

April 14, 2017

VIA ELECTRONIC MAIL

Central Valley Regional Water Quality Control Board
Mr. James Brownell
11020 Sun Center Drive, #200
Rancho Cordova, California 95670-6114
james.brownell@waterboards.ca.gov

Re: Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Establish Salinity Water Quality Objectives for the Lower San Joaquin – Reach 83

Dear Mr. Brownell:

On behalf of Stockton East Water District (Stockton East), we appreciate the opportunity to comment on the proposed Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Establish Salinity Water Quality Objectives for the Lower San Joaquin – Reach 83 (Basin Plan Amendment). Over the past twenty years, Stockton East has participated in countless Regional and State Water Board meetings, workshops and processes related to salinity in the San Joaquin River. Everyone working on San Joaquin River salinity issues recognize that this is a complex issue with very divergent opinions on how to solve the problem.

Background

Stockton East's interest in San Joaquin River salinity stems from its 1983 contract with the United States Bureau of Reclamation (Reclamation) for 75,000 acre-feet of water from the Stanislaus River, stored in New Melones Reservoir. In the early 1990s through 2009, Stockton East did not receive consistent deliveries under this contract due to the Reclamation's releases of New Melones water for environmental purposes, including releases to satisfy the salinity objective at Vernalis (Vernalis WQO). Even in light of the State Water Board's finding that the Stanislaus River basin contributes only a de minimus amount to the salinity problem in the San Joaquin River, Reclamation has released **in excess of 1,000,000 acre feet for high quality water for water quality purposes from New Melones** to dilute the highly saline water in the San Joaquin River over the past 20 years.

The salinity problem is not easy to solve. Water deliveries to the Westside of the San Joaquin Valley, both for agriculture and to the wildlife refuges, that have created the salinity problem in the San Joaquin River have continued, while CVP water deliveries to

the Eastside of the valley, namely Stockton East, have been reduced due to the need to dilute the salty discharge that drains from these Westside lands. While this disproportionate impact to valley irrigators is primarily due to Reclamation's own decisions, these decisions have been, and continue to be driven by the Regional Board and State Water Board's actions and inaction in developing and implementing meaningful salinity control measures and/or objectives upstream of Vernalis.

In Water Rights D-1641, the State Water Board made some significant findings about the cause of the salinity problem in the San Joaquin River. In D-1641 the State Water Board concluded that the salinity problem in the San Joaquin River is caused by operation of the CVP, and imposed the responsibility for maintaining the Vernalis salinity objective on the CVP, specifically concluding that CVP projects **other than New Melones** are responsible for the salinity problem:

The actions of the CVP are the principal cause of the salinity concentrations exceeding the objectives at Vernalis. . . .The source of. . . the saline discharge to the San Joaquin River is from lands on the west side of the San Joaquin Valley which are irrigated with water provided from the Delta by the CVP, primarily through the Delta-Mendota Canal and the San Luis Unit. The capacity of the lower San Joaquin River to assimilate the agricultural drainage has been significantly reduced through the diversion of high quality flows from the upper San Joaquin River by the CVP at Friant. The USBR, through its activities associated with operating the CVP in the San Joaquin River basin, is responsible for significant deterioration of water quality in the southern Delta.

As a result, the State Water Board imposed a permit conditions on all of the CVP permits, including the permits for the San Luis Unit and the Friant Project that requires Reclamation to, at all times, meet the Vernalis water quality objectives for agricultural beneficial uses at Vernalis. Reclamation may meet these objectives through flows or other measures.

Furthermore, in D-1641 the State Water Board expressly found that the Vernalis salinity objectives could be attained through regulation of controllable factors (D-1641 at page 81) – concluding that the objectives could be achieved by using measures to control the discharge of saline water to the river upstream of Vernalis (D-1641 at page 83), and further concluded that: “Although releases of dilution water could help meet the southern Delta objectives, regional management of drainage water is the preferred method of meeting the objectives” (D-1641 at page 84).

Basin Plan Amendment

Since its formation in 2010, Stockton East has participated in the Lower San Joaquin River (LSJR) Committee. I, along with David Cory of the San Joaquin Valley Drainage Authority, acted as Co-Chairs for the LSJR Committee since the fall of 2012. Hundreds of hours of time by the diverse group of Stakeholders that make up the LSJR Committee

have been invested into development of the proposed salinity water quality objectives and the plan of implementation.

As was noted in both the August 2016 workshop and the April 2017 public hearing, one of the principle objectives besides developing the salinity water quality objective that would be protective of beneficial uses on the Lower San Joaquin River, was the need to ensure that implementation of the selected salinity water quality objective would reduce New Melones water quality releases. Regional Board staff acknowledges that the Vernalis WQO has been met since 1995 by Reclamation's releases of high quality water from New Melones Reservoir on the Stanislaus River to dilute the salinity laden water coming down the San Joaquin River. The LSJR Committee believes based on the modeling done as part of this process that the proposed salinity water quality objective and the implementation plan will achieve this desired outcome.

With respect to the Basin Plan Amendment, the Regional Board provided the LSJR Committee the opportunity to review and comment on the Staff Report and proposed Basin Plan Amendment. And for the most part, the Regional Board staff included the Committee's input. However, the Committee requested language be included in the NPDES considerations section of the Basin Plan Amendments that was not incorporated into the final version or the late revision.

In particular, the LSJR Committee felt very strongly that during the permitting of any NPDES discharge, the "reasonable potential analysis to cause or contribute to an EC violation" must include an analysis to ensure that this discharge will not have a negative impact or cause exceedance of Vernalis WQO. As I understand it, the current POTWs effluent limits are less than 1,550 EC, so the Regional Board must evaluate and confirm that the permitted discharges over existing levels will not have a downstream effect all the way to Vernalis. This issue was never modeled by the LSJR Committee because of inadequate funding, but it was agreed by the Committee must be done prior to any revisions to NPDES permits. Currently, NPDES permits must meet the Vernalis WQO of 700 or 1,000 EC at end of pipe. Language needs to be developed before the June 2017 adoption hearing to address this issue and be incorporated into the final Basin Plan Amendment language. As noted at the April 2017 hearing, the LSJR Committee is willing to assist Staff in any way.

We appreciate the opportunity to comment.

Very truly yours,



KARNA E. HARRIGFELD
Attorney-at-Law

cc: Scot A. Moody