

ITEM:

SUBJECT: Revised Management Agency Agreement with the U.S. Bureau of Reclamation Addressing Salinity in the Lower San Joaquin River

DISCUSSION: In 2004, the Central Valley Regional Water Quality Control Board (Regional Board) adopted the Salt and Boron Total Maximum Daily Load (TMDL) Basin Plan Amendment (amendment) that established TMDLs for salt and boron in the Lower San Joaquin River (LSJR). The amendment prescribed a salt load allocation to the U.S. Bureau of Reclamation (Reclamation) for salt in water imported via the Delta-Mendota Canal (DMC), and provided that, in lieu of adopting waste discharge requirements, the Regional Water Board could enter into a Management Agency Agreement (MAA) with Reclamation to address its load allocation requirements. The basic purpose of the MAA would be to describe and formalize into an agreement the mechanisms by which Reclamation would fulfill its load allocation requirements, and how compliance would be monitored, reported, and evaluated.

Regional Board staff began working on an agreement with Reclamation in 2006. In July 2008, Reclamation submitted a salt management plan (Action Plan) to address salt imports from the DMC. Because of the complexity of the issues involved, a phased approach was taken. In December 2008, Reclamation and the Regional Water Board entered into an MAA, which was to last two years. Under this initial agreement, Reclamation agreed to:

- implement a salinity management plan;
 - offset at least 25% of its excess DMC load by July 2010,
 - initiate an effort to develop a collaborative real-time salinity management program for the LSJR; and
 - prepare a Compliance Monitoring and Evaluation Plan (CMEP) and a Compliance Monitoring and Evaluation Report (CMER) to facilitate the Regional Board's evaluation of the plan's effectiveness.
- submit quarterly reports summarizing current activities conducted in accordance with their salinity management plan

Since entering into the MAA, in addition to fulfilling its commitments contained in the agreement, Reclamation has:

- Provided a significant amount of technical service and participation in the CV-SALTS process;
- Initiated a salt and nitrate sources, fate, and transport study of the Westside region of the San Joaquin River Valley;
- Implemented several activities to facilitate the development of a collaborative real-time water quality management program for the lower San Joaquin River;
- Updated its Action Plan to manage salt.

In the past year, Reclamation and Regional Board staffs, in conjunction with a stakeholder review process, have jointly prepared a draft Phase II MAA, which is similar to the Phase I agreement. The major changes to the original MAA are the following:

1. This agreement would be in effect until July 2014, which is the compliance date for Reclamation to meet its load allocation requirements.
2. This agreement does not contain a quantified minimum salt load offset goal as was contained in the first agreement (25%).
3. This agreement contains a commitment from Reclamation to maintain active involvement in CV-SALTS, including providing in-kind services and contracts that support the CV-SALTS effort.
4. This agreement provides for Reclamation to submit annual activity reports, to meet quarterly with Regional Board staff to report on their activities and salt reduction/offset progress, and, in conjunction with a public process, to conduct a re-evaluation of its Action Plan every two years.

Through the stakeholder process, public input has also been received on Reclamation's revised Action Plan, the CMEP, and the CMER, and those documents have been revised based on the public input received.

RECOMMENDATION:

Under consideration are Reclamation's CMEP and CMER, Reclamation's revised Action Plan, and the proposed Phase II MAA. Staff recommends that the Regional Board approve by motion all four documents and authorize the Executive Officer to sign the Phase II MAA on its behalf.

Mgmt. Review _____

Legal Review _____