

Water Code Section 13149.2 Findings Prepared for Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta

A3.1 Findings

Water Code section 13149.2 requires the Water Boards to make findings on (1) anticipated water quality impacts in disadvantaged or tribal communities as a result of a permitted activity or facility; (2) any environmental justice concerns within a Water Board's authority that are raised by interested persons regarding those water quality impacts; and (3) available measures within the Water Board's authority to address those water quality impacts when adopting water quality control plans. The State Water Board has reviewed and considered readily available information and information raised by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of the Plan amendments and makes specific findings as follows:

1. The Staff Report evaluated several potentially significant impacts under the Plan amendments that are relevant to tribal and disadvantaged communities. The main impact concerns expressed by disadvantaged and tribal communities are (1) harmful algal blooms (HAB) and associated impacts to recreation; and (2) municipal supply impacts to disadvantaged communities from reduced Sacramento/Delta supply and lower groundwater levels. Additional impacts and mitigation measures that may be relevant to tribal and disadvantaged communities are described in the Staff Report and the CEQA findings. Potential environmental impacts should be viewed in light of the overall purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan, which is intended to be an environmental restoration action. The State Water Board acknowledges that existing water quality impairments and other issues of concern can affect tribal and disadvantaged communities. The Plan amendments would be expected to improve water quality conditions in the Sacramento/Delta watershed but may not address all existing water quality impairments.
2. Reduced reservoir storage levels in some reservoirs could lead to increased reservoir HAB formations, and reduced Delta inflows in summer and fall and reduced exports could lead to an incremental increase in the production of HABs and invasive aquatic plants in some Delta channels at some times. Increased HABs may result in limiting or causing closures to recreation opportunities (i.e., boating, fishing, swimming) in and adjacent to some surface waterbodies in the Delta. HABs in the Delta have a significant impact on disadvantaged communities such as Stockton by limiting access for recreational activities related to health and wellbeing, and economic activities. HABs in the Bay-Delta interfere with tribal practices and ceremonies that are deeply rooted in the waterways and hold profound cultural and

spiritual significance. Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental impact as identified in the Staff Report. The State and regional water boards regulate discharges of nitrogen and phosphorus, which contribute to HAB formation. While the State Water Board and others are engaged in efforts to address HABs, those efforts will take time and may not fully resolve HAB issues, including the incremental impacts associated with changes in hydrology under the Plan amendments. The State Water Board's Division of Drinking Water (DDW) will continue to enforce Safe Drinking Water Act requirements, oversee compliance and enforcement activities, provide funding and technical assistance to support safe and affordable drinking water access, and require water service providers to adjust treatment operations or water source management as needed to maintain drinking water quality and permit compliance. The Central Valley Water Board will continue to implement the Irrigated Lands Regulatory Program, which includes developing and implementing solutions to nitrate water quality concerns, including source control, in the Central Valley.

3. Increased groundwater pumping to replace reduced Sacramento/Delta surface water supply and reductions in incidental groundwater recharge from applied irrigation could lower groundwater levels and contribute to groundwater overdraft and affect groundwater quality. Lower groundwater levels could affect drinking water wells and result in an increase in frequency and severity of critical shortages or dry wells occurring in some areas for communities that rely on groundwater, including economically disadvantaged communities (DACs). The program of implementation encourages and allows for local cooperative solutions that may allow flow requirements lower in the range if complementary measures (ecosystem projects) are implemented that provide for equivalent protection of fish and wildlife beneficial uses. Such projects could reduce the potential impacts associated with decreased consumptive water uses, including impacts on groundwater. In addition, mitigation measures identify local groundwater management under the Sustainable Groundwater Management Act (SGMA) to reduce or eliminate impacts. Local groundwater management under SGMA implementation may address some of the supply issues faced by DACs, depending on how groundwater sustainability plans (GSPs) are developed and how groundwater sustainability agencies (GSAs) consider impacts on DAC water users from local groundwater management actions. SGMA oversight by the State Water Board will ensure that GSPs are adequate and sufficient. In addition, water users can and should diversify their water supply portfolios in an environmentally responsible manner and in accordance with the law to mitigate groundwater impacts. The State Water Board will continue efforts to encourage and promote environmentally sound groundwater storage and recovery (recharge) projects that use surplus surface water, increased use of recycled water, sustainable water transfers, and conservation. The State Water Board also will continue its commitment to the human right to water through financial assistance, technical assistance, consolidations, and other means, including for communities that may be affected by reduced groundwater supplies or groundwater quality concerns. Rate relief for low-income ratepayers of water utilities remains a priority for the State of California and the State Water Board.
4. Reduced Sacramento/Delta supplies for municipal use could affect municipal water supplies, particularly for agencies that rely solely or almost solely on Sacramento/Delta water and have limited water supply portfolios. Communities, including DACs, that rely on groundwater as their primary source of municipal supply could be indirectly affected from

reduced groundwater levels and groundwater quality. Mitigation measures, including groundwater mitigation described above, can avoid or reduce impacts on municipal supplies. Municipal water users are already implementing efficiency and conservation measures and are likely to implement additional ones on their own initiative in response to reduced supply. The State Water Board will continue to work with municipal suppliers to develop and implement programs to increase water use efficiency and conservation to maximize the beneficial use of Sacramento/Delta supply through conditions on discretionary approvals for funding and other approvals as appropriate. Additional mitigation measures may provide assistance to communities with limited supplies or impaired quality.