



DEPARTMENT OF WATER RESOURCES
Division of Operations and Maintenance
3310 El Camino Avenue, Suite 300
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BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
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JUN 19 2017

Via email to:
michael.lauffer@waterboards.ca.gov

Michael Lauffer
Acting Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Revised Compliance Plan regarding Order WR 2010-0002

Dear Mr. Lauffer:

The Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) submit this revised plan for compliance with Conditions 6 and 1 of Revised Decision-1641 (D-1641) as required by Corrective Action A2 of Order WR 2010-0002 (the Order) and consistent with the December 20, 2016 letter from the Delta Watermaster (letter attached). Corrective Action A2 requires DWR and Reclamation to submit a revised compliance plan if the State Water Resources Control Board (SWRCB) modifies the interior south Delta salinity objectives, or deems the proceedings to update the Bay-Delta Water Quality Control Plan (WQCP) to be complete. The December 20th letter informed DWR and Reclamation that the WQCP proceedings are deemed complete for purposes of the 2010 Cease and Desist Order (CDO or Order). The revised plan is described below.

Revised Plan

The Order requires DWR and Reclamation to implement measures to obviate the threat of non-compliance with Condition 6 and Condition 1 of D-1641 regarding salinity objectives at three interior south Delta locations.¹ Pursuant to the 2006 CDO, DWR and Reclamation submitted a compliance plan in 2006 and an amended plan in 2010. Because of the actions DWR and Reclamation have taken as described in these prior plans and as reported to the SWRCB in

¹ The three locations are San Joaquin River at Brandt Bridge (Station No. C-6), Old River near Middle River (Station No. C-8), and Old River at Tracy Road Bridge (Station No. P-12).

quarterly updates, there is no current threat of non-compliance. The terms of D-1641 Conditions 1 and 2 provide that compliance with the south Delta salinity objectives are not on a strict liability basis, and instead include a process to determine causation. According to D-1641, there is no violation, and no compliance issue, unless and until the SWRCB determines that an exceedance is within DWR's and Reclamation's control. To date, the SWRCB has never made such a finding.

Since 2006, DWR and Reclamation have taken additional reasonable measures, have provided quarterly status reports describing these additional measures to comply with the Board's 2006 and 2010 Orders,² and have complied with additional reporting requirements, including the reporting of exceedances.

DWR and Reclamation's revised plan is to continue to study salinity conditions and to take other actions in the south Delta, including:

- Recently submitted to the SWRCB the report "Evaluation of Salinity Patterns and Effects of Tidal Flows and Temporary Barriers in South Delta Channels" (dated September 2016);
- Continue implementing the Temporary Barriers Program;
- Completing the temporary barriers 3-year fish study report required by the SWP and CVP Long-Term Operations Biological Opinion and needed for consideration of the South Delta Improvements Program permanent gates;
- Continue updating consumptive use estimates based on new land use studies, surveys, and Surface Energy Balance Algorithm for Land data;
- Continue implementing the San Joaquin Valley Drainage Implementation Program recommendations through the Agricultural Drainage and Water Use Efficiency and Integrated Regional Water Management Programs;
- Continue operating the Real Time Water Quality Monitoring Program for flow and water quality conditions in the San Joaquin River and South Delta;
- Continue participating in the Central Valley Salinity Alternatives for Long-Term Sustainability initiative;
- Continue implementing a Real Time Management Program in the San Joaquin River basin to better manage salinity; and
- Continue operation of the Grassland Bypass Project to reduce and periodically eliminate salinity loads from northerly San Luis Unit CVP contractors. This operation eliminated summer irrigation discharges—between 175 and 225 thousand tons of salinity seasonally—to the San Joaquin River in 2014, 2015 and 2016.

Current WQCP Update Proceedings

DWR and Reclamation are engaged in the current WQCP update proceedings for Phases I and II. On March 17, 2017, DWR and Reclamation provided comments to the SWRCB on its Draft Revised Phase I Substitute Environmental Document (SED, dated September 15, 2016). DWR and Reclamation understand that comments on the Draft Revised SED are under review and will be included in the final SED. On October 19, 2016, the SWRCB issued a Notice of Opportunity

² Copies of the quarterly updates are available from DWR's Bay-Delta Office upon request.

to comment on the Working Draft Scientific Basis Report for Phase II (SBR). On December 16, 2016, DWR and Reclamation submitted comments on the SBR. The Draft Phase II SED is anticipated this summer.

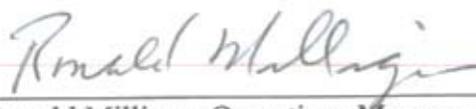
We understand that the interior south Delta salinity standards may be modified as part of the WQCP update and believe the revised plan should be consistent with the update.

For additional information or questions, please contact John Leahigh (916-574-2722 or john.leahigh@water.ca.gov) or Jeff Rieker (916-979-2197 or jrieker@usbr.gov).

Sincerely,



Joel Ledesma, Chief
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Department of Water Resources



Ronald Milligan, Operations Manager
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Attachment

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