



Linda S. Adams
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State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING

Consideration of an Amended Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary

Commencing on November 13, 2006 at 10:00 a.m.
and continuing November 14, 2006 at 10:00 a.m. if necessary
Joe Serna, Jr./Cal-EPA Building
1001 I Street, Second Floor, Coastal Hearing Room
Sacramento, CA

SUBJECT OF HEARING

The State Water Resources Control Board (State Water Board)¹ will conduct a hearing to consider adopting an amended Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The State Water Board adopted the current Bay-Delta Plan in May, 1995. A copy of the draft amended Bay-Delta Plan and accompanying Amendment Report, including environmental documentation, can be obtained from Ms. Gita Kapahi, Chief, Bay-Delta Unit by calling (916) 341-5289 or can be obtained on the State Water Board's website at:

<http://www.waterrights.ca.gov/baydelta/2006controlplan.html>

Attachment 1 contains: 1) a summary of emerging issues confronting water quality control in the Delta and the State Water Board's timeline to address these issues; and 2) a summary of the changes made in the 2006 Bay-Delta Plan.

The purpose of the hearing is to receive comments and recommendations regarding the draft amended Bay-Delta Plan, specifically the timeline to address emerging issues and the changes summarized in attachment 1. The State Water Board will consider adoption of the draft amended Bay-Delta Plan at a subsequent public meeting. The regulatory portions of the amended Bay-Delta Plan will be submitted to the Office of Administrative Law for approval, and to the United States Environmental Protection Agency (USEPA) for approval of the portions that are subject to federal approval. After adopting the Bay-Delta Plan, the State Water Board may initiate a water right proceeding to allocate responsibility to meet the objectives and protect the beneficial uses among water right holders who divert water from the watersheds of the Bay-Delta Estuary and to establish terms and conditions on the use of affected water rights. The State Water Board will prepare appropriate documentation under the California Environmental Quality Act (CEQA), in addition to the documentation included with the draft amended Bay-Delta Plan, before adoption of any water right decision that implements plan amendments that are adopted after this hearing.

¹ A quorum of the members of the State Water Board may be present at the hearing.

BACKGROUND

The Bay-Delta Estuary includes the Sacramento-San Joaquin Delta, Suisun Marsh and the embayments upstream of the Golden Gate. The Delta and Suisun Marsh are located where California's two major river systems, the Sacramento and San Joaquin rivers, converge to flow westward to meet incoming seawater tides flowing through the San Francisco Bay. The watershed of the Bay-Delta Estuary is a critical source of water supply for much of California. The watershed is a source of drinking water for two-thirds of the State's population; it supplies some of the State's most productive agricultural areas; and it provides water for fish, wildlife, and other public trust uses of water within and upstream of the Estuary.

Water originating in the Bay-Delta watershed is delivered within the watershed and to areas within the watershed and to areas south and west of the Estuary. The primary water distribution systems that release stored water into the Delta and directly divert water from the Delta are the State Water Project (SWP) operated by the Department of Water Resources (DWR) and the federal Central Valley Project (CVP), operated by the United States Bureau of Reclamation (USBR). Numerous other water storage and diversion projects influence inflows into and outflows from the Bay-Delta Estuary.

The State Water Board regulates both the quality of water in the Bay-Delta Estuary and the diversion and use of water released into and taken from the Bay-Delta Estuary for water supply. The State Water Board coordinates its regulatory authorities under state laws governing water quality and governing water rights, ensuring that water quality is protected for all beneficial uses when water supplies are diverted from the Bay-Delta Estuary. The State Water Board's practice is to establish water quality objectives in the Bay-Delta Plan for flow, salinity, dissolved oxygen levels, and other parameters that are affected in part by water diversions or are dependent on the flow of water in the Bay-Delta Estuary. The State Water Board implements these objectives in part or in whole, depending on the circumstances, through conditions on water right permits and licenses. The State Water Board adopted the current Bay-Delta Plan in May, 1995. The State Water Board conducted a review of the 1995 Bay-Delta Plan that concluded on September 30, 2004, and subsequently conducted additional workshops to receive information concerning issues identified as potentially meriting plan amendments. As a result of the workshops and additional information received by the State Water Board, including the opinion of the Court of Appeal, Third District, in State Water Resources Control Board Cases (2006) 136 Cal.App.4th 674 [39 Cal.Rptr.3d 189], the State Water Board will consider the changes in the Bay-Delta Plan that are specified in the Amendment Report accompanying the proposed amended Bay-Delta Plan.

