

SOUTH DELTA WATER AGENCY

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Via Email: glenn.meeks@waterboards.ca.gov

Mr. Glenn Meeks
Central Valley Water Board
11020 Sun Center Driver #200
Rancho Cordova, CA 95670

Re: Comments to Amendments to the WQCP's Sacramento River
San Joaquin River Basins to Incorporate the SNMP

Dear Mr. Meeks:

The South Delta Water Agency submits the following comments to the above referenced Amendments to the Sacramento and San Joaquin Rivers Basin Plans.

We are now in the sixth decade of significant degradation of the San Joaquin River with regard to salts/EC. This degradation was not only anticipated at the time the USBR Central Valley Project was conceived, but was closely monitored and studied during those same decades. Although significant salt loading arises from the east side tributaries to the San Joaquin River, that salt load always enters the River at very low concentrations and for all practical purposes has no adverse impacts on the beneficial users of San Joaquin River water.

The source of the degradation is undisputedly the west side of the San Joaquin Valley. Very high concentrations of salts (3-8 times the current water quality objectives for agricultural beneficial uses in the southern Delta) enter the River via surface drainage or subsurface accretions from the service area of the CVP. Those salts were originally a combination of (i) the naturally occurring salts in the soils of the area leached out during irrigation and (ii) the foreign salts imported into the area via the CVP's Delta-Mendota Canal water used for irrigation. After nearly one hundred years of irrigated farming, the natural salts in the root zones have been completely leached out, but may remain to some extent in local groundwater. The CVP however continues to import foreign salts into the area at rates that approach a million tons per year. Per the Regional Board's own data, the mean contribution to the River from this source is over 700 thousands tons per year (Salinity in the Central Valley, May2006. Central Valley Regional Water Quality Control Board).

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Since the later 1960's, southern Delta farmers and their representatives have complained about the adverse impacts to agriculture resulting from the CVP added salts to the River. Over the last five decades the SDWA and others have petitioned the State Water Resources Control Board to first set salinity standards and then enforce those standards. Although standards were first developed in the 1970's, they were not fully implemented until 2000 by way of D-1641. Since that time, hundreds of violations of the southern Delta salinity standards have occurred and salt damage to crops continues (see SDWA submitted materials to Bay Delta Process and comments to SED).

Although the SWRCB was forced to initiate a Cease and Desist hearing against DWR and USBR because they mistakenly admitted they were not going to abide by their permit conditions requiring them to meet the standards, the SWRCB issued first one CDO and then amended that CDO, each extending the time to comply with the permit conditions. Currently DWR and USBR have violated the CDO and have no plan or intent to meet their permit conditions. In response, the SWRCB has taken no action to enforce the CDO or permit conditions but now seeks to embark upon a survey of data to determine if indeed the CVP (and SWP) are responsible for elevated salinity levels in the southern Delta! Such a regulatory approach can only be described as uncaring.

While the SWRCB was delaying adoption of the standards and postponing any enforcement, the Regional Board has done virtually nothing for these many decades. On numerous occasions the SWRCB directed the Regional Board to adopt salinity standards upstream of Vernalis in order to provide some increment of protection to Delta users and to ease the burden of New Melones Reservoir which is used to dilute the foreign CVP salts. After taking no meaningful actions for decades the SWRCB and the Regional Board instituted the CV-SALTS program. This program began by investigating the River's salinity problems, seemingly ignoring the prior decades of information and studies.

The net result was the Salt and Nitrate Management Plan and the subject proposed Amendments to the Basin Plans to incorporate the SNMP. What do these efforts accomplish? The "Phased Salt Control Program" is to be implemented in phases "*with each of the three phases having a duration of ten to fifteen years.*" [Emphasis added] Thus, after six decades of adverse salt impacts to southern Delta agriculture, the Regional Board's plan is to take 30-45 years to address the problem. This means that the regulatory efforts of the State of California to protect beneficial uses of the San Joaquin River take somewhere around 100 years. During that time, southern Delta farmers will simply have to live with adverse impacts to crops caused by CVP introduced salts because neither the SWRCB or the Regional Board will take any meaningful actions.

The proposed Amendments give dischargers two choices. Either figure out how to comply with the previously unenforced salt discharge limits or join an effort (and of course fund it) to study the problem, devise methods to control salts and then seek funding to implement the

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projects so devised. Although waivers and variances are described in the Amendments, one must ask if the southern Delta farmers who suffer the impacts of the CVP salts must also pay to once again study the problem and thus fund the mitigation of the responsible parties. Such a situation of course turns the regulatory process on its head.

As the innumerable studies to date have already shown, the problem is very clear and simple, and the solutions are very limited and simple, though not palatable to the CVP and its contractors. The salts in the River are there because the CVP imports approximately one million tons of salt into the southern valley. The agricultural crops use some of the water but not the salts and the salts are thereby concentrated. These concentrated salts enter the River via surface drainage or contribute to the shallow, salty ground water which provides hydraulic pressure causing the groundwater to accrete to the River.

In order to remedy the problem one must undertake one or a combination of the following:

- A. Decrease the salts being imported into the area.
- B. Dilute the salts before they enter the River.
- C. Concentrate or remove the salts from the drainage water, and
- D. Remove the concentrated salts via a drain of other transport.

That's it. Those are the only options. There is no need for further studies and no need for stakeholder processes to discuss the issues. These controlling facts are completely absent from the proposed Amendments. The documents do not even make the distinction between the normal concentration of salts due to beneficial uses and the importation of million of tons of foreign salts into the valley. Instead, the Regional Board now seeks to embark upon a repetition of past efforts and spend millions of dollars to simply delay enforcing standards which would protect those who are being injured.

The only parties who have been suffering the direct impacts of the degraded River are southern Delta farmers. Yet the proposed Amendments make no effort to ease the burden they bear. The current effort only eases the burden on those who discharge highly concentrated foreign salts in order to protect their discharges. Odd indeed. It is clear that the regulatory processes have broken down and are incapable of addressing the salinity problems of the San Joaquin River. Only time will tell if southern Delta farmers eventually go broke or something changes and the rules are enforced against those who violated them.

Very truly yours,

JOHN HERRICK