

STATE WATER RESOURCES CONTROL BOARD

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NOTICE OF PUBLIC WORKSHOP**Review of Standards for the San Francisco Bay/
Sacramento-San Joaquin Delta Estuary**

April 26, 1994--10:00 AM

(and additional days as may be necessary)
1416 Ninth Street, First Floor Auditorium
Sacramento, California

SUBJECT OF WORKSHOP ¹

The State Water Resources Control Board (SWRCB) is convening this workshop to seek comments and recommendations regarding standards for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Estuary).

BACKGROUND

The Bay-Delta Estuary includes the Sacramento-San Joaquin Delta, Suisun Marsh and the embayments upstream of the Golden Gate. The Delta and Suisun Marsh are located where California's two major river systems, the Sacramento and San Joaquin rivers, converge to flow westward to meet incoming seawater tides flowing through the San Francisco Bay.

The watershed of the Bay-Delta Estuary is a critical source of water supply for much of the State, including the needs of a growing population, expanding economy and the aquatic environment. The watershed is a source of drinking water for two-thirds of the State's population; it supplies some of the State's most productive agricultural areas; and it provides water to the largest estuarine system on the west coast of the United States.

Two major water distribution systems release stored water into and divert water from the Delta: the State Water Project (SWP) operated by the California Department of Water Resources and the Central Valley Project (CVP) operated by the U.S. Bureau of Reclamation. Numerous other water storage and diversion projects influence the inflows into and outflows from the Bay-Delta Estuary.

Water quality objectives and flow and operational requirements to protect beneficial uses of Bay-Delta Estuary waters were adopted in the 1978 Delta Water Quality Plan and Water Right Decision 1485 (D-1485). The SWRCB opened public proceedings in July 1987 to review these documents for adequacy. In May 1991, the SWRCB adopted the 1991 Water Quality Control Plan for Salinity (1991 Bay-Delta Plan) which set new objectives for salinity, dissolved oxygen and temperature for protection of fisheries-related and agricultural supply beneficial uses. The 1991 Bay-Delta Plan did not include flow and operational requirements needed to improve protection of fisheries-related beneficial uses. When the SWRCB adopted the 1991 Bay-Delta Plan, it stated that implementation of the adopted objectives would be addressed through an updated water right decision which would include

¹ The intent of this notice is to describe the full public process the SWRCB will follow in developing and implementing new standards. Subsequent notices will be issued to specify which issues will be discussed at each day of workshop.

additional flow and operational requirements necessary to protect fisheries-related beneficial uses. Despite this expression of the SWRCB's intention, in September 1991, the U.S. Environmental Protection Agency (USEPA) disapproved parts of the 1991 Bay-Delta Plan because USEPA believed that it did not provide adequate protection for the estuarine habitat and other designated fish and wildlife uses of the Bay-Delta Estuary. The disapproved objectives remain in effect until replaced by new or revised objectives. (However, constraints imposed by Federal agencies under the Endangered Species Act (ESA) in combination with the requirements of D-1485 are, for practical purposes, controlling the operation of the SWP and CVP, as described below.)

After adoption of the 1991 Bay-Delta Plan, the SWRCB began preparation of a water right decision and an accompanying EIR. Meanwhile, monitoring data at the time showed that segments of the public trust resources of the Bay-Delta Estuary were declining due to both the drought and the inadequacies of the D-1485 standards. An intensive task force effort over several months in response to this situation culminated in announcement by the Governor of a new water policy on April 6, 1992. The water policy, which has many elements, specifically charged the SWRCB to develop interim standards within a year. In response, the SWRCB released draft Decision 1630 in December 1992. Subsequently, the SWRCB announced that it would not adopt draft Decision 1630 because the combination of the end of the prolonged drought and regulatory controls imposed by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, under the authority of the ESA, provided adequate protection of public trust resources in the interim period.

Soon after the SWRCB's announcement, USEPA announced that it would propose draft standards for the Bay-Delta Estuary. On January 6, 1994, USEPA published draft standards in the Federal Register for protection of fisheries-related beneficial uses in the Bay-Delta Estuary.

REGULATORY BASIS FOR ACTION

California Water Code Section 13240 requires that water quality control plans adopted by the SWRCB must be periodically reviewed and may be revised. In addition, the Clean Water Act requires a triennial review of water quality control plans.

The SWRCB is authorized to establish State policy for water quality control, including surface water management programs, by California Water Code Sections 13140 to 13142.

PROCESS FOR SWRCB ACTION

The SWRCB plans to commence the review of its Bay-Delta Estuary standards by holding workshops from April through July to solicit comments and recommendations from interested parties. The SWRCB will develop a preliminary set of alternative standards based upon the input received from the parties. These alternatives will be distributed to the interested parties for review and comment.

