to two significant figures for compliance evaluation.

(c) The allocation for water from Cache Creek entering the Yolo Bypass in this table is designed to achieve fish tissue objectives in the Yolo Bypass and Delta established by the Delta Mercury Control Program. The allocation in Table IV-6.1 assigned by the Cache Creek Mercury Control Program applies to the Cache Creek Settling Basin and requires a greater reduction so that fish within the Settling Basin can achieve water quality objectives for methylmercury in fish tissue that apply to Cache Creek, including the Settling Basin.

Add New Appendix 43 to the Basin Plan as follows:

APPENDIX 43

Delta and Yolo Bypass Waterways Applicable to the Delta Mercury Control Program

Table A43-1 lists the Sacramento-San Joaquin Delta waterways and the Yolo Bypass waterways within the Delta and north of the legal Delta boundary to which the COMM beneficial use, site-specific methylmercury fish tissue objectives, Delta mercury control implementation program, and monitoring provisions apply. The list contains distinct, readily identifiable water bodies within the boundaries of the "Legal" Delta (as defined in California Water Code section 12220) that are hydrologically connected by surface water flows (not including pumping) to the Sacramento and/or San Joaquin rivers. The list also includes Knights Landing Ridge Cut, Putah Creek, and Tule Canal in the Yolo Bypass north of the legal Delta boundary. Figures A43-1, A43-2, and A43-3 show the locations of these waterways.

The methylmercury allocations set forth in the Delta methylmercury control program are specific to Delta subareas, which are shown on Figure A43-4. Table A43-2 lists the waterways within each of the subareas.

TABLE A43-1: DELTA AND YOLO BYPASS WATERWAYS

Map Label # / Waterway Name		Map Label # / Waterway Name	
1.	Alamo Creek	48.	Grizzly Slough
2.	Babel Slough	49.	Haas Slough
3.	Barker Slough	50.	Hastings Cut
4.	Bear Creek	51.	Hog Slough
5.	Bear Slough	52.	Holland Cut
6.	Beaver Slough	53.	Honker Cut
7.	Big Break	54.	Horseshoe Bend
8.	Bishop Cut	55.	Indian Slough
9.	Black Slough	56.	Italian Slough
10.	Broad Slough	57.	Jackson Slough
11.	Brushy Creek	58.	Kellogg Creek
12.	Burns Cutoff	59.	Latham Slough
13.	Cabin Slough	60.	Liberty Cut
14.	Cache Slough	61.	Lindsey Slough
15.	Calaveras River	62.	Little Connection Slough
16.	Calhoun Cut	63.	Little Franks Tract
17.	Clifton Court Forebay	64.	Little Mandeville Cut
18.	Columbia Cut	65.	Little Potato Slough
19.	Connection Slough	66.	Little Venice Island
20.	Cosumnes River	67.	Livermore Yacht Club
21.	Crocker Cut	68.	Lookout Slough
22.	Dead Dog Slough	69.	Lost Slough
23.	Dead Horse Cut	70.	Main Canal (Duck Slough tributary)
24.	Deer Creek (Tributary to Marsh Creek)	71.	Main Canal (Italian Slough tributary)
25.	Delta Cross Channel	72.	Marsh Creek
26.	Disappointment Slough	73.	Mayberry Cut
27.	Discovery Bay	74.	Mayberry Slough
28.	Donlon Island	75.	Middle River
29.	Doughty Cut	76.	Mildred Island
30.	Dry Creek (Marsh Creek tributary)	77.	Miner Slough
31.	Dry Creek (Mokelumne River tributary)	78.	Mokelumne River
32.	Duck Slough	79.	Mormon Slough
33.	Dutch Slough	80.	Morrison Creek
34.	Elk Slough	81.	Mosher Slough
35.	Elkhorn Slough	82.	Mountain House Creek
36.	Emerson Slough	83.	North Canal
37.	Empire Cut	84.	North Fork Mokelumne River
38.	Fabian and Bell Canal	85.	North Victoria Canal
39.	False River	86.	Old River
40.	Fisherman's Cut	87.	Paradise Cut
41.	Fivemile Creek	88.	Piper Slough
42.	Fivemile Slough	89.	Pixley Slough
43.	Fourteenmile Slough	90.	Potato Slough
44.	Franks Tract	91.	Prospect Slough
45.	French Camp Slough	92.	Red Bridge Slough
46.	Georgiana Slough	93.	Rhode Island
47.	Grant Line Canal	94.	Rock Slough

