

**DEPARTMENT OF WATER RESOURCES**

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July 26, 2018

**Sent Via E-Mail:** [LSJR-SD-Comments@waterboards.ca.gov](mailto:LSJR-SD-Comments@waterboards.ca.gov)

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814-0100

**Re: Technical Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments**

Dear Ms. Townsend:

The California Department of Water Resources (DWR) appreciates the opportunity to provide technical comments on the State Water Resources Control Board's (Board) final draft of the Bay-Delta Water Quality Control Plan update (Plan Update) for the Lower San Joaquin River and Southern Delta. We are also submitting a separate joint letter with the California Department of Fish and Wildlife that articulates our support of functional flows to achieve ecological functions and recognizing voluntary settlement agreements as the process to reach these objectives.

The attachment to this letter includes DWR's technical comments focused solely on Appendix K of the Plan Update. We recognize the complexity of the effort in putting together these documents and we greatly appreciate the time and effort by the Board and its staff to develop the substitute environmental document (SED). DWR previously submitted comments on the Plan Update and continues to maintain some of its previous concerns related to the findings of the SED. We continue to support the Board's efforts in allocating the responsibility for meeting South Delta water quality objectives to water users that contribute to South Delta water quality degradation.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Messer".

Cindy Messer  
Chief Deputy Director

Attachment A – Technical Comments on Appendix K

**Attachment B  
California Department of Water Resources Comments**

**Document: Phase I - Comments on Revisions to the 2016 Draft Amendments Reflected in the Proposed Final Amendments, Appendix K, Revised Water Quality Control Plan, of the Final SED**  
[https://pubapps.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/bay\\_delta\\_plan/water\\_quality\\_control\\_planning/si\\_sed/docs/appx\\_k.pdf](https://pubapps.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/si_sed/docs/appx_k.pdf)  
**Date: July 24, 2018**

Comment #	Page #	Section #	2018 Comment
<b>Chapter I: Introduction</b>			
1	4	B., para. 3	Chapter 1 of Appendix K states: "This plan, however, is not to be construed as establishing the responsibilities of water right holders. Nor is this plan to be construed as establishing the quantities of water that any particular water right holder or group of water right holders may be required to release or forego to meet the objectives in this plan. The State Water Board will consider, in a future water rights proceeding or proceedings, the nature and extent of water right holders' responsibilities to meet these objectives. If necessary after a water rights proceeding, this plan will be amended to reflect any changes that may be needed to ensure consistency between the plan and the water right decision."
	26	A., para. 1	"The State Water Board may implement the objectives by conducting water right proceedings, which may include adopting regulations, conducting adjudicative proceedings, or both..."  Elsewhere in this plan, the Board assigns responsibility to USBR and DWR for implementing a Comprehensive Operations Plan (COP) and other studies and documents with deadlines for submitting to the Board after approval of this Plan. To better align this plan with future proceedings, requirements related to producing a COP and other studies should be part of a subsequent water rights proceeding and Water Right Decision order.
<b>Chapter III: Water Quality Objectives</b>			
2	15	Table 2	Table 2 should be revised to be consistent with the text in this chapter. Table 2 objectives for San Joaquin River at Vernalis show 1.0 EC year-round while the text in Chap IV, Sect.B.1., para. i, indicates that USBR shall continue to comply with existing EC levels of 0.7 from April through August and 1.0 from September through March.

Comment #	Page #	Section #	2018 Comment
<b>Chapter IV: Program of Implementation</b>			
4	43	Sect. B. 1.ii, para. 2	<p>On page 43, the second paragraph, the sentence states: "DWR's and USBR's water rights shall be conditioned to require development of information that will be used to determine the appropriate locations and methods to assess attainment of the salinity objective..." Further down in the paragraph on page 43, it states, "<u>Chapter III of this plan provides the general rule that unless otherwise provided, water quality objectives cited for a general area are applicable for all locations in that general area. Consistent with this, the use of compliance locations and gage stations to determine compliance by DWR and USBR shall not be interpreted as a limitation on the applicability of the southern Delta salinity objective, which applies throughout the southern Delta.</u>" The Plan Update indicates DWR and USBR are to develop the appropriate locations and methods to assess attainment of the salinity objectives in channel reaches. This statement may be interpreted to require that salinity conditions be uniformly maintained throughout the channels, which would be inconsistent with evidence that salinity varies throughout the south Delta. Salinity is heavily influenced by many factors, including inflows, diversions, discharges, tides, and circulation. Thus, some salinity is out of the control of DWR and USBR.</p>
6	46	Sect. B.1.vii, para. 1	<p>New text of the first paragraph indicates the Board believes the discharges of publicly owned treatment works (POTWs) to have a <i>de minimus</i> impact on south Delta water quality. If the south Delta objectives are changed to 1.0 EC at all locations year-round, and if the Vernalis objective is being met by USBR as 1.0, there will be no ability for the channels downstream of Vernalis to assimilate high salinity POTW discharges without increasing EC above 1.0 at the compliance locations in the south Delta.</p>
7	46	Sect. B.1.vii, para. 2	<p>New text states "<u>in most, if not all, cases, it may be infeasible for POTWs discharging to the southern Delta to comply with traditional numeric water-quality based effluent limitations for salts in NPDES permits.</u>" This statement could similarly be applied to agricultural discharges in the south Delta and indicates the difficulty in maintaining consistent water quality objectives throughout a reach of river, and the entire south Delta area (See above comment 5).</p>

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**From:** German, Valentina@DWR <Valentina.German@water.ca.gov>  
**Sent:** Friday, July 27, 2018 11:33 AM  
**To:** LSJR-SD-Comments@waterboards.ca.gov; WQCP1Comments  
**Cc:** Messer, Cindy@DWR; Nemeth, Karla@DWR; Bonham, Chuck@Wildlife  
**Subject:** Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments  
**Attachments:** DWR Technical Comment Letter - Revisions to Proposed Bay-Delta Plan Amendments.pdf; DWR DFW Itr to SWRCB SJR Flow Obj So Delta Salinity July 27 2018.pdf

**Categories:** Red Category

Dear Ms. Townsend,

Department of Water Resources respectfully submits its Technical Comments on Appendix K of the Bay-Delta Water Quality Control Plan Update for the Lower San Joaquin River and Southern Delta.

Attached is also a separate joint letter with California Department of Fish and Wildlife in regards Proposed Final Amendments and Final Substitute Environmental Document for Lower San Joaquin River Flow Objectives and Southern Delta Salinity Objectives.

Sincerely,

Tina German  
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