REGULATORY BASIS FOR ACTION

Water quality control plans are prepared under the Porter-Cologne Water Quality Control Act of 1969, as amended. (Wat. Code, § 13000, et seq.) The State Water Board is authorized, under Water Code section 13170, to adopt water quality control plans in accordance with the provisions of section 13240, et seq. Water Code section 13240 requires that water quality control plans be periodically reviewed and provides that such plans may be revised. In addition, the federal Clean Water Act, at title 33 United States Code section 1313(c), requires a triennial review of water quality standards required under section 1313. The State Water Board has completed a periodic review of the 1995 Bay-Delta Plan (State Water Board Resolution No. 2004-0062). The draft amended plan is a result of the information received during the periodic review and during subsequent workshops focused on specific issues identified in the periodic review. Additionally, the draft

amended plan draws upon new and previously existing information received outside the workshop and cited in the administrative record.

CEQA requires that the State Water Board conduct an analysis of the impacts of the draft amended plan. The water quality planning process is exempt from the requirements of CEQA for preparing a separate environmental document, pursuant to Public Resources Code, section 21080.5. (See Cal. Code Regs, tit.14, § 15251(g).) Consequently, the plan with its accompanying appendix that includes analysis of the plan's potentially significant environmental effects is a substitute for a separate environmental document.

HEARING PROCEDURES

The hearing will be conducted in accordance with the procedural requirements of Division 7 of the Water Code, including the regulations of the State Water Board set forth at California Code of Regulations, title 23, section 649, et seq. and in compliance with the public participation requirements of the federal Clean Water Act (33 U.S.C. § 1251, et seq.) as set forth at title 40, Code of Federal Regulations, Part 25.

A court reporter will record all of the testimony. Parties desiring copies of the hearing transcripts must make their own arrangements with the court reporter.

There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions.

Each party who wishes to submit written comments or other documents during the hearing shall provide to the staff of the State Water Board one electronic copy, one original hard copy and 15 paper copies of each document and shall also provide enough copies for each of the other parties at the hearing. Any documents submitted electronically must be in Adobe™ Portable Document Format (PDF). Electronic submittals to the State Water Board of documents less than 15 megabytes (incoming mail server attachment limitation) in total size may be sent via electronic mail to: gwilson@waterboards.ca.gov with a subject of "2006 Bay-Delta WQCP Hearing". Electronic submittals to the State Water Board of documents greater than 15 megabytes in total size should be sent by regular mail in PDF format on compact disk (CD™) media. The State Water Board will post a list of all documents submitted for the hearing on its website at:

http://www.waterrights.ca.gov/baydelta/docs/app2_amdrpt.pdf

Written comments must be submitted by November 13, 2006 but interested parties are requested to submit comments by Monday, November 6, 2006 to allow staff and the Board sufficient time to review prior to the workshop. Each document should identify, at the top of the first page, the party submitting it. Supporting information contained in the documents referenced in the appendices for the draft amended plan should be summarized and should cite the page numbers of the referenced documents. The documents referenced in the appendices may be viewed at:

http://www.waterrights.ca.gov/baydelta/app2_refdocs.html

and must be cited using the exhibit numbers on the web site. Participants will be asked to provide their comments in writing and orally summarize their comments. Initial time limits of 20 minutes or less will be imposed on oral presentations. Additional time for oral presentations may be granted at the hearing officer's discretion if the participant provides adequate reasons for requesting more time. Additional time may be denied if the testimony

can be adequately presented in writing with a short oral summary. Participants with similar interests are requested to make joint presentations.

The State Water Board will not take formal action at this hearing. Any action on the proposed amended plan will be scheduled for a future Board meeting.

When submitting preliminary comments, the State Water Board requests that an original plus 15 hard copies, plus one electronic copy be sent to:

Song Her, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812

Written comments may also be sent by electronic mail to commentletters@waterboards.ca.gov, faxed to Ms. Her at (916) 341-5620, or delivered by hand to the following address:

State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street
Sacramento, CA 95814

Couriers delivering comments must check in with lobby security and have them contact the State Water Board's first floor mailing room. Any comments sent by electronic mail or fax must be followed by a mailed hard copy with an original signature.

INFORMATION REGARDING HEARING

Questions concerning this notice may be directed to Gita Kapahi, Chief, Bay-Delta Unit, at (916) 341-5289 or Barbara Leidigh, Staff Counsel IV, at (916) 341-5190.

PARKING AND ACCESSIBILITY

The enclosed maps show the location of the Joe Serna, Jr./Cal-EPA Building and public parking sites in the immediate vicinity. The Coastal Hearing Room in the Joe Serna, Jr./Cal-EPA Building is accessible to persons with disabilities.

Due to enhanced security precautions at the Joe Serna, Jr./Cal-EPA Building, all visitors are required to sign in prior to attending any meeting. Visitors must sign in and obtain badges in the Visitor and Environmental Services Center, which is just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to the Coastal Hearing Room.

September 29, 2006



Song Her
Clerk to the Board

Attachment 1