

SOUTH DELTA WATER AGENCY

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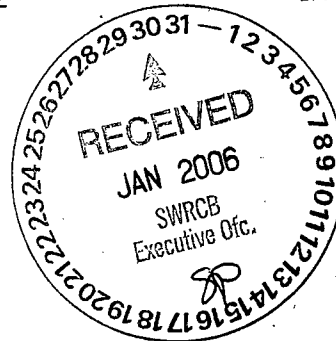
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January 30, 2006

Via E-Mail commentletters@waterboards.ca.gov

303 (d) Deadline:
1/31/06

Ms. Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Review of 303(d) Listings

Dear Ms. Potter:

The following are South Delta Water Agency's comments to the proposed changes to the 303(d) listings of impaired water bodies. The Central Delta Water Agency joins in these comments.

1. San Joaquin River. The San Joaquin River Group Authority and the San Joaquin River Water Management Group have both recommended that the San Joaquin River be delisted as being impaired by salt and boron. Generally, the reasons given are that there have been no recent water quality violations (for salinity) in the last ten years, and that the updated CalSim II model indicates that the Vernalis water quality standard (the Water Quality Objective for Agricultural Beneficial Uses) is anticipated to be met in all but a few of the most critically dry periods. Neither of these assertions are correct.

A. With regard to water quality violations, the SJRGA's position is both wrong and misleading. First, the water quality standard at Vernalis is met only at Vernalis. Extremely high saline discharges to the river from the CVP contractors in the San Joaquin Valley occur upstream of Vernalis and at concentrations which sometimes exceed the standard by a factor of 10. These poor quality waters are slightly diluted by Tuolumne and Merced River flows, but are not lowered to the standard (0.7/1.0 EC) until releases from New Melones on the Stanislaus occur at approximately the Vernalis location. Thereafter, evaporation, riverine habitat evapotranspiration,

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agricultural consumptive use, etc., cause the water quality again to rise above the standard as the river flows downstream. Hence, the compliance SJRGA references is only realized in a very short stretch of the river and certainly not in the 60 miles upstream thereof. Water quality is required to be met throughout the channel, not just at the monitoring/compliance locations.

As the Board well knows, it has directed the Regional Board to establish an upstream salinity standard in light of this situation where compliance only occurs in one small portion of the river. To date, such upstream standard has not been set. Given this, it cannot be reasonably argued that there have been no water quality violations on the San Joaquin River, or that the water body is not impaired due to salinity.

B. Per D-1641, DWR and USBR are now (as of April 1, 2005) required to meet three interior South Delta water quality objectives at Brandt Bridge, Old River near Middle River, and Old River at the Tracy Road Bridge under the same criteria as Vernalis; 0.7 EC April through August, 1.0 EC September through March. As disclosed in the recent CDO hearings, DWR and USBR violated the Brandt Bridge 1.0 standard for a number of months in 2003 and failed to disclose such violation. This violation occurred because the USBR operates New Melones to meet Vernalis only (i.e., it does not make releases to meet any salinity standard other than New Melones) and USBR and DWR have undertaken no other actions by which the Brandt Bridge standard (or the other two standards) would be met. Hence, the lower portions of the San Joaquin River in the Delta are adversely affected by the upstream portions of the River where the high saline discharges occur. Therefore, the water body continues to be impaired.

C. SJRGA's assertion that the Vernalis (they ignore the three other standards because they are trying to change them) is not at risk is also irrelevant. SJRGA relies on its own contractor's updating of the CalSim II model for their assertion. However, the CALFED peer review of that updating highlights certain problems, including underestimations of salinity and flows. As a result, the optimistic view of SJRGA is currently unsupportable. Further, SDWA has previously listed a number of upstream actions which are likely to occur which will decrease river flows and exacerbate the salinity problem. These upstream actions have not been included in the recent CalSim II modeling.

Attached hereto in support of these comments are the testimony and exhibits of SDWA presented during the above-referenced CDO hearing, as well as selected transcripts from that proceeding. In addition, the CalFed peer review of the CalSim II update is also attached.

2. Legal Support for Continued Listing of the San Joaquin River. At the SWRCB meeting which first reviewed the proposed TMDL's for salt and boron on the San Joaquin River, the Regional Board's attorney gave a comprehensive response to SJRGA's position regarding the delisting of the river. That response indicated that in addition to the facts supporting continued listing of the River, the law allowed listing notwithstanding any recent violation of the Vernalis standard. Further, the Regional Board's work on the TMDL's for salt and boron

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indicates the magnitude of the problem of salinity on the San Joaquin River and further supports the continued listing.

Decreased flows and elevated contaminants in the San Joaquin River have made it a national disgrace. The river previously supported all beneficial uses, but through the operation of various water projects including most importantly the CVP, flows and contaminants are such that many beneficial uses can no longer be supported. For the above reasons, SDWA recommends that the San Joaquin River continue to be listed as impaired due to salt and boron.

Please call me if you have any questions or comments.

Very truly yours,

JOHN HERRICK

JH/dd
Enclosures

