



**CONTRA COSTA
WATER DISTRICT**

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August 16, 2005

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

Re: Consideration of Potential Flexing of the Port Chicago X2 Objective

Dear Ms. Irvin:

Contra Costa Water District (CCWD) has reviewed the State Water Resources Control Board's (SWRCB) July 18, 2005 notice of the August 31, 2005 workshop, "Consideration of Potential Amendments or Revisions to the Delta Outflow Objective of the Water Quality Control Plan for the San Francisco Bay / Sacramento-San Joaquin Delta Estuary" and offers the following comments on the potential "flexing" of the estuarine habitat (X2) objective described in footnote 14 of Table 3 of the May 1995 Bay-Delta Water Quality Control Plan.

CCWD delivers drinking water to 500,000 people in central and eastern Contra Costa County and has a strong interest in protecting the public health of its customers and protecting the source quality of this drinking water supply. CCWD's water supply is entirely from the Delta at its three diversion points: Rock Slough, Old River near Highway 4, and Mallard Slough.

CCWD played a major role in development of the current X2 objectives in the 1995 Plan and supports restoration of the Bay-Delta ecosystem. CCWD supports the current Board review of "flexing" the X2 objective, which has been proposed in part to avoid unintended impacts on anadromous fish spawning in upstream tributaries. However, any revisions to the X2 objective should be consistent with the estuarine protection goals the objective was intended to protect.

As discussed in CCWD's previous letters to the SWRCB on Periodic Review¹, CCWD's key comments regarding proposed flexing of the X2 objective are:

¹ February 18, 2005 letter on Issue 5, Delta Outflow Objective (CCWD-EXH-17) and June 3, 2005 final comments on Periodic Review workshops (CCWD-EXH-21).

1. Existing Delta water quality for drinking water beneficial uses must be protected.

Any flexing of the estuarine habitat objective that would reduce Delta outflow below 15,000–20,000 cubic feet per second (cfs), or would reduce the number of days of compliance, could result in degradation of source water quality at CCWD’s Delta intakes. Because compliance with the Chippis Island and Collinsville X2 objectives is associated with Delta outflows of 11,400 cfs and 7,100 cfs, respectively, CCWD requests that the SWRCB confine its consideration of flexing to the Port Chicago X2 objective.

As discussed by Dr. Gregory Gartrell during CCWD’s January 10, 2005 presentation on Issue 4c, Potential New Drinking Water Quality Objectives, the estuarine habitat (X2) objectives for protection of fish and wildlife provide more protection of drinking water quality than the current 150 mg/L and 250 mg/L municipal and industrial objectives at CCWD’s Contra Costa Canal Pumping Plant #1 intake. This protection should not be degraded.

2. Limitations on the range of flexing of the X2 objective (“sideboards”) must be established to assure that drinking water quality and the Bay-Delta ecosystem are protected.

Flexibility should be constrained so that Delta outflow is not reduced if the Delta outflow is less than 15,000-20,000 cfs. This provides the necessary flexibility without allowing noticeable seawater intrusion at CCWD’s Contra Costa Canal Pumping Plant #1 and Old River at Highway 4 intakes. At lower outflows, bromide concentrations would increase and CCWD’s drinking water quality would be compromised. CCWD’s water quality would also be compromised if the number of days of compliance with the Port Chicago X2 objective were reduced relative to the current Decision 1641 requirements.

3. If the SWRCB were to assign partial responsibility for flexing the X2 objectives to any other entity, that entity should have active representation by at least one state or federal agency with responsibility for protecting drinking water quality and public health.

The CALFED Management Agencies² and Project Agencies³ have requested that they be responsible, through the Water Operations Management Team (WOMT), for making decisions regarding flexing (WOMT-EXH-01, June 3, 2005). However, the WOMT does not include active participation by any agency responsible for protecting drinking water quality. The U.S. Environmental Protection Agency in its June 21, 2005 letter to the Board (EPA-EXH-04) acknowledged, for example, that it has not taken an active role on the CALFED WOMT.

² U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and the California Department of Fish and Game.

³ U.S. Bureau of Reclamation and California Department of Water Resources.

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Any entity assigned partial responsibility for decisions on flexing Port Chicago X2 should also allow input from Bay-Delta stakeholders to allow full consideration of any impacts on drinking water quality and other beneficial uses. The CALFED Operations Group (established under the Framework Agreement), for example, does allow participation by stakeholders in developing recommendations on Delta operations.

CCWD does not have specific proposals to offer on flexing of the Port Chicago X2 objective at this time. However, the SWRCB's review of modeling analyses of possible modifications to the Port Chicago X2 objective should not only consider the reliability of meeting the existing D-1641 objectives for municipal and agricultural beneficial uses (Specific question e.1 on page 3 of the July 18 notice) but also the impacts on potential new drinking water quality objectives such as those proposed by CCWD (CCWD-EXH-15, CCWD-EXH-18, CCWD-EXH-21).

The SWRCB's review of the timing, quantity, and rate of exports or diversions from the southern Delta at Tracy, Banks, North Bay Aqueduct, and Contra Costa pumping plants (Specific question e.5 on page 3 of the notice) should also include review of the quality of the water diverted for drinking water purposes at those intakes.

If you or your staff have any questions regarding these comments, please contact me at (925) 688-8187.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard A. Denton", with a horizontal line underneath the name.

Richard A. Denton

Water Resources Manager

cc: Ron Milligan (USBR)
Amy Aufdemberge (DOI)
Cathy Crothers (DWR)
Ken Landau (CVRWQCB)
Carl Nelson (BPNMJ)