

MERCURY OFFSET PROGRAM
MEETING SUMMARY
Central Valley Regional Water Quality Control Board
3443 Routier Road, Sacramento
9AM to Noon
July 15, 2003

Purpose

This meeting was convened to obtain clarification of specific issues regarding potential mercury offset projects described in the attached letter dated 1 July 2003 from the Patricia Leary at the Central Valley Regional Water Quality Control Board to Bob Shanks, District Engineer, Sacramento Regional County Sanitation District.

Attendees

Sacramento Regional County Sanitation District (SRCSD): Vicki Fry, Bob Shanks
Larry Walker Associates (LWA): Tom Grovhoug, Stephen McCord
State Water Resources Control Board: Rick Humphries, Sheila Vassey, Darcy Jones
Regional Water Quality Control Board: Ken Landau, Dave Carlson, Patrick Morris, Pat Leary, Chris Foe, Karen Niiya
Mercury Offsets Working Group Facilitator: Eugenia Laychak

Summary of Discussion Points

The group reviewed the overall content of the July 1 letter. The following specific topics were discussed for clarification

Timing for Offset Credits

- Public outreach to consumers of locally caught fish would provide an immediate risk reduction. SRCSD could undertake such targeted risk management activities in the near term if there were a mechanism to receive credit (i.e. permit relief) for such activities to allow District staff to justify expenditures to its Board.
- Several research needs have been identified which are pertinent to quantifying offset credits. Research projects could be funded in the near term by SRCSD if, as for outreach projects, there were some mechanism for crediting those activities.
- Regional Board staff recognize the benefit of using a “banking system” to account for credits. SRCSD currently “banks” mass load credits where the actual discharge is less than the cap in their current permit.
- SRCSD’s NPDES permit could be opened specifically for the purpose of addressing the mercury offset/credit issue.

Credit for Non-load Reduction Activities

- A suggestion was made that credit for risk management and research activities be limited to some proportion of the total offset credit needed. The concern was that efforts to implement a mass load offset project not be stopped in favor of a “basket” which included only research and risk management/outreach. All agreed to work to clarify what a full credit entails and what amount of credit could be proportioned as such.

Private Versus Public Lands and Partnering With Others

- Regional Board staff stated that it would be difficult to give offset credit for projects in which the District partnered with a federal or state land management agency (e.g. Forest Service, BLM, etc.). Federal and state agencies owning and managing land qualify as responsible parties. The schedule that these agencies follow in implementing a remediation project could not easily be influenced by SRCSD.
- Regional Board staff recommended that SRCSD attempt to collaborate with a private land owner (a responsible party) with no funds to undertake a remediation action. For any identified source of mercury pollution to the Delta, the Regional Board must first search for a responsible party. This would not prohibit the District from taking action on private property.
- Eleven of the 13 mercury mines in the Cache Creek watershed are on private land. BLM and CalFed can provide funds to remediate the remaining two sites. The CalFed-funded study report from the Department of Conservation is expected in the next month.
- Because CalFed funds are short-term, project-specific, they are not available for long-term maintenance, such as for a settling basin. SRCSD could collaborate with the Regional Board, the Department of Water Resources, and the US Army Corps of Engineers to maintain the Cache Creek Settling Basin on a long-term basis to fill this gap.

Appropriate Project Area

- Regional Board staff indicated that mass load reduction (MLR) projects in the Sacramento River watershed below major dams, including the Cache Creek watershed, would be acceptable, because they are tributary to the impaired Delta.
- Regional Board staff indicated that the measure of offset compliance could be addressed across a boundary, rather than a single point of compliance, allowing for projects to be located within the watershed but not necessarily upstream of SRCSD's point of discharge.
- Projects may include sedimentation in reservoirs and settling basins. Regional Board staff indicated that settling basins in new locations would be acceptable candidates.
- Regional Board staff stated that the Cache Creek watershed is an attractive MLR project area because (1) it is geographically close to Sacramento and its rate payers, (2) impacts are more likely to be observable given the relatively greater monitoring and research effort, (3) it has the highest loading rate per area into the Delta, and (4) waters discharge into valuable wildlife habitat (the Yolo Bypass).

Cost Information

- The Regional Board requested that treatment upgrade costs be included in the offset program proposal. SRCSD indicated that it would include these costs in its overall examination of candidate offset projects.

Other

- Participants agree that the rules for offset program need to be developed, and Regional Board staff indicated that those rules could potentially be codified in the TMDL. Regional Board staff did not indicate if the framework and rules developed in SRCSD's offset feasibility project would be used as the basis for the offset program language that might be placed in the TMDL.

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- Participants recognized that Hg deposits in a stream bank or in a waterway (sitting there) is a mass, not a mass load, and that this is quantitatively different than a mass load. SRCSD would receive credit based on the reduction in mercury flux from such deposits, not on the mass removed.

Follow Up Tasks

- Vicki Fry of SRCSD will coordinate compilation of cost data for MLR alternatives including additional treatment at the wastewater treatment plant.
- Regional Board will develop thoughts regarding a mechanism to credit outreach and research activities during this permit term. Regional Board will explore the need for a permit re-opener to modify the banking system in the existing permit to include such mechanisms.
- Regional Board and State Board staff and SRCSD will work on proposed mechanisms to count and bank MLR projects.
- Vicki Fry of SRCSD will set up a workshop to discuss liability and other legal issues using a mine site stabilization project on private land as an example to work through the details.
- SRCSD and Regional Board staff will jointly summarize this meeting at the next offsets workshop, scheduled for August 19.
- Vicki Fry will send out these meeting notes, along with the letter from the regional board staff, to the mercury offset work group.