



Resolution Number 03-7  
Approved August 11, 2003  
Salt Lake City, UT

Reaffirmed August 29, 2006  
Portland, Oregon

As certified by  
R. Steven Brown  
Executive Director

**THE NEED FOR A NATIONAL MERCURY REDUCTION IMPLEMENTATION  
STRATEGY TO FURTHER PROGRESS ON ATMOSPHERIC MERCURY TOTAL  
MAXIMUM DAILY LOADS (TMDLS)**

WHEREAS, nationwide, a significant number of waters listed as impaired under States' 303(d) Clean Water Act impaired waters lists are due to mercury; and

WHEREAS forty-five states have mercury related fish consumption advisories; and

WHEREAS, the likely cause of most of these mercury impaired waters is atmospheric deposition of mercury from global, national, regional, state and local sources; and

WHEREAS, federal law requires States to develop a Total Maximum Daily Load (TMDL) allocation for each impaired water, including those impaired by mercury deposition; and

WHEREAS, States cannot directly regulate mercury deposition to its waters where the sources of mercury emissions are outside of the State's boundaries; and

WHEREAS, the EPA has not approved State proposals to place their mercury-impaired waters into a "4-B" category allowing for alternative control measures to take the place of a state TMDL; and

WHEREAS, States are seeking specific solutions to mercury emissions that will result in fish tissue mercury concentrations that are safe; and

WHEREAS, States have implemented significant in-state mercury reduction programs where it has been demonstrated that between 50 and 75% of mercury emissions under their jurisdiction have been eliminated since the middle 1990s; and

WHEREAS, States have documented that reductions of locally significant mercury emissions reduced fish tissue concentrations by over 30% within five years, further documenting that emission reductions can potentially allow consumption advisories to be lifted within shorter time frames than previously thought; and

WHEREAS, States through the Quicksilver Caucus TMDL Work Group, in dialogue with EPA, have developed a national mercury reduction strategy framework document (Elements for Developing a National Mercury Reduction Strategy to Achieve Water Quality Standards), have developed an interim proposal for modifying the TMDL process, and have identified the need for developing an implementation work plan for the national strategy.

WHEREAS, under *EPA's Roadmap for Mercury*, released in July 2006, the Agency commits to “continue to work with its state and tribal partners to identify approaches to TMDL’s for water bodies impaired by atmospheric mercury in order to make progress toward achieving state water quality standards.”

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Acknowledges and commends the release of *EPA's Roadmap for Mercury*, which provides a national framework to help guide further state and national actions to reduce mercury emissions in order to protect public health and ensure progress towards meeting water quality standards;

Calls upon USEPA to develop a National Mercury Reduction Implementation Strategy for its *Roadmap for Mercury* with a goal of significant reduction of anthropogenic sources of mercury such that fish consumption advisories for mercury can be lifted within a reasonable time frame, to achieve the goals established in the federal Clean Water Act and state Water Quality Standards.

Requests that USEPA develop this strategy based on the mercury reduction strategy developed by the Quicksilver Caucus TMDL work group, in conjunction with other interested parties.

Urges USEPA to adopt the recommendations for modifying the TMDL process identified in mercury reduction strategy developed by Quicksilver Caucus TMDL work group.

Affirms that ECOS and Quicksilver Caucus members are committed to be active partners with USEPA in implementing a national strategy that is consistent with this resolution and through an appropriate action plan in their State.