

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Steve Moore)
MEETING DATE: April 20, 2005

ITEM: **10**

SUBJECT: **South Bay Salt Ponds Initial Stewardship Plan – Review of Annual Self-Monitoring Report**

CHRONOLOGY: March 19, 2003 – Status Report on Purchase and Restoration of Cargill Ponds
January 21, 2004 – Status Report on South Bay Salt Ponds Restoration
March 17, 2004 – Adoption of Waste Discharge Requirements for South Bay Salt Ponds Initial Stewardship Plan
July 21, 2004 – Adoption of Waste Discharge Requirements/Water Quality Certification for Napa River Salt Marsh Restoration, Lower Ponds Project
February 16, 2005 – Adoption of Waste Discharge Requirements for Cargill Pond A18

DISCUSSION: Last year, the Board permitted the first phase of restoration of the former Cargill salt ponds in the South Bay, the Initial Stewardship Plan (ISP). This was the first of three orders adopted over the past year for discharges from former salt ponds, as indicated above. After the Board adopted waste discharge requirements (WDRs) for the U.S. Fish and Wildlife Service (FWS) and California Department of Fish and Game (DFG) in March, construction of water control structures occurred during spring 2004, and initial release of pond waters to the Bay occurred in mid-summer 2004. Although early spring is the most appropriate time to initiate discharge, the WDRs allowed these mid-summer discharges in the interest of ceasing salt-making and getting the first phase of restoration underway. Some water quality problems resulted and were not reported to the Board in accordance with standard provisions and reporting requirements.

For the Bay Area's wet half of the year, when days are shorter, temperatures lower, and rainfall occurs, there are no water quality concerns associated with circulating Bay water through former salt ponds. The other drier and hotter half of the year, typically from May through October, is when problems can occur with respect to salinity, dissolved oxygen, and pH, due to algal blooms. The WDRs require FWS and DFG to submit annual monitoring and operations reports on February 1, to report discharge and Bay monitoring information to the Board and recommend changes to monitoring and operations to improve water quality.

This year, the first annual reports were submitted. Staff met with the agencies in early March, and we sent each of them a comment letter on the reports on March 25, 2005, requesting revisions by May 31, 2005 (Appendices A and B). Both FWS and DFG did not comply with limits for dissolved oxygen, with FWS having the most serious issues at pond A3W near Sunnyvale, where a large

floating mat of dead algae caused oxygen levels to be undetectable throughout the day. Due to communications problems attributable to startup, both agencies did not report this noncompliance in accordance with their WDRs. As part of the revisions to the annual reports, we have requested that FWS and DFG acknowledge this noncompliance with reporting requirements, and explicitly indicate changes they will implement to ensure in the future the Board is informed in a timely manner if pond discharges do not meet requirements. We also reminded the agencies of their pre-discharge monitoring requirements, pertinent to discharges that are being initiated this spring. At their request, we modified the self-monitoring programs to eliminate monitoring requirements that were not assisting with managing the ponds, nor useful in protecting water quality.

On March 31, 2005, we attended a ceremony in Alviso at the initial release of pond waters from Pond A16 to Artesian Slough. FWS and DFG have continuous monitoring devices at these discharge locations that measure temperature, pH, dissolved oxygen, and salinity (conductivity) every 15 minutes. FWS and DFG communicated to staff on March 3, 2005, that to improve reporting they would test the use of telemetry to upload data from these devices to their offices. This will also enable them to respond more rapidly to a situation where a discharge is not meeting WDRs, in order to better protect water quality in the Bay during those drier, hotter months of the year.

In the letters that notified FWS and DFG of noncompliance with their WDRs, staff explained rationale that the Board can use in its enforcement discretion. Since aquatic life will reside in these former salt ponds during the five-year transitional period known as the Initial Stewardship Plan (ISP), we propose that it is reasonable to expect the ponds to have water quality within the natural range of pH, dissolved oxygen and salinity of adjacent bays and sloughs that are relatively undisturbed. The ISP is not a permanent management option for the former salt ponds, but water quality needs to be closely managed to avoid undesirable consequences such as fish kills, avian botulism outbreaks, odors, or declining commercial shrimp catches. This is the first time such a significant restoration of salt ponds has been attempted, and we will continue to work with the agencies to minimize water quality concerns with the ISP as the long-term restoration planning takes place and is eventually implemented.

RECOMMEN-
DATION:

Information Item Only

APPENDICES:

- A. Letter to U.S. Fish and Wildlife Service, March 25, 2005
- B. Letter to California Department of Fish and Game, March 25, 2005