TABLE A43-1: DELTA AND YOLO BYPASS WATERWAYS, *Continued*

Map Label # / Waterway Name	Map Label # / Waterway Name
95. Sacramento Deep Water Channel	124. Toe Drain
96. Sacramento River	125. Tom Paine Slough
97. Salmon Slough	126. Tomato Slough
98. San Joaquin River	127. Trapper Slough
99. Sand Creek	128. Turner Cut
100. Sand Mound Slough	129. Ulatis Creek
101. Santa Fe Cut	130. Upland Canal (Sycamore Slough tributary)
102. Sevenmile Slough	131. Victoria Canal
103. Shag Slough	132. Walker Slough
104. Sheep Slough	133. Walthall Slough
105. Sherman Lake	134. Washington Cut
106. Short Slough	135. Werner Dredger Cut
107. Smith Canal	136. West Canal
108. Snodgrass Slough	137. Whiskey Slough
109. South Fork Mokelumne River	138. White Slough
110. Steamboat Slough	139. Winchester Lake
111. Stockton Deep Water Channel	140. Woodward Canal
112. Stone Lakes	141. Wright Cut
113. Sugar Cut	142. Yosemite Lake
114. Sutter Slough	143. Yolo Bypass
115. Sweany Creek	144. Deuel Drain
116. Sycamore Slough	145. Dredger Cut
117. Taylor Slough (Elkhorn Slough tributary)	146. Highline Canal
118. Taylor Slough (near Franks Tract)	147. Cache Creek Settling Basin Outflow
119. Telephone Cut	148. Knights Landing Ridge Cut
120. The Big Ditch	149. Putah Creek
121. The Meadows Slough	150. Tule Canal
122. Three River Reach	
123. Threemile Slough	

