

January 26, 2005

Tom Pinkos
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Comments on DO-TMDL

Dear Mr. Pinkos:

We agree with your Staff's assessment on page 19

“These conditions occur most often during the months of June through October....Data also shows that the frequency and severity of violations are generally worse during dryer water years.”

The problems may exist under varying hydrologic conditions at various times, but as table 4:1 points out the problem is mainly June through October. Table 4:1 also shows the percent of rate of excursion and the severity of the DO problem are worse in July, August and September.

In section 4.3.3 p. 32, the Staff opines that there is reduced flow at Vernalis, thus less water is reaching the DWSC. The Staff's opinion is the flows at Vernalis have been reduced from the unimpaired condition. No one disagrees with this general statement. We have already discussed in great detail in our previous comments why this sort of general statement makes no sense and is not applicable to the problem at hand. The wet, AN and BN years distort the hydrology. We agree 2,600,000 maf would have been discharged under unimpaired conditions in April of 1983. How does that address the problem at hand, DO sags from June – October? It doesn't. This water would have been lost to the system. It makes the average look huge, but how is it really impacting DO? It isn't.

In Table 3 we present the unimpaired runoff in the SJR at Vernalis. All the reservoirs are out, there are no diversions, there is no ET. It is the summation of the unimpaired flow from the five major rivers measured at the rim of the Basin.

We have shaded the graph to show at about 1,500 cfs when unimpaired flow would be present. We have used 1,500 cfs because Figure 4.3 clearly shows that at flows above 1,500 cfs through the DWSC the DO objective is met.

Let's look at some recent representative years and see if we can see a relationship between the Staff's opinion of reduced flow at Vernalis and DO exceedances at the DWSC.

Wet

| 1996 | June | July | Aug | Sept | Oct |
|------------|--------|--------|--------|--------|--------|
| Unimpaired | 19,136 | 6,659 | 1,641 | 620 | 560 |
| Actual | 3,739 | 2,209 | 2,034 | 2,164 | 2,690 |
| Percent/DO | 8/4.8 | 63/3.4 | 94/2.0 | 89/2.5 | 15/3.7 |
| Exports | 9,382 | 10,472 | 10,557 | 10,093 | 9,662 |

Above Normal

| 2000 | June | July | Aug | Sept | Oct |
|------------|--------|--------|--------|--------|-------|
| Unimpaired | 15,692 | 3,436 | 1,491 | 844 | 914 |
| Actual | 2,772 | 1,898 | 2,171 | 2,330 | 2,806 |
| Percent/DO | 11/2.9 | 61/2.9 | 28/2.7 | 1/4.8 | |
| Exports | 7,260 | 10,159 | 10,513 | 10,769 | 9,194 |

Dry

| 2001 | June | July | Aug | Sept | Oct |
|------------|--------|---------|--------|--------|-------|
| Unimpaired | 3,891 | 1,233 | 339 | 300 | 340 |
| Actual | 1,599 | 1,401 | 1,338 | 1,374 | 1,563 |
| Percent/DO | 69/2.5 | 75/2.53 | 73/3.0 | 61/2.9 | |
| Exports | 3,148 | 7,658 | 8,171 | 7,656 | 4,604 |

Critical

| 1990 | June | July | Aug | Sept | Oct |
|------------|--------|--------|--------|-------|-------|
| Unimpaired | 5,412 | 1,821 | 407 | 185 | 228 |
| Actual | 1,116 | 1,009 | 1,033 | 876 | 993 |
| Percent/DO | 11/4.5 | <1/4.8 | <1/4.9 | | |
| Exports | 3,295 | 6,091 | 6,420 | 5,670 | 3,364 |

Very truly yours,

O'LAUGHLIN & PARIS LLP

By: _____
 Tim O'Laughlin
 For San Joaquin River Group Authority