

ITEM: 10

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

BACKGROUND: In 2004, the Central Valley Regional Water Quality Control Board (Regional Water Board), adopted the Salt and Boron Total Maximum Daily Load (TMDL) Basin Plan Amendment (amendment) that established TMDLs for salt and boron in the San Joaquin River. The amendment prescribes a salt load allocation to the U.S. Bureau of Reclamation (Reclamation) for water imported via the Delta-Mendota Canal (DMC), and requires compliance within 8 years from the effective date of the amendment (by July 28, 2014) during wet through dry years, and within 12 years from the effective date of the amendment (by July 28, 2018) during critical years. The amendment also indicates that the Regional Water Board would attempt to 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.

Reclamation has prepared a salinity management plan (plan) that identifies and describes projects and activities that could be used to meet their requirements under the amendment. The plan identifies both current projects and activities, and Reclamation's effort to develop a real-time management program for the river.

Regional Board and Reclamation staff have worked for two years to develop an MAA. Because of the complexity of the issues involved and the uncertainty regarding the potential for establishing a real-time water quality program for the river, a phased approach has been proposed. The first phase, which would last two years, would be an initial monitoring, quantification, and evaluation period. At the end of this initial phase, the Regional Water Board would conduct a thorough evaluation of Reclamation's plan and progress, and make a decision either to continue with the MAA process or terminate the MAA and pursue the more traditional regulatory approach of Waste Discharge Requirements.

Under the proposed agreement, Reclamation would agree to:

- meet their requirements prescribed in the amendment
- implement its plan
- offset at least 15% of its excess DMC load by 2010, and
- submit certain plans and reports that would facilitate the Regional Board's evaluation of the plan's effectiveness.

The Regional Water Board would agree to:

- accept Reclamation's plan as a way of working toward achieving compliance with their load allocation requirements
- evaluate the effectiveness of the plan in providing the required salt load offset benefits, and
- have staff make regular reports at Regional Board meetings on Reclamation's performance and progress.

Either party could terminate the agreement upon 90 days written notification, and, if the agreement is terminated, the Regional Water Board would request submittal of a Report of Waste Discharge and begin the more traditional process for regulating waste discharges.

Reclamation's draft salinity management plan and a draft MAA were released for public review and comment on April 30, 2008. A public informational meeting was held in mid-May, and public comments have been received and processed. Discussions with Reclamation and other interested parties are continuing and these discussions may result in late revisions.

RECOMMENDATION: Approve the proposed MAA and authorize the Executive Officer to sign the agreement on the Regional Water Board's behalf.

Mgmt. Review _____
Legal Review _____

31 July/1 August 2008

Central Valley Regional Water Quality Control Board
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