

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 8/9 June 2017**

LATE REVISION – Agenda Item #20

**RESPONSE TO COMMENTS ON
BASIN PLAN AMENDMENTS TO ESTABLISH SALINITY WATER QUALITY
OBJECTIVES FOR THE LOWER SAN JOAQUIN RIVER**

At a public hearing scheduled for 9 June 2017, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider adoption of amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (“Basin Plan”) to establish salinity water quality objectives for the Lower San Joaquin River, from the mouth of the Merced River to Vernalis.

One written comment letter was received after the public comment period closed on 14 April 2017 and this late revision contains staff’s responses.

SAN FRANCISCO BAYKEEPER

Written comments were received on 5 June 2017 from M. Benjamin Eichenberg, staff attorney with the San Francisco Baykeeper.

San Francisco Baykeeper Comment No. 1: *“San Francisco Baykeeper (“Baykeeper”) hereby joins and incorporates by reference the comments of the United States Environmental Protection Agency (“EPA”), dated April 11, 2017, and the comments of the California Sportfishing Protection Alliance et al. (“CSPA”), dated April 14, 2017, requesting that the proposed amendment be withdrawn and an Environmental Impact Report or Supplemental Environmental Document be prepared, requesting a comprehensive antidegradation analysis, requesting additional information to support the proposed action, requesting additional study, and requesting that the comment period be extended.”*

RESPONSE: See response in Section 1 to Broad Issue No. 5 (pages 5-7) in the [Response to Comments document](#) regarding the additional information that was added to the Staff Report on historical salinity water quality, biological resources, and beneficial uses of the Lower San Joaquin River (LSJR).

As stated in the Staff Report, the Board’s Basin Planning Program is considered a certified regulatory program, which means that the Board is exempt from the requirement to prepare an environmental impact report for basin planning activities under the California Environmental Quality Act. (Pub. Res. Code, § 21080.5; Cal. Code Regs., tit. 14, § 15251(g).) The Board’s environmental review of the proposed Basin Plan Amendments is instead contained in the Staff Report and environmental checklist, which are considered to be part of the “substitute environmental documentation” required by the applicable regulations. Board staff have added clarifying language to the CEQA analysis contained in the Staff Report to better explain what the Board considers the “baseline environmental setting” used to determine whether any effects of the proposed project should be deemed significant or whether mitigation measures should be implemented. See responses to CALSPA et al. Comments 21-24 (pages 23-25) in Section 3 in the [Response to Comments document](#) regarding the sufficiency of the Antidegradation Analysis.

Furthermore, Board staff disagree with San Francisco Baykeeper's characterization of the comment letter from the United States Environmental Protection Agency (US EPA), as it does not request the proposed amendment be withdrawn, but only that *"In addition to providing any additional information to support the proposed current action, we recommend that the Board continue to study this issue further in the future and, when re-evaluating water quality objectives, remain open to the possibility that other uses may be more sensitive than municipal and agricultural uses."* See response to US EPA Comment No. 3 (page 17), in Section 3 in the [Response to Comments document](#).

San Francisco Baykeeper Comment No. 2: Concern that the Basin Plan Amendment lowers standards and does not adequately protect beneficial uses, including habitat, as required under the Clean Water Act.

RESPONSE: See responses to South Delta Water Agency Comment Nos. 5 and 7 (pages 11 and 12) and CALSPA et al. Comment No. 3 (page 19) in Section 3 in the [Response to Comments document](#) regarding the consistency of the proposed amendments with the Clean Water Act. It is the position of the Board staff that the proposed water quality objectives protect the designated beneficial uses consistent with the federal Clean Water Act, and ensure the reasonable protection of beneficial uses and prevention of nuisance as required by the Porter-Cologne Water Quality Control Act. (Wat. Code, § 13241.)

San Francisco Baykeeper Comment No. 3: Concern that the Basin Plan Amendment relies on hypothetical reductions of agricultural discharges and recommends the Board wait and see what actual reductions are.

RESPONSE: Establishing upstream salinity water quality objectives (WQOs) in the Lower San Joaquin River is a requirement of the Salt and Boron Control Program, which was adopted by the Board in 2004. The proposed implementation program relies on planned salinity management actions such as full implementation of the Grassland Bypass Project (GBP) by the end of 2019 (zero agricultural drainage from 90,000-acres). The staff report has been revised to include additional information on the progressive reduction in salinity concentrations since the initiation of the GBP in 1996 and a more thorough description of baseline water quality conditions. The proposed monitoring and surveillance program includes monitoring requirements at two locations (Crows Landing and Maze Road) to ensure planned activities are implemented and water quality objectives are met. The proposed amendments include a Basin Plan re-opener provision ten years after adoption of the water quality objectives, which gives the Board a chance to review monitoring data and implementation of management actions. The Basin Plan re-opener also provides the Board with the opportunity to evaluate compliance with the proposed EC and existing boron WQOs, and attainment of the Performance Goal, to determine if WQOs should be modified. Staff has recommended WQOs that are reasonably protective of beneficial uses and require improvements in existing water quality as well as performance goals for continued water quality improvements. The combination of objectives, goals, monitoring, and future evaluation moves toward improved water quality now rather than a continued wait and see process.