

ITEM: 13

SUBJECT: Control Program for Salt and Boron Discharges into the Lower San Joaquin River--*Consideration of Resolution Entering into a Revised Management Agency Agreement (MAA) with the U.S. Bureau of Reclamation (USBR) for meeting salinity water quality objectives in the Lower San Joaquin River (LSJR) at Vernalis*

BOARD ACTION: Adoption of a resolution approving the proposed revised MAA

BACKGROUND: In 2004, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted the Control Program for Salt and Boron Discharges (Control Program) in the LSJR by amending the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan). The Control Program prescribes salt load allocations to the USBR for Sacramento/San Joaquin River Delta water imported into the LSJR basin through the Delta-Mendota Canal (DMC), and requires compliance within 8 years from the effective date of the amendment (by 28 July 2014) during wet through dry years, and within 12 years from the effective date of the amendment (by 28 July 2018) during critical years.

As an alternative to operating under Waste Discharge Requirements, the Control Program provided the USBR an opportunity to enter into a MAA with the Central Valley Water Board to address salt imports from the DMC. In December 2008, an MAA was signed and included provisions to provide mitigation and/or dilution flows to insure that salinity objectives were met at Vernalis. Provisions were also included to lead stakeholder efforts towards operation and maintenance of a Real-Time Management Program (RTMP) that would maximize salt export out of the LSJR drainage basin while meeting water quality objectives at Vernalis by timing saline discharges to those times when there is assimilative capacity in the river.

To address uncertainty regarding the potential for establishing a RTMP for the LSJR, Central Valley Water Board and USBR staffs planned to review the results from work completed under the 2008 MAA to better define future efforts in a revised MAA.

Based on work completed under the 2008 MAA, staff from both agencies concluded that a RTMP for salinity in the LSJR was viable. A revised MAA has been drafted that outlines the USBR's continued efforts toward salinity management in the LSJR basin. These efforts include continuing to support stakeholder efforts towards development, operation, and maintenance of a RTMP. The USBR will also continue to meet obligations in its water rights permits to insure that salinity objectives are met at Vernalis while the RTMP is becoming fully functional.

In the revised MAA, the USBR agrees to the following:

- Offset a minimum of 25% of the excess DMC salt load, participate in projects to reduce salt load, participate in projects to improve discharge scheduling, and take other actions to provide assimilative capacity for salt in the LSJR.

- Actively support a Central Valley Water Board-approved RTMP.
- Submit Annual Work Plans and Reports with the first Work Plan submitted to the Central Valley Water Board Executive Officer by 31 December 2014. Subsequent Annual Work Plans will be due 90 days prior to the next Federal fiscal year and Annual Reports will be due 90 days after the end of each Federal fiscal year.
- Implement the Annual Work Plans.
- To submit reports and work plans in accordance with specific provisions.
- Pursue funding including grant funding for salinity control efforts in the LSJR basin.

In the revised MAA, the Central Valley Water Board agrees to the following:

- That the successful and timely implementation of the MAA is a cooperative means of achieving the requirements set forth in the Basin Plan.
- That the RTMP will be developed jointly between the Central Valley Water Board, USBR, and stakeholders.
- Continued evaluation of USBR's progress and support its efforts toward MAA implementation.
- Regular presentations describing USBR's activities and assessing the RTMP at public meetings.

The Resolution includes a provision that allows the Central Valley Water Board Executive Officer to terminate the agreement if approvable work plans are not submitted by USBR on the specified dates.

The draft revised MAA was released for public review and comment on June 4, 2014. Public comments were received from the San Joaquin Tributary Authority and Stockton East Water District. Comments were primarily focused on the need for the USBR to take responsibility for leading efforts to mitigate salt loads imported through the DMC and to reduce reliance on New Melones Reservoir dilution flows. Staffs from the Central Valley Water Board and USBR have drafted responses to comments.

RECOMMENDATION:

Adopt the Resolution to authorize the Executive Officer to sign the MAA on the Central Valley Water Board's behalf.

Mgmt. Review JEC
Legal Review PEP
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