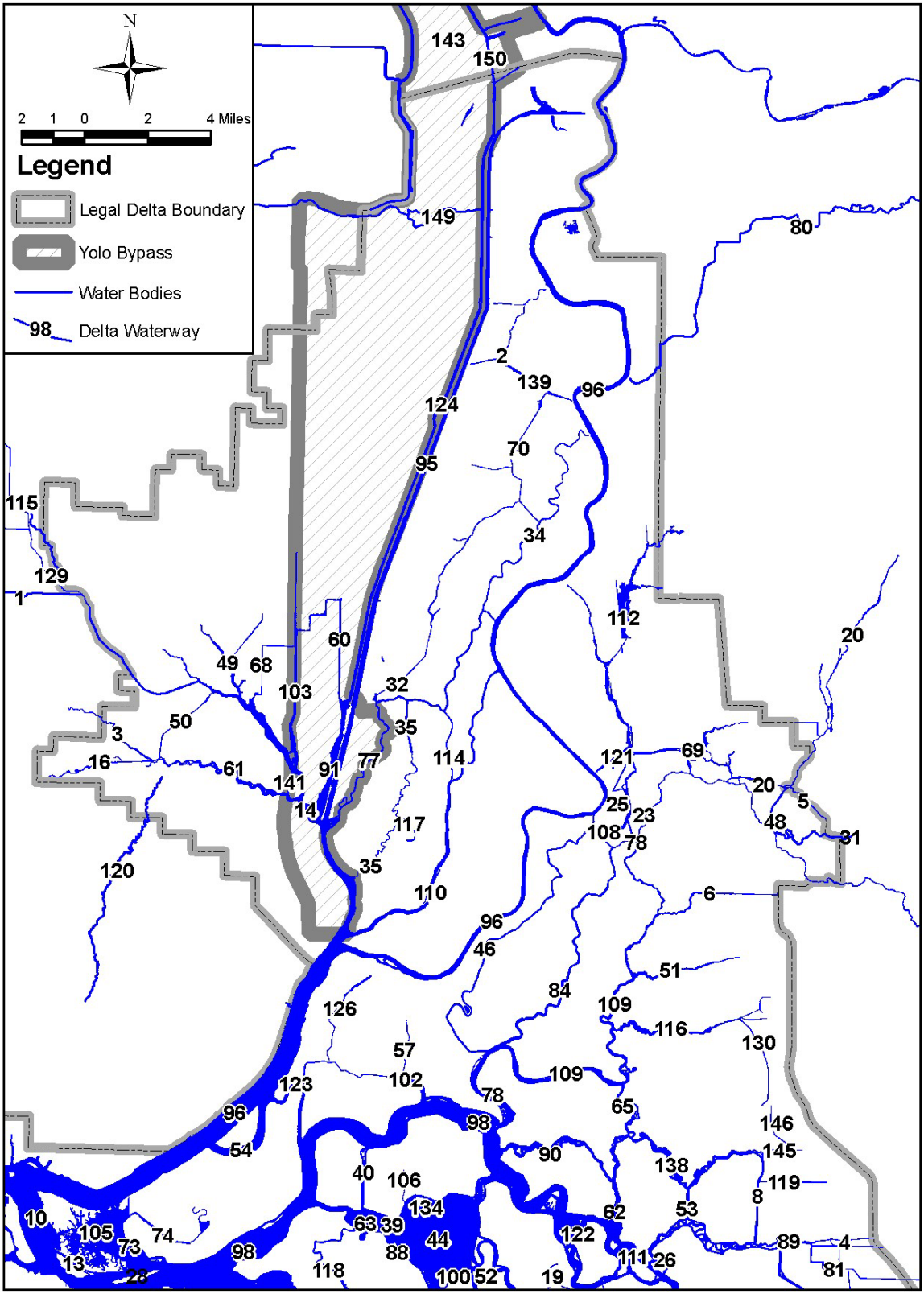

Figure A43-1: Delta Waterways (Northern Panel)

