

STATE OF CALIFORNIA - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, Governor

## STATE WATER RESOURCES CONTROL BOARD

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JUNE 19 1992

Mr. Roger Patterson  
Regional Director  
U.S. Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

Mr. David Kennedy, Director  
Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 95814

Dear Messrs. Patterson and Kennedy:

## 1991 WATER RIGHT DECISION 1485 VIOLATIONS

Thank you for your December 12, 1991, memo formally notifying the State Water Resources Control Board (State Water Board) that Water Right Decision 1485 (Decision 1485) Suisun Marsh standards were exceeded during the period January 1 through March 8, 1991. We are also aware, as confirmed in your letter of June 17, that the Emmaton standard has been exceeded in recent weeks and that you anticipate further compliance problems this year. Water year 1991 Decision 1485 violations, including those mentioned above, are shown in Enclosure A.

We appreciate the complexities that you encountered when attempting to petition the State Water Board to temporarily suspend the Suisun Marsh standards. The petition was developed so that the effectiveness and operational capability of the Suisun Marsh Salinity Control Gates could be tested. During this proposed test, the Suisun Marsh would have been operated to the criteria specified in the Suisun Marsh Preservation Agreement (SMPA) instead of Decision 1485. Our understanding is that you operated the Projects to the SMPA criteria instead of the Decision 1485 standards on the assumption that approval of the petition was imminent. However, unlike previous years, the California Department of Fish and Game did not sign the petition prior to your decision not to petition because of concerns about the impacts to winter-run salmon.

Mr. Roger Patterson  
Mr. David Kennedy, Director

-2-

JUNE 19 1992

You estimated that approximately 175 thousand acre-feet (TAF) of water would have been needed to be withdrawn from project storage to maintain full compliance with the Suisun Marsh standards if dry conditions prevailed for the remainder of 1991. However, because of the unexpected March storms, 40 TAF was actually saved.

Your memo also indicates that Project staff maintained informal contact with State Water Board staff to keep them apprised of the petition's status, current project operations, and Delta water quality conditions. While our staff did discuss these items in general, it was unclear that the Projects were operating to the less restrictive SMPA standards throughout the period in question.

The State Water Board appreciates your efforts to conserve water during this drought. However, absent an approval from the State Water Board to relax the Decision 1485 standards, compliance with those standards is mandatory. In the future, the State Water Board is requesting that the Projects notify the State Water Board immediately of potential, imminent and current Decision 1485 violations.

With respect to operations this year, we recognize the ramifications of attempting to balance the water supply needs and protection for the winter-run salmon with fixed Delta standards in an ongoing drought situation. We are not prepared, on the basis of current information, to relax the standards or to commit to any particular course of enforcement action. We will monitor the current situation closely to determine what action may be necessary this year. The Board reserves the right to require appropriate mitigation measures with respect to either the 1991 violations or the current violations.

If your staff have any questions, please contact me at (916) 657-1627 or Walt Pettit at (916) 657-0941.

Sincerely,

*Walt Pettit*  
for W. Don Maughan  
Chairman

Enclosure

167

162

Mr. Roger Patterson  
Mr. David Kennedy, Director

-3-

JUNE 19 1992

cc: Mr. James M. Strock  
Secretary for Environmental Protection  
Cal/EPA  
555 Capitol Mall, Suite 235  
Sacramento, CA 95814

Mr. John Krautkramer  
Environmental Defense Fund  
5655 College Avenue, Suite 304  
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Mr. George R. Baumli  
General Manager  
State Water Contractors  
555 Capitol Mall, Suite 725  
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Mr. Jason Peltier  
Central Valley Project  
Water Association  
1715 Capitol Avenue  
Sacramento, CA 95814

167

## ATTACHMENT A

## SUMMARY OF RECENT DECISION 1485 VIOLATIONS

## WATER YEAR 1991

VIOLATION NUMBER	BENEFICIAL USE AFFECTED	DECISION 1485 STATION	VIOLATION PERIOD	NO. OF DAYS	REASON(S) CITED BY PROJECTS
1	Wildlife	Beldons Landing	Nov 1-Nov 30	30	Marsh gate and levee failures
2	Municipal	Rock Slough	Dec 18-Dec 29	11	Rising tides, drought
3	Wildlife	Chippe Island	Jan 1-Mar 8	50	Drought, water conservation
4	Wildlife	Beldons Landing	Jan 1-Feb 28	59	Drought, water conservation
5	Wildlife	Collinsville	Feb 1-Feb 28	28	Drought, water conservation
6	Wildlife	National Steel	Feb 1-Feb 28	28	Drought, water conservation
7	Municipal	Rock Slough	Feb 20-Mar 12	12	Rising tides, high Delta consumptive use, drought
Number of site-violations:				218	
Number of days with one or more violations:				111	

## WATER YEAR 1990

VIOLATION NUMBER	BENEFICIAL USE AFFECTED	DECISION 1485 STATION	VIOLATION PERIOD	NO. OF DAYS	REASON(S) CITED BY PROJECTS
1	Agriculture	Emmaton	May 14-May 20	7	Rising tides, strong winds
Number of site-violations:				7	
Number of days with one or more violations:				7	

## WATER YEAR 1989

VIOLATION NUMBER	BENEFICIAL USE AFFECTED	DECISION 1485 STATION	VIOLATION PERIOD	NO. OF DAYS	REASON(S) CITED BY PROJECTS
1	Municipal	Rock Slough	Feb 9-Feb 13	5	Rising tides, strong winds
2	Agriculture	Emmaton	Jun 7-Jun 9	3	Rising tides
3	Agriculture	Jersey Point	Jul 17-Jul 29	13	Rising tides, strong winds, high Delta consumptive use
Number of site-violations:				21	
Number of days with one or more violations:				21	

Note: No violations occurred in water year 1988; one violation (Rock Slough) occurred in water year 1987.