

**commentletters - 8/4/09 BOARD MEETING (Consideration of A Staff Report On The Periodic Review of the 2006 Bay Delta Water Quality Control Plan)**

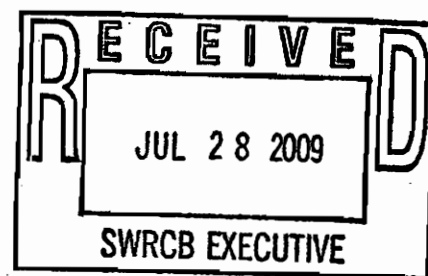
8/4/09 Bd Mtg      Item 9  
 Periodic Review-Bay Delta  
 Deadline: 7/29/09 by 12 noon

**From:** "Jon D. Rubin" <jrubin@diepenbrock.com>  
**To:** <commentletters@waterboards.ca.gov>  
**Date:** Tuesday, July 28, 2009 3:46 PM  
**Subject:** 8/4/09 BOARD MEETING (Consideration of A Staff Report On The Periodic Review of the 2006 Bay Delta Water Quality Control Plan)  
**CC:** <abaggett@waterboards.ca.gov>, <choppin@waterboards.ca.gov>, <tdoduc@waterboards.ca.gov>, <fweber@waterboards.ca.gov>, "Les Grober" <lgrober@waterboards.ca.gov>, <driddle@waterboards.ca.gov>, <ashort@waterboards.ca.gov>, <emahaney@waterboards.ca.gov>, "Schulz, Clifford" <cschulz@kmtg.com>, "Dan Nelson" <dan.nelson@sldmwa.org>, "Terry Erlewine" <terlewine@swc.org>, <jroberts@mwdh2o.com>  
**Attachments:** Proposed Edits To SWRCB Resolution (00184108).RTF

Attached please find a document with proposed changes to the draft resolution regarding Item 9 on the Agenda for the State Water Resource Control Board's August 4, 2009 meeting. The document is submitted by me, on behalf of the San Luis & Delta-Mendota Water Authority, and by Cliff Schulz, on behalf of the State Water Contractors.

Please contact Cliff Schulz, Terry Erlewine, Dan Nelson, or me if you have question or would like further clarification concerning the proposed changes.

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**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2009-**

ADOPTION OF THE RECOMMENDATIONS PRESENTED IN 2009 STAFF REPORT ON THE  
PERIODIC REVIEW OF  
THE 2006 WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO  
BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is responsible for the regulation of activities and factors that may affect the quality of the waters of the State (Wat. Code §§ 13000, 13001).
2. The State Water Board adopted a water quality control plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan or Plan) in Resolution 2006-0098. The Bay-Delta Plan was adopted by the State Water Board to establish water quality control measures that contribute to the protection of beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.
3. The California Water Code and the federal Clean Water Act require, respectively, a periodic and a triennial review of water quality objectives or standards under Water Code sections 13170 and 13240 and under section 303(c)(1) of the federal Clean Water Act (33 USC § 1313(c)(1)).
4. The State Water Board began this review of the Bay-Delta Plan by issuing a notice of public workshop on August 29, 2008. The State Water Board accepted written comments through October 1, 2008, and held a public workshop on October 8, 2008.
5. Pursuant to a commitment included in the State Water Board's 2008 Strategic Workplan for Activities in the San Francisco Bay/ Sacramento-San Joaquin Estuary (Bay-Delta Strategic Workplan), at the same time the State Water Board issued the notice for the periodic review, it made a request for written input on critical factual issues regarding the Bay-Delta's ecology and the impacts of water pollution and diversions.
6. State Water Board staff have prepared a Draft Staff Report considering information received as part of this periodic review process and from scientific literature and other pertinent sources, including comments related to the request for written input on critical factual issues regarding the Bay-Delta's ecology and the impacts of water pollution and diversions.
7. On May 15, 2009, the State Water Board released the Draft Staff Report to the public. The State Water Board accepted written comments on the report through June 15, 2009, and held a public hearing on July 7, 2009 to consider adoption of the report.
8. To aid the public in understanding the bases for the staff's recommendations, the Draft Staff Report contains a summary of some of the scientific literature and other sources of information relating to the staff's recommendations. This information as well as other information will be subject to further review and evaluation during the water quality control planning process and does not represent the final conclusions of the State Water Board on these matters. The Draft Staff Report does not establish findings of fact and will not have a binding effect in subsequent quasilegislatve or adjudicative proceedings.

THEREFORE, BE IT RESOLVED:

1. That the State Water Board adopts the recommendations set forth made in the Staff Report on the Periodic Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary on the water quality objectives that will be considered for possible modification.
2. That the State Water Board, and will elicit further scientific and other relevant information on and conduct further review of the following subjects in the water quality control planning process:
  - a. Delta Outflow Objectives
  - b. Export/Inflow Objectives
  - c. Delta Cross Channel Gate Closure Objectives
  - d. Suisun Marsh Objectives Reverse Flow Objectives
  - e. Floodplain Habitat Flow Objectives
  - f. Changes to the Monitoring and Special Studies Program
  - g. Other Changes to the Program of Implementation
- 2-3. That the State Water Board authorizes the Executive Director to transmit the this Resolution and the Staff Report to the U.S. Environmental Protection Agency, Region 9, to inform it that, in compliance with section 303(c)(1) of the federal Clean Water Act, the State Water Board is proceeding with its review of the Bay-Delta Plan water quality objectives.
- 3-4. That the Regional Water Boards are directed to provide updates on their efforts to address ammonia and toxicity as part of the quarterly updates on the Bay-Delta Strategic Workplan.

**CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 4, 2009.

\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

Note:

Full text of the 2009 Draft Staff Report on the Periodic Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary can be viewed at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/periodic\\_review/docs/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/periodic_review/docs/)