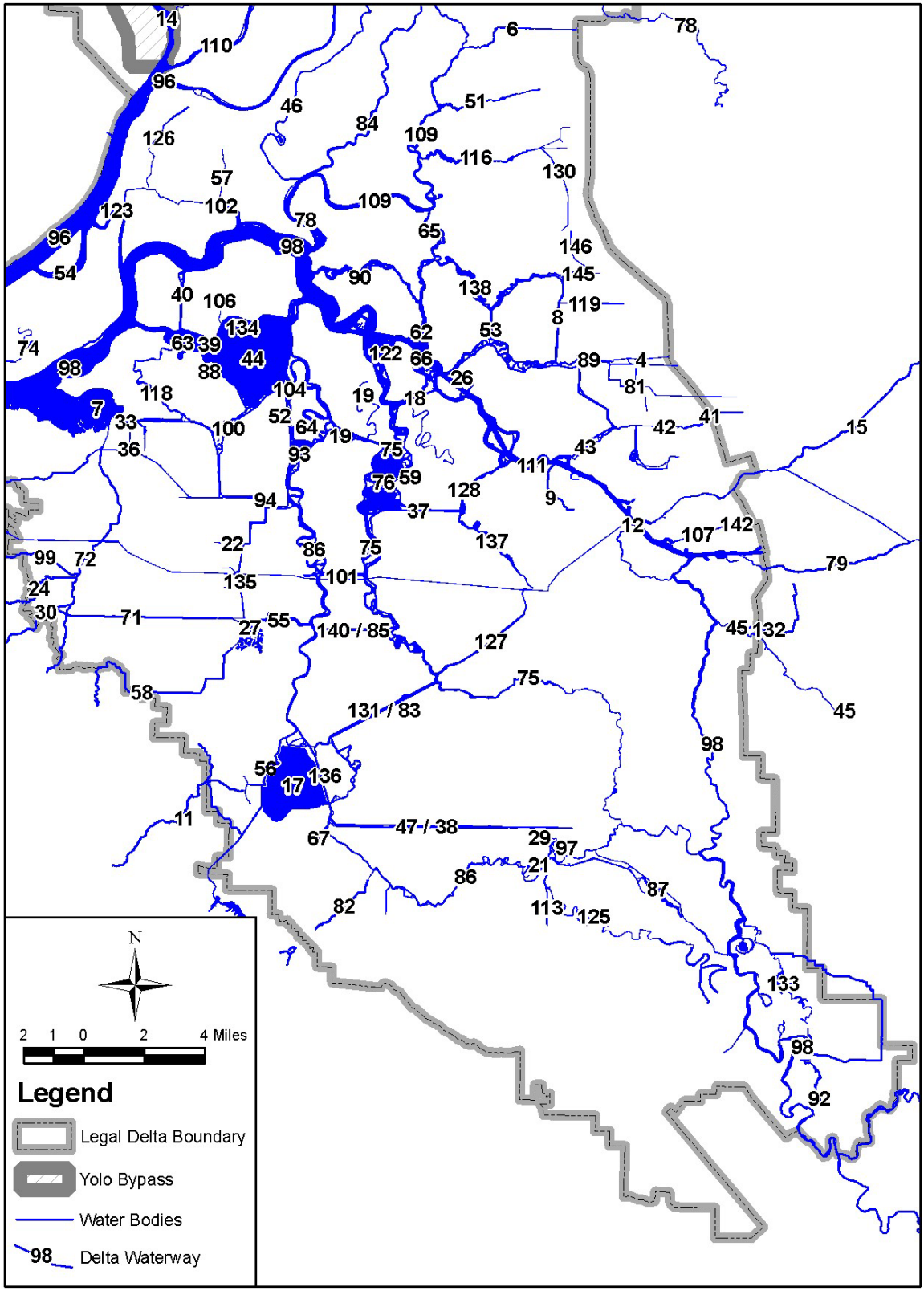

Figure A43-2: Delta Waterways (Southern Panel)