At present, the SWRCB has tentatively identified the following schedule and subjects for the workshops. The schedule and subjects may change as the process proceeds. Separate notices will be prepared for the workshops in May, June and July.

APRIL

1. Selection of standards for review
2. Level of protection necessary for the Bay-Delta Estuary
3. Review of USEPA proposed standards

MAY

1. ESA issues
2. Effects of Delta diversions, including diversions other than CVP and SWP
3. Methods available to analyze water supply and environmental effects of draft standards

JUNE

1. Fishery declines from causes other than flows and diversions, such as pollution, introduced species and habitat loss
2. Review of CVP and SWP operations for ESA and other species of concern
3. Effects of upstream water projects other than the CVP and SWP

JULY

1. Methods available to analyze economic effects of standards
2. Interim implementation of standards by CVP and SWP prior to adoption of water rights decision
3. Recommendations for alternative standards

The results of this process will be used to prepare a draft water quality control plan, tentatively scheduled for release in December 1994, including an evaluation of the environmental and economic effects of the draft plan and its alternatives. California Water Code

Section 13241 requires that economic considerations be considered when the SWRCB establishes standards. Also, the California Environmental Quality Act (CEQA) requires that the SWRCB conduct an analysis of the impacts of the proposed plan and alternatives. The water quality planning process is exempt from the requirements of CEQA for preparing a separate environmental document (14 CCR 15251(g)). Thus, the plan is functionally equivalent to an environmental document.

A hearing will be held approximately 60 days after the release of the draft plan to solicit comments and recommendations. The SWRCB will then consider adoption of the draft plan at a subsequent public meeting. The adopted plan will be submitted to the Office of Administrative Law for its approval, and the portions of the plan that are subject to Federal authority will be submitted to USEPA for its approval. After approval by USEPA, the SWRCB will initiate a water right proceeding in order to allocate responsibility to meet the standards among the water right holders in the Central Valley and to establish terms and conditions in appropriate water right permits. A CEQA document (probably an EIR) will be prepared before adoption of a water right decision.

KEY ISSUES FOR APRIL WORKSHOP

1. Which standards should the State Water Board focus on during this triennial review?

The SWRCB is not required to undertake a detailed review of every standard during this review. The SWRCB intends to review only the highest priority issues. The highest priority issues are those for which USEPA is now proposing standards.

2. What level of protection is required by the California Water Code and the Clean Water Act for protection of public trust uses in the Bay-Delta Estuary?

The SWRCB intends to adopt standards that meet the requirements of both the California Water Code and the Clean Water Act. The USEPA has stated that the late 1960's to early 1970's habitat conditions are consistent with the requirements of the Clean Water Act. Should this review focus on mechanisms to attain this level of protection? If not, what goal is appropriate?

3. What are the principal environmental, water supply and economic effects of USEPA's draft standards? Should these standards, or modified

versions of these standards, be considered as alternatives in this review?

The USEPA proposed draft standards for the Bay-Delta Estuary in the January 6, 1994 Federal Register (59 FR 810-852). If USEPA adopts these standards or some modified version of these standards under Federal law, the SWRCB will have to decide whether to adopt these or other protective standards under State law.

WORKSHOP PROCEDURES

The workshop will be informal, but a court reporter will be present to provide an accurate record of the proceedings. There will be no sworn testimony or cross examination of participants, but the SWRCB and its staff may ask clarifying questions.

Participants are requested to provide 20 copies of their comments and recommendations either prior to or at the time of the workshop for the use of the SWRCB and its staff. Additional copies for participants of the workshop should also be provided. Participants will be asked to orally summarize their comments and recommendations. Time limits of less than 20 minutes will likely be imposed on oral presentations by each participant. Participants with similar interests are requested to make joint presentations.

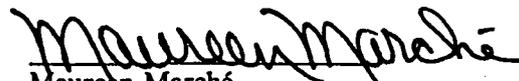
The SWRCB and its staff may consult with and request information from participants and other interested parties between the date of this notice and the release of the draft plan.

INFORMATION REGARDING WORKSHOP

Questions concerning this notice may be directed to Thomas R. Howard, Chief, Bay-Delta Unit, at (916) 657-1873 or Barbara J. Leidigh, Senior Staff Counsel, at (916) 657-2102.

PARKING AND ACCESSIBILITY

The attached map shows the location of the workshop and available parking. This site is accessible to persons with disabilities.


Maureen Marché
Administrative Assistant to the Board

March 25, 1994

The Resources Building
1416 Ninth Street
Sacramento, CA 95814

Hearing Location
First Floor, Auditorium

