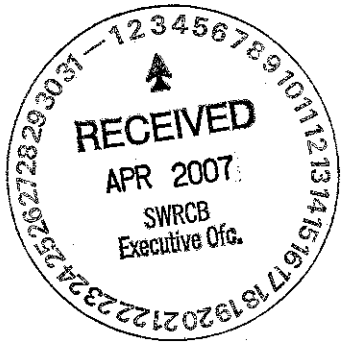
C&H SUGAR COMPANY, INC.

James W. Dudley
Refinery Manager

SF Bay Mercury
Deadline: 4/4/07 Noon



April 3, 2007

Song Her
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Comment Letter – Mercury TMDL in San Francisco Bay Amendment to the San Francisco Bay Basin Plan

Dear Song Her:

C&H Sugar Company, Inc. (C&H) is providing our comments on the proposed amendment to the San Francisco Bay Basin Water Quality Control Plan ("Basin Plan") regarding the mercury total maximum daily load (TMDL). The Basin Plan amendment establishes allocations for mercury loadings, including those from C&H's discharge, to the San Francisco Bay. The proposed amendment's allocation for C&H has been computed incorrectly and needs to be revised.

The proposed Basin Plan amendment allocates 0.0013 kilograms per year (kg/year) of mercury from C&H. However, based on the current performance, the mercury mass allocation for C&H discharge should be 0.1089 kg/year.

Background

C&H currently discharges wastewater pursuant to the National Pollutant Discharge Elimination System (NPDES) Permit Number CA0005240. The monthly average allowable discharge under C&H's current NPDES permit is approximately 0.22 kg/year. C&H's NPDES permit is schedule for renewal at the April 11, 2007 Regional Board meeting. The Tentative Order No. R2-2007-XXXX (TO), incorporates the mercury allocations as presented in the Basin Plan amendment when they become effective. The Regional Board's September 2004 Basin Plan amendment, which was subsequently remanded by the State Water Resources Control Board, allocated 1.56 kg/year mercury to the C&H discharge.

However, as noted in the August 1, 2006 *Proposed Basin Plan Amendment and Staff Report for Revised Total Maximum Daily Load (TMDL) and Proposed Mercury Quality Objectives*, the C&H's mercury allocation "was incorrectly computed" by the Regional Board because cooling water was included in C&H's effluent volume. When the Regional Board corrected the "computing error," they reduced C&H's annual mercury allocation from 1.56 kg/year to 0.0013 kg/year. The C&H mercury allocation of 0.0013 kg/year is below the estimated current performance of its facility.

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Data Analysis

Based on our discussions with the Regional Board staff, the C&H mercury allocation presented in the proposed Basin Plan amendment was computed based on a discharge volume of eight million gallons per year and 2000 to 2003 mercury monitoring data. The Regional Board data used in performing the Reasonable Potential Analysis (RPA) for the TO identified an average yearly flow of 240 million gallons in 2003 to 338 million gallons in 2005. The 2002 to 2005 RPA data set for the non-cooling water discharge revealed that the annual mercury mass loading for C&H ranged up to 0.0835 kg/year, less than the permitted allowance of 0.22 kg/year (Table 1). In accordance with the Regional Board's procedure outlined in the August 2006 Staff Report, we have calculated the mercury mass loading based on the 99th percent upper confidence level of the mean at 0.1089 kg/year to account for inter-annual variability. Therefore, C&H requests that this corrected value be used in establishing C&H's annual mercury mass loading allocation under the revised Basin Plan amendment.

We appreciate the opportunity to provide these comments.

Sincerely,

James W. Dudley

cc CSD

End.

TABLE 1
SUMMARY OF NON-COOLING WASTEWATER
MERCURY LOADINGS
C&H Sugar Company, Inc.
Crockett, California

Date	Average Daily Volume	Monthly Wastewater Volume	Wastewater Mercury Concentration	Monthly Mercury Mass Loading	Annual Wastewater Discharge Volume	Annual Wastewater Mass Loading
	(mgd)	(mg/month)	(µg/l)	(kg/mo)	(mg/year)	(kg/year)
Jan-02	0.710	21.655	0.0330	0.0027		
Feb-02	0.670	20.435	0.0060	0.0005		
Mar-02	0.720	21.960	0.0480	0.0040		
Apr-02	0.680	20.740	0.1200	0.0094		
May-02	0.670	20.435	0.0118	0.0009		
Jun-02	0.650	19.825	0.0343	0.0026		
Jul-02	0.600	18.300	0.0099	0.0007	245	0.0295
Aug-02	0.700	21.350	0.0397	0.0032		
Sep-02	0.670	20.435	0.0123	0.0009		
Oct-02	0.560	17.080	0.0293	0.0019		
Nov-02	0.630	19.215	0.0137	0.0010		
Dec-02	0.770	23.485	0.0197	0.0017		
Jan-03	0.680	20.740	0.0247	0.0019		
Feb-03	0.710	21.655	0.0734	0.0060		
Mar-03	0.780	23.790	0.0755	0.0068		
Apr-03	0.810	24.705	0.0110	0.0010		
May-03	0.650	19.825	0.2000	0.0150		
Jun-03	0.600	18.300	0.0080	0.0006		
Jul-03	0.470	14.335	0.0080	0.0004	240	0.0347
Aug-03	0.610	18.605	0.0080	0.0006		
Sep-03	0.600	18.300	0.0080	0.0006		
Oct-03	0.640	19.520	0.0080	0.0006		
Nov-03	0.590	17.995	0.0090	0.0006		
Dec-03	0.740	22.570	0.0080	0.0007		
Jan-04	0.720	21.960	0.0075	0.0006		
Feb-04	0.760	23.180	0.0067	0.0006		
Mar-04	0.770	23.485	0.0061	0.0005		
Apr-04	0.770	23.485	0.0105	0.0009		
May-04	0.650	19.825	0.0029	0.0002		
Jun-04	0.660	20.130	0.0560	0.0043		
Jul-04	0.750	22.875	0.0240	0.0021	279	0.0835
Aug-04	0.800	24.400	0.0149	0.0014		
Sep-04	0.760	23.180	0.2650	0.0232		
Oct-04	0.830	25.315	0.4960	0.0474		
Nov-04	0.770	23.485	0.0170	0.0015		
Dec-04	0.900	27.450	0.0077	0.0008		

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	(mgd)	(mg/month)	(µg/l)	(kg/mo)	(mg/year)	(kg/year)
Jan-05	1.040	31.720	0.0023	0.0003	338	0.0132
Feb-05	1.030	31.415	0.0100	0.0012		
Mar-05	1.060	32.330	0.0123	0.0015		
Apr-05	0.870	26.535	0.0130	0.0013		
May-05	0.800	24.400	0.0130	0.0012		
Jun-05	0.820	25.010	0.0050	0.0005		
Jul-05	0.840	25.620	0.0080	0.0008		
Aug-05	0.880	26.840	0.0072	0.0007		
Sep-05	0.940	28.670	0.0140	0.0015		
Oct-05	0.840	25.620	0.0079	0.0008		
Nov-05	0.860	26.230	0.0310	0.0031		
Dec-05	1.090	33.245	0.0033	0.0004		
Sample Mean						0.0402
Variance of Sample						0.0009
Standard Deviation of Sample						0.0303
Standard Error						0.0151
Degrees of Freedom						3
Tabulated "t" value 99%						4.54
99th UCL of Mean						0.1089