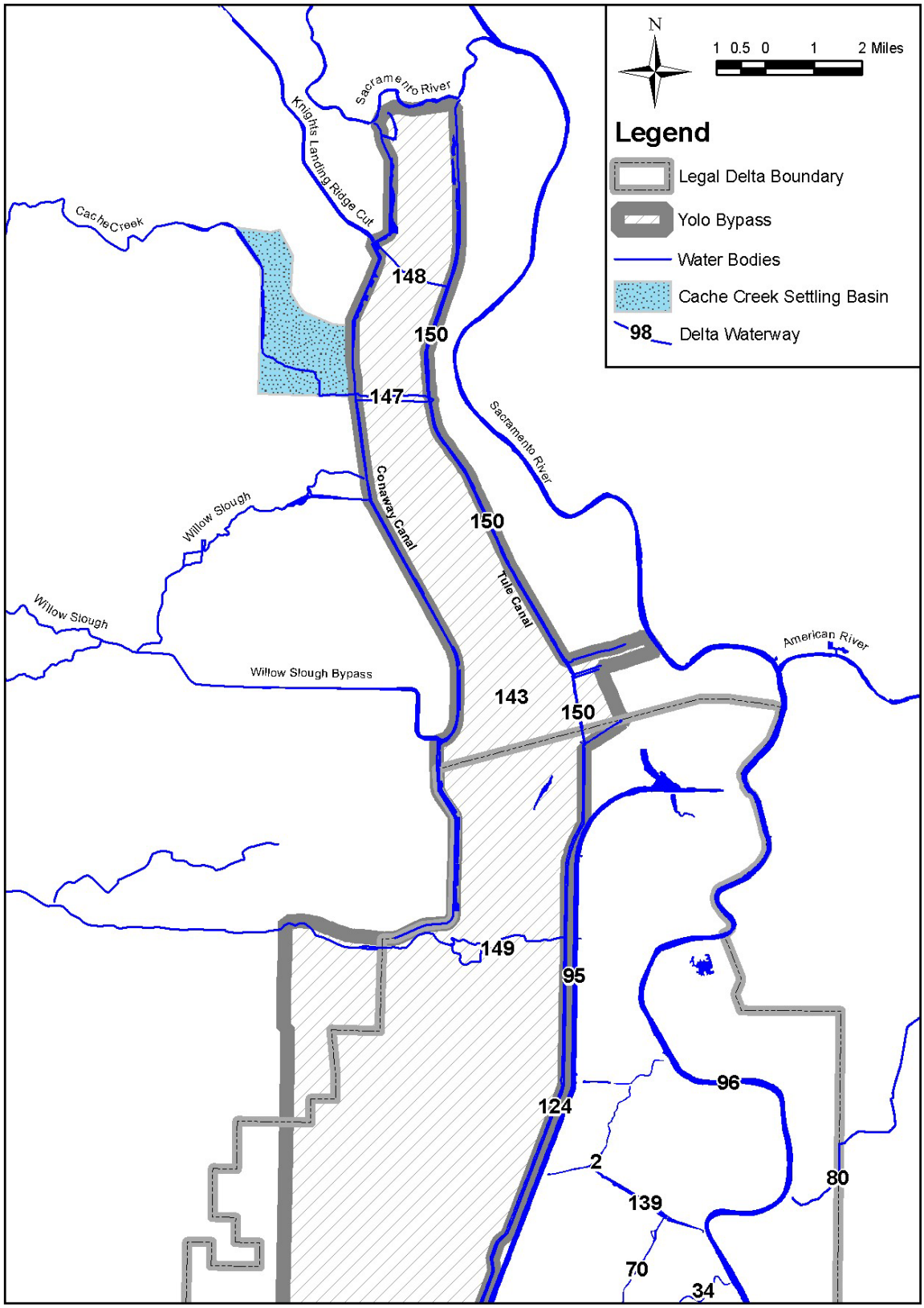

Figure A43-3: Northern Yolo Bypass

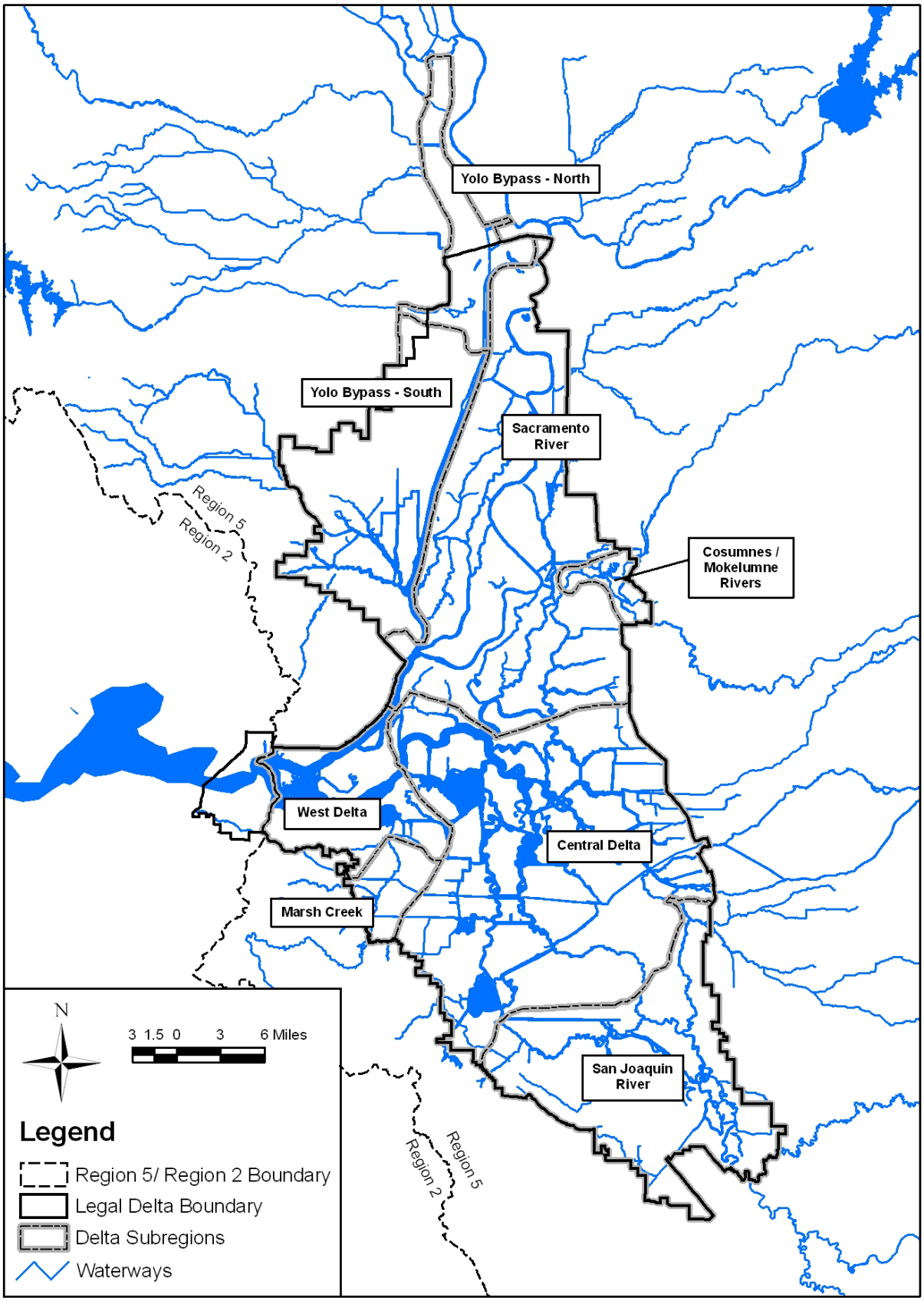

Figure A43-4: Subareas for the Delta Methylmercury Control Program

TABLE A43-2: DELTA AND YOLO BYPASS WATERWAYS BY METHYLMERCURY ALLOCATION SUBAREA

Waterway Name [Map Label #]	Waterway Name [Map Label #]	Waterway Name [Map Label #]
CENTRAL DELTA		
Bear Creek [4]	Indian Slough [55]	San Joaquin River [98]
Bishop Cut [8]	Italian Slough [56]	Sand Mound Slough [100]
Black Slough [9]	Jackson Slough [57]	Santa Fe Cut [101]
Brushy Creek [11]	Kellogg Creek [58]	Sevenmile Slough [102]
Burns Cutoff [12]	Latham Slough [59]	Sheep Slough [104]
Calaveras River [15]	Little Connection Slough [62]	Short Slough [106]
Clifton Court Forebay [17]	Little Franks Tract [63]	Smith Canal [107]
Columbia Cut [18]	Little Mandeville Cut [64]	Stockton Deep Water Channel [111]
Connection Slough [19]	Little Potato Slough [65]	Taylor Slough [nr Franks Tract] [118]
Dead Dog Slough [22]	Little Venice Island [66]	Telephone Cut [119]
Disappointment Slough [26]	Livermore Yacht Club [67]	Three River Reach [122]
Discovery Bay [27]	Main Canal [Indian Slough trib.] [71]	Threemile Slough [123]
Dredger Cut [145]	Middle River [75]	Tomato Slough [126]
Empire Cut [37]	Mildred Island [76]	Trapper Slough [127]
Fabian and Bell Canal [39]	Mokelumne River [78]	Turner Cut [128]
False River [39]	Mormon Slough [79]	Upland Canal [Sycamore Slough tributary] [130]
Fisherman's Cut [40]	Mosher Slough [81]	
