



SENT VIA EMAIL

October 17, 2014

Betty Yee
Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Issue List and Work Plan for the 2014 Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins

Dear Ms. Yee and Central Valley Regional Water Board Members,

The San Joaquin Tributaries Authority (“SJTA”) appreciates the opportunity to comment on the “Issue List and Work Plan for the 2014 Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins” (“Work Plan”). The SJTA and its member agencies are otherwise involved in most of the activities and processes listed in the Work Plan and the SJTA and its member agencies will continue to participate in these processes. The SJTA provides the following comments focused on revisions to the Work Plan and reserves the right to provide more substantive comments as it participates in the processes described in the Work Plan.

Prioritization

The purpose of the Work Plan is to prioritize planning activities. However, the Work Plan ranks 11 out of 14 activities as “high”, with the three remaining activities listed as each “low”, “medium”, and “none.” The ranking of almost all activities as “high” defeats the purpose and utility of prioritization. The Regional Board should revise the priority rankings of the activities listed in the Work Plan to better reflect the priorities of the Central Valley Regional Water Quality Control Board (“Regional Board”) and guide staffing and resources.

Issue 1: Salt and Nitrate Management for Surface and Ground Waters

State Water Board Review of Salinity Objectives: The Work Plan generally refers to the State Water Board process reviewing the southern Delta salinity objective. The Work Plan should be revised to more clearly describe how the State Water Board’s review of salinity objectives affects the Regional Board processes. Specifically, the Work Plan should clarify how the Regional Board processes will be affected if the State Water Board revises the southern Delta salinity objective.

Funding: The Work Plan is unclear regarding future funding for CV-SALTS activities. The Work Plan indicates there remains approximately 3 million dollars to support CV-Salts actions. (Work Plan, at 9 “[r]emaining funds of \$3 million [to] continue and support facilitation and technical studies...”) The Work Plan continues on to state that, “stakeholders are expected to develop a funding mechanism to obtain resources needed for CV-SALTS activities.” The process has not yet determined whether stakeholders are expected to develop a funding mechanism only if the \$3 million runs out. Further, the projected total project expense is not provided, nor is the process for developing a funding mechanism. The Work Plan should be revised to clarify when funding is necessary and the projected time and method of obtaining funding.

Issue 2: Beneficial Use Designations for Surface and Ground Waters

Opposition to Blanket Municipal Designation: The Work Plan notes that some dischargers question the appropriateness of blanket MUN designation of undesignated water bodies. This is an understatement. The SJTA and its member agencies *strongly* oppose the blanket designation of MUN to all undesignated water bodies as unlawful and unsupported. The SJTA has been working with stakeholder groups and the Regional Board to develop a framework for addressing MUN designations. The effort has progressed significantly since the last Triennial Review, however, the SJTA would like to see the resolution of this issue remain the highest priority.

Framework for Municipal Designation: The Work Plan suggests that the framework being developed with the Central Valley Regional Board and the San Joaquin River Basin “could” be used as a template for future basin plan amendments. It is the understanding of the SJTA that such framework *would* be used for future basin plan amendments. The investment and effort to develop the framework has been committed with the understanding the framework will be used in future planning efforts. The Work Plan should be revised to reflect that the framework will be used as a template in future basin plan amendments.

Method for Assigning Beneficial Uses: The Work Plan states it is necessary to develop a method for assigning beneficial uses. (Work Plan, at 15.) The Work Plan then makes several conclusions regarding grouping water bodies that are unclear and unsupported. For example, on page 15, the Work plan states, “*In addition, while grouping water bodies appears to be an efficient approach to addressing the beneficial use issues, the outcome is uncertain so securing funding is difficult.*” It is not clear why the method “appears” efficient, why the outcome would be uncertain or why these attributes would make it difficult to secure funding. In addition, the proposed second method and/or how the second method would be applied to the current designations remains unclear. The Work Plan should be revised to provide support for these statements or remove the statements.

Issue 3: Appropriate Beneficial Use Designation in Agricultural Dominated Water Bodies and Agricultural Conveyance Facilities

Expedite Process: The SJTA supports this process and encourages the completion of the process during the triennial review period. As noted in the Work Plan, this process has been ongoing since the 1990s; the Regional Board must develop a plan to complete this process.

Clean Water Act Compliance: The Regional Board has not previously confirmed whether this process would need to comply with the Clean Water Act. The Work Plan states that basin plan amendments would need to comply with the Clean Water Act, if applicable. (Work Plan, at 17 [*“The recommended approaches require amending the Basin plan. Basin Plan amendment would need to comply with the California Water Code and the Clean Water Act, if applicable.”*].) The Regional Board should determine whether Clean Water Act compliance is necessary and revise the Work Plan to require compliance or delete the reference for compliance.

Phased Process: In the “Needed Actions” section, the Work Plan references a two phased process. Other than explaining the processes will be sequential, the Work Plan does not explain the proposed phased process. The Work Plan should be revised to disclose the process and actions necessary to complete the process.

Issue 5: Participation in State Water Board Plans and Policies and Other Statewide Issues

Coordination with State Water Board: The Work Plan states coordinating with the State Water Board is an efficient use of basin planning resources. (Work Plan, at 22.) The Work Plan is not clear on the process of coordination. For example, the Work Plan states that “staff working on CV-SALTS is also coordinating with the State Water Board staff on Bay-Delta Plan.” (*Id.*) The Work Plan fails to disclose how staff will work together; it is unclear whether CV-SALTS staff will be consulted as a responsible agency, whether it will simply provide public comment, or whether the State Water Board will rely on CV-SALTS staff for assistance in drafting or otherwise consulting on documents.

Issue 7: Protection of Central Valley Fisheries and Other Aquatic Life

Dissolved Oxygen on the Stanislaus River: The SJTA supports the review and revision of existing dissolved oxygen objectives on the Stanislaus River. However, the comment that the existing objectives fail to provide adequate protection for fisheries is not supported. (Work Plan, at 27 [*“Commenters have requested that site specific dissolved oxygen objectives be developed for the Stanislaus River because the current dissolved oxygen water quality objectives do not provide adequate protection of the fisheries present in the River.”*].)

Temperature Objectives: The Work Plan states that USEPA Region 9 supports the scientific approach that USEPA Region 10 used to develop temperature standards. The Department of Fish and Wildlife supports the use of Region 10 guidance to develop temperature objectives. (Work Plan, at 28.) The Work Plan should be revised to make clear there is an important distinction between using the scientific approach by Region 10 to support the development of temperature criteria for Region 9 basins and using the Region 10 temperature guidelines. Using Region 10 temperature standards in the San Joaquin River basin is unsupported and unlawful. The SJTA supports developing specific water temperature requirements in the San Joaquin River Basin. The development of such requirements must be guided by a robust scientific process tailored to the local fisheries, climate, hydrology, and beneficial uses in the basin.

Issue 9: Implementation of the Delta Strategic Work Plan

The control program for oxygen levels in the Stockton Ship Channel should be based on existing reports generated by the Stockton Deep Water Ship Channel Dissolved Oxygen Project. The SJTA supports this Project and believes it has demonstrated success.

Issue 11: Mercury Load Reduction Program

The statewide Mercury program is in its initial and technical study stage. Because this process is just beginning and studies have not yet begun, the activity should be prioritized as medium or lower.

Very truly yours,
O'LAUGHLIN & PARIS LLP

A handwritten signature in blue ink, appearing to read "Valerie Kincaid", written over a horizontal line.

VALERIE C. KINCAID

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