

5/6 DECEMBER 2019 BOARD MEETING CONTESTED ITEM

AGENDA ITEM: 6

SUBJECT:

Amendments to Waste Discharge Requirements for San Luis & Delta-Mendota Water Authority and United States Department of the Interior Bureau of Reclamation Surface Water Discharges from the Grassland Bypass Project

BOARD ACTION:

Consideration of a revised Order for the Grassland Bypass Project (Order R5-2015-0094).

BACKGROUND:

The Central Valley Water Board will be considering revisions to Waste Discharge Requirements (WDRs) for San Luis & Delta-Mendota Water Authority and United States Department of the Interior Bureau of Reclamation Surface Water Discharges from the Grassland Bypass Project (R5-2015-0094) to address discharges from the project beyond 31 December 2019 related to the project's Long-term Storm Water Management Plan.

On 7 October 2019, staff released tentative revised WDRs for a 30-day public comment period with comments due by 6 November 2019. Seven (7) comment letters were received during the comment period. The comments have been reviewed, and changes were made as appropriate to address the comments. Some comments were not within the scope of the effort; many of those comments will result in further conversation with staff outside of this process as they relate to the appropriateness of water quality criteria required by the Basin Plan.

Proposed changes to the WDRs include the following:

An annual stakeholder meeting to include the Dischargers, Central Valley Water Board staff, responsible agencies, and other interested parties.

A re-opener where scientific evidence is identified that supports the need for revisions to, additional, or new requirements within the WDRs to address new information gained following a recent presentation on spinal deformities observed in juvenile splittail in 2011 attributed to selenium in the San Joaquin River.

A presentation to the board on the status of the Grassland Bypass Project and project compliance with Order requirements by 31 December 2024, and every five years thereafter, for board determination on whether the Order should be revised.

Additional surface water quality monitoring at sites A (San Luis Drain at Check 17), B2 (San Luis Drain Terminus at Mud Slough), D (Mud Slough [north] downstream of the San Luis Drain), G (San Joaquin River at Fremont Ford [upstream of the discharge from Mud Slough]), H2 (San Joaquin River above Merced River), and N (San Joaquin River at Crows Landing) for various parameters including flow, field measurements, electrical conductivity (daily and weekly), and selenium (daily and weekly).

Annual load targets, in addition to the Total Maximum Monthly Load allocations, for selenium that would trigger additional management practices when exceeded.

Requirement for a Drainage Management Plan, replacing the Long-term Drainage Management Plan originally required by Order No. 98-171 adopted on 24 July 1998, that will reflect additional and revised requirements included in the Basin Plan, the Basin Plan Amendment for selenium, and WDRs that have been adopted since the Long-term Drainage Management Plan was initially submitted. The Drainage Management Plan will reflect the current management strategy being implemented by the Dischargers to meet water quality criteria and will address boron, molybdenum, salt, and selenium.

Requirement for an updated Sediment Monitoring Plan by 30 April 2020 and every five years thereafter.

Electronic copies of photos obtained to document the implementation of mitigation measures (e.g., short-term storage basins).

ISSUES:

Previous WDRs issued for the Grassland Bypass Project were preceded by a Use Agreement between the United States Department of the Interior Bureau of Reclamation (owner of the San Luis Drain) and the San Luis & Delta-Mendota Water Authority that authorizes the Water Authority to use the San Luis Drain. The current Use Agreement expires on 31 December 2019 and a new Use Agreement has yet to be issued. A new Biological Assessment will also be required with a new Use Agreement.

Staff has included a five-year deadline for presenting the status of the Grassland Bypass Project to the board, a re-opener for selenium impacts to splittail, or other scientific evidence necessitating a reevaluation of the Order, and an annual meeting between board staff and stakeholders that provide opportunities to address issues with the new Use Agreement and/or Biological Assessment to be addressed.

RECOMMENDATION:

Adopt the tentative revised Order.

REVIEWS:

Management Review:	SYM
Legal Review:	JMJ
Date:	5 December 2019
Board Meeting Street Address:	11020 Sun Center Drive, #200
Board Meeting City, State, Zip:	Rancho Cordova, CA 95670