Fivemile Creek [41]	North Canal [83]	Victoria Canal [131]
Fivemile Slough [42]	North Victoria Canal [85]	Washington Cut [134]
Fourteenmile Slough [43]	Old River [86]	Werner Dredger Cut [135]
Franks Tract [44]	Piper Slough [88]	West Canal [136]
Grant Line Canal [47]	Pixley Slough [89]	Whiskey Slough [137]
Highline Canal [146]	Potato Slough [90]	White Slough [138]
Holland Cut [52]	Rhode Island [93]	Woodward Canal [140]
Honker Cut [53]	Rock Slough [94]	Yosemite Lake [142]
MOKELUMNE/COSUMNES RIVERS		
Bear Slough [5]	Dry Creek [Mokelumne R. trib.] [31]	Lost Slough [69]
Cosumnes River [20]	Grizzly Slough [48]	Mokelumne River [78]
MARSH CREEK		
Deer Creek [24]	Main Canal [Indian Slough trib.] [71]	Rock Slough [94]
Dry Creek [Marsh Creek trib.] [30]	Marsh Creek [72]	Sand Creek [99]
Kellogg Creek [58]		
SACRAMENTO RIVER		
Babel Slough [2]	Little Potato Slough [65]	Stone Lakes [112]
Beaver Slough [6]	Lost Slough [69]	Sutter Slough [114]
Cache Slough [14]	Main Canal [Duck Slough trib.] [70]	Sycamore Slough [116]
Dead Horse Cut [23]	Miner Slough [77]	Taylor Slough [Elkhorn Slough tributary] [117]
Delta Cross Channel [25]	Mokelumne River [78]	
Duck Slough [32]	Morrison Creek [80]	The Meadows Slough [121]
Elk Slough [34]	North Mokelumne River [84]	Tomato Slough [126]
Elkhorn Slough [35]	Sacramento River [96]	Upland Canal [Sycamore Slough tributary] [130]
Georgiana Slough [46]	Snodgrass Slough [108]	
Hog Slough [51]	South Mokelumne River [109]	Winchester Lake [139]
Jackson Slough [57]	Steamboat Slough [110]	

