

State Water Contractors

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January 7, 2004

By Facsimile and U.S. Mail Delivery

Ms. Gita Kapahi, Chief
 Bay Delta/Special Projects Unit
 Division of Water Rights Mail Room
 1001 "I" Street, 2nd Floor
 Sacramento, CA 95814

Re: Review of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary – Workshop Comments of the State Water Contractors

Dear Ms. Kapahi:

The State Water Contractors (SWC), on behalf of its member agencies¹, submits the following comments regarding the State Water Resources Control Board's (Board) review of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the "1995 Bay-Delta Plan"). The SWC Member Agencies have long-term water supply contracts with the Department of Water Resources for the delivery of water from the State Water Project. The State Water Project supplies water to 22 million municipal and industrial customers and 750,000 acres of highly productive farmland in California.

General Comments

The 1995 Bay-Delta Plan emanated from multi-year negotiations among many diverse interests that ultimately resulted in the December 15, 1994, "Principles For Agreement on Bay-Delta Standards Between the State of California and the Federal Government" (the "Bay-Delta Accord"). After considering the Bay-Delta Accord elements in a prior review process, the Board integrated essentially all of them into its 1995 Bay-Delta Plan. The Bay-Delta Accord and the 1995 Bay-Delta Plan, in turn, enabled the CALFED process to begin implementing solutions to Bay-Delta problems, using commonly agreed upon regulatory requirements. Thus, because the 1995 Plan provides the foundation for many Delta actions

¹ Alameda County Flood Control & Water Conservation District, Zone 7; Alameda County Water District; Antelope Valley-East Kern Water Agency; Casitas Municipal Water District on behalf of the Ventura County Flood Control District; Castaic Lake Water Agency; Central Coast Water Authority on behalf of the Santa Barbara County FC&WCD; City of Yuba City; Coachella Valley Water District; County of Kings; Crestline-Lake Arrowhead Water Agency; Desert Water Agency; Dudley Ridge Water District; Empire-West Side Irrigation District; Kern County Water Agency; Liulerock Creek Irrigation District; The Metropolitan Water District of Southern California ("Metropolitan"); Mojave Water Agency; Napa County FC&WCD; Oak Flat Water District; Palmdale Water District; San Bernardino Valley Municipal Water District; San Gabriel Valley MWD; San Geronimo Pesa Water Agency; San Luis Obispo Co. FC&WCD; Santa Clara Valley Water District; Solano County Water Agency; and Tulare Lake Basin Water Storage District.

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now in the final planning stages and specifies objectives to which the SWP and CVP operate, the SWC and its Member Agencies are vitally interested in the Board's proposed review.

The SWC recognizes that the Porter-Cologne Act and the federal Clean Water Act require the Board to periodically review water quality control plans. However, the SWC also believes that the stability of these plans is central to the State's ability to plan and implement balanced water resource programs that improve both the environment and California's economy. For this reason, any decision to revise the 1995 Bay-Delta Plan after review should not be taken lightly, and only if supported by a compliance need. The 1995 Bay-Delta Plan established water quality objectives that the State and its federal partners believed were reasonable considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. While new information, developed since the Board adopted the 1995 Bay-Delta Plan, may call for slight, mostly technical, modifications, the SWC believes that, as a whole, the 1995 Plan continues to protect beneficial uses within the estuary, while allowing progress in implementing the CALFED blueprint. The SWC does not believe that a comprehensive review of the 1995 Bay-Delta Plan is needed at this time.

In addition, beginning in mid-2003, many entities interested in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary began discussions to advance linked, comprehensive implementation of key CALFED program elements. Those discussions continue today and will likely be completed this fall. They may very well implicate potential issues that the Board has identified in its workshop notice.

With these considerations in mind, the SWC suggests that the Board, following the January 8th workshop, review all the scoping comments and hold a second workshop to further address which 1995 Bay-Delta Plan water quality objectives need more detailed review. As to those objectives so identified, the Board should establish a schedule for their consideration. The SWC recommends that the first substantive hearings or workshops focus on, for example, Suisun Marsh or technical issues such as monitoring, neither of which are involved in the ongoing discussions among stakeholders and the State and federal agencies referred to previously. In addition, during the spring of 2004, the Board could convene workshops to receive information relating to the progress and outcomes of these discussions. In this manner, the Board could coordinate its review of the 1995 Plan with other actions taking place to implement the CALFED program.

Comments on Specific Matters Presented In the Board Workshop Notice

1. Chloride Objectives at Contra Costa Pumping Plant #1

This matter is the subject of ongoing discussions among Delta interests, including the Contra Costa Water District. The SWC hopes that through these discussions the need for a contested proceeding on this objective can be avoided. It is an issue that the SWC would prefer to see placed near the end of the schedule to give the parties an opportunity to resolve the issues related to Rock Slough and other Central Delta water quality objectives.

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2. Salinity Objectives Applicable to the Western Suisun Marsh

The SWC agrees with the Department of Water Resources that this matter is ready for review at this time.

3. San Joaquin River Flow Objectives for Fish and Wildlife Uses

While the SWC recognizes that the Board may need to consider amending the San Joaquin River flow objectives for Fish and Wildlife uses due to the Superior Court decision in the Decision 1641 litigation, it may be better to defer such consideration until after a decision is rendered by the Court of Appeal in that pending litigation. Since the trial court order essentially has been stayed pending appeal, there is no immediate need for a modification of the plan.

4. The Narrative Objective for Salmon Protection

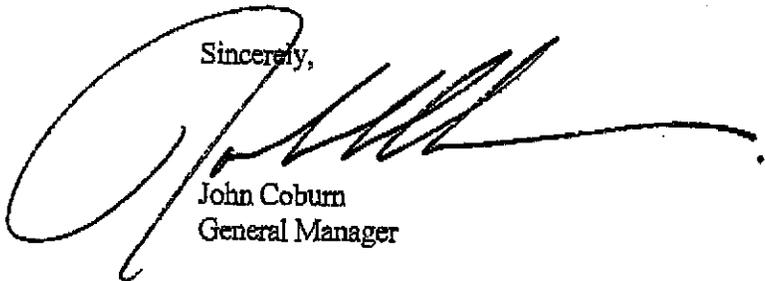
The SWC believes that the Board should not consider the narrative objective at this time. The Board recently completed a hearing on this issue and concluded that there is no current need for numerical objectives for salmon protection. The SWC is not aware of any new information that would warrant another review.

5. Water Quality Compliance and Baseline Monitoring

The SWC concurs with DWR that its pending request for technical changes in the existing monitoring program should be considered at this time.

I thank you for your consideration of our comments. If you have any questions, please call me at (916) 447-7357.

Sincerely,



John Coburn
General Manager

Xc: SWC Member Agencies
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