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# State Water Resources Control Board

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**Arnold Schwarzenegger**  
*Governor*

## **NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT ON A PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL VALLEY REGION INCORPORATING A PLAN FOR CONTROL OF MERCURY IN CACHE CREEK, BEAR CREEK, SULPHUR CREEK, AND HARLEY GULCH**

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will now accept comments on an amendment to the Water Quality Control Plan (Basin Plan) for the Central Valley Region that would incorporate a plan for control of mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch. The proposed amendment and the State Water Board item language and draft resolution are available on the State Water Board's Web site at <http://www.waterboards.ca.gov/tmdl/tmdl.html> or by mail by contacting Glenda Marsh at (916) 341-5558. The proposed amendment was adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on October 21, 2005. The State Water Board expects to consider the proposed amendment at a future meeting in 2006. Notice of that meeting will be published separately.

Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch have been listed under the federal Clean Water Act section 303(d) as not meeting standards due to elevated concentrations of mercury in water and sediment and methylmercury in fish tissue. The sources are remobilized mine waste deposited in the floodplain, geothermal springs, erosion from mercury mines, stream sediment, and erosion of mercury-laden banks and soil.

The proposed amendment establishes total maximum daily load (TMDL) allocations for methylmercury in Cache Creek, its tributaries, and for in-stream methylmercury production. No TMDL can be established at this time for Sulphur Creek because natural thermal spring discharges of mercury exceed the California Toxics Rule criteria for mercury, and the creek cannot meet this criteria. However, a load allocation is established for Sulphur Creek in this proposed amendment.

The proposed amendment also establishes water quality objectives for Cache Creek, Bear Creek, and Harley Gulch but not for Sulphur Creek, for the same reason explained above. The proposed amendment establishes site-specific numeric water quality objectives for methylmercury in fish in Cache Creek, Bear Creek, and Harley Gulch that would protect humans and fish-eating wildlife in the watershed. Fish tissue objectives are not proposed for Sulphur Creek because salts emitted by natural thermal springs in the creek make the creek inhospitable to fish, and natural background mercury levels exceed the California Toxics Rule Criteria. No alternative objective exists at this time.

The proposed amendment establishes a water quality management program to reduce mercury and methylmercury loads into the Cache Creek watershed from Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch. Mercury reduction actions are focused on known mercury sources including inactive mines; existing mercury-containing sediment deposits in creek beds and banks downstream from mines; eroding mercury-enriched soils; and other activities in the

watershed that increase methylmercury discharges to creeks. The proposed amendment requires the owners of inactive mines to develop and implement plans to reduce mercury discharges from the mines, and it requires federal, State, and local agencies to develop and implement plans to reduce mercury and methylmercury loads from areas with mercury-contaminated sediments or methylmercury sources.

Monitoring of sediment, water, and fish will be conducted to assess progress toward meeting the water quality objectives. The Central Valley Water Board will take the lead in determining compliance with the fish tissue objectives for Cache Creek. Monitoring for mine cleanup or erosion control compliance will be the responsibility of the entity performing the cleanup or erosion control.

Comment letters must be received by 5 p.m. on June 30, 2006. After the June deadline, State Water Board staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted or unless changes are made to the proposed resolution before the State Water Board meeting. Please send comments on the proposed amendment to: Song Her, Clerk to the Board, by email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov), (916) 341-5620 (fax), or addressed to State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Please also indicate in the subject line, "Comment Letter – Plan for Control of Hg in Cache Creek." Please direct questions about this notice to Glenda Marsh, Division of Water Quality, at (916) 341-5558 or [gmarsh@waterboards.ca.gov](mailto:gmarsh@waterboards.ca.gov) or Senior Staff Counsel Steven H. Blum at (916) 341-5177 or [SBlum@waterboards.ca.gov](mailto:SBlum@waterboards.ca.gov).

June 9, 2006

Date



Song Her  
Clerk to the Board