TABLE A43-2: DELTA AND YOLO BYPASS WATERWAYS BY METHYLMERCURY ALLOCATION SUBAREA, *Continued*

Waterway Name [Map Label #]	Waterway Name [Map Label #]	Waterway Name [Map Label #]
SAN JOAQUIN RIVER		
Crocker Cut [21]	Middle River [75]	San Joaquin River [98]
Deuel Drain [144]	Mountain House Creek [82]	Sugar Cut [113]
Doughty Cut [29]	Old River [86]	Tom Paine Slough [125]
Fabian and Bell Canal [38]	Paradise Cut [87]	Walker Slough [132]
French Camp Slough [45]	Red Bridge Slough [92]	Walthall Slough [133]
Grant Line Canal [47]	Salmon Slough [97]	
WEST DELTA		
Big Break [7]	Horseshoe Bend [54]	San Joaquin River [98]
Broad Slough [10]	Marsh Creek [72]	Sand Mound Slough [100]
Cabin Slough [13]	Mayberry Cut [73]	Sherman Lake [105]
Donlon Island [28]	Mayberry Slough [74]	Taylor Slough [near Franks Tract] [118]
Dutch Slough [33]	Rock Slough [94]	Threemile Slough [123]
Emerson Slough [36]	Sacramento River [96]	
False River [39]		
YOLO BYPASS-NORTH [(a)]		
Cache Creek Settling Basin Outflow [147]	Toe Drain [124]/Tule Canal [150]	Sacramento Deep Water Ship Channel [95]
Knights Landing Ridge Cut [148]	Putah Creek [149)]	
YOLO BYPASS-SOUTH [(a)]		
Alamo Creek [1]	Liberty Cut [60]	Sweany Creek [115]
Babel Slough [2]	Lindsey Slough [61]	Sycamore Slough [116]
Barker Slough [3]	Lookout Slough [68]	The Big Ditch [120]
Cache Slough [14]	Miner Slough [77]	Toe Drain [124]
Calhoun Cut [16]	Prospect Slough [91)]	Ulatis Creek [129]
Duck Slough [32]	Sacramento Deep Water Ship Channel [95]	Wright Cut [141]
Haas Slough [49]		
Hastings Cut [50]	Shag Slough [103]	

(a) Both the "Yolo Bypass-North" and "Yolo Bypass-South" subareas contain portions of the Yolo Bypass flood conveyance channel shown in Figure IV-4. When flooded, the entire Yolo Bypass is a Delta waterway. When the Yolo Bypass is not flooded, the Toe Drain [127] (referred to as Tule Canal [C] for its northern reach), Cache Creek Settling Basin Outflow [A], and Knights Landing Ridge Cut [B] are the only waterways within the Yolo Bypass hydrologically connected to the Sacramento River.