

March 3, 2014

VIA E-MAIL

State Water Resources Control Board,
c/o Michael Buckman
Michael.Buckman@waterboards.ca.gov

Department of Water Resources,
c/o James Mizell
James.Mizell@water.ca.gov

Regional Solicitor's Office,
c/o Amy Aufdemberge
Amy.Aufdemberge@sol.doi.gov

U.S. Bureau of Reclamation,
Paul Fujitani
pfujitani@usbr.gov

Subject: Order Approving a Temporary Urgency Change in License and Permit Terms and Conditions Requiring Compliance with Delta Water Quality Objectives in Response to Drought Conditions

Dear Mr. Buckman:

The Santa Clara Valley Water District (SCVWD or district) is submitting comments on the subject order (Order), as modified on February 7 and February 28, 2014, and on the proposed revisions described in the Notice of Modifications to Order dated February 28, 2014.

SCVWD is located in the south Bay Area, and serves wholesale water supply to the 1.8 million residents of Santa Clara County and the vital economy of Silicon Valley. The district was formed in 1929 to address groundwater overdraft and land subsidence in San Jose and adjacent cities, serious conditions that were successfully resolved by the importation of water from the federal Central Valley Project (CVP) and State Water Project (SWP). Ongoing operation of the district's conjunctive management program and aggressive water use efficiency help maintain groundwater reserves to meet the County's needs in dry years, and prevent the reoccurrence of land subsidence and salt water intrusion. However, these operations can only be sustained with adequate CVP and SWP water supplies. In critically dry years such as 2013 and 2014, the CVP and SWP provide over 95% of the water needed at the district's three drinking water treatment plants, and are critical to maintaining emergency reserves for successive dry years.

The district is a contractor of both the CVP and SWP, and a member of both the San Luis & Delta-Mendota Water Authority (SL&DMWA) and State Water Contractors (SWC). SCVWD supports comments submitted by the SL&DMWA and by the SWC dated March 3, 2014. As noted in these comments, the Order is a response to unprecedented hydrological conditions now facing California, and it recognizes that the existing water quality objectives do not account for the current extremely dry conditions and the impact on beneficial uses. The Order acknowledges the “[f]low and salinity objectives in the Bay-Delta Plan and D-1641 were developed based on historic hydrologic conditions” and the “magnitude of the current drought was not considered in establishing the Bay-Delta objectives or in the terms and conditions contained in D-1641.” This water year’s extreme conditions, and the potential for conditions to carry over into 2015, necessitate adjustments to the Projects’ water right terms and conditions to ensure reasonable and maximum beneficial use of a very limited water supply.

The following additional comments are provided regarding SCVWD’s perspective on the Order, as modified, and on revisions that the State Water Board is currently considering.

Flexibility in Meeting Health and Safety Needs is Critical

It is critical that the State Water Board allow, and that the Projects take, every opportunity to mitigate drought impacts. For example, when rain events occur and boost surface flows, increased export pumping should be allowed to capture limited available water. At this point, every available acre-foot of water has value and can help to mitigate the impacts to the communities that depend on the CVP and SWP for water supply. Furthermore, the State Water Board should provide the Projects with operational flexibility to store water where it is most likely to meet needs in the event the drought continues into 2015.

Protection of public health and safety includes protecting the quality of CVP and SWP water as sources of supply for treated drinking water. The Department of Water Resources (DWR) and Bureau of Reclamation (Reclamation) should be allowed to take full advantage of opportunities to move water into south-of-Delta storage for public health and safety needs when Delta water quality conditions are relatively good, rather than required to keep water in upstream reservoirs. Ongoing Delta water quality analyses show a significant risk in later months of 2014 that salinity conditions could degrade to the point that water could not be pumped, potentially stranding public health and safety supplies where they cannot be accessed.

Flexibility in export pumping under Condition 1b and Condition 2 would better enable DWR and Reclamation to operate the Projects in a way that maximizes the beneficial use of available water in 2014, and allows local agencies like SCVWD to meet their 2014 needs and prepare for potential continuing dry conditions in 2015.

Santa Clara County Needs Delta Exports to Address Severe Water Shortages

Like most urban water agencies, SCVWD does multi-year drought planning. Pursuant to the district's Water Shortage Contingency Plan¹, the Board of Directors has set a 2014 target to reduce county-wide water use by 20%, or 72,000 acre-feet, in order to avoid starting 2015 with groundwater reserves in the Stage 3 "Severe" level. This water use reduction program is *in addition to* the aggressive ongoing conservation implemented since 1991, after the last major drought. Through these efforts, Santa Clara County has reduced its annual water demands by 56,000 acre-feet, and despite adding over 500,000 residents in the last 30 years, the county's water usage is actually slightly less now than it was 30 years ago.

The State Water Board's actions and implementation of the Order should acknowledge and support the multi-year drought response efforts that local agencies such as SCVWD are implementing to protect their water users from public health and safety impacts. Setting requirements for the CVP and SWP to retain water in upstream reservoirs for public health and safety needs may in fact be counterproductive to these efforts by limiting deliveries in 2014. The ability to sustain Santa Clara County in 2015 depends not only on working successfully with our 13 retail water agencies to achieve this year's water use reduction target, but on being able to access planned deliveries of imported water, including the CVP municipal and industrial water allocation announced by Reclamation on February 21, 2014, and the district's 2013 SWP carryover water. If SCVWD is unable to access its minimum planned imported supplies in 2014, groundwater reserves could potentially continue to drop to the Stage 5 "Emergency" level in 2015, with the need to call for water use reductions up to 50%.

Health and Safety Needs Must Be Carefully Defined

Defining the scope of "health and safety" purposes and needs is essential to understanding application of the Order and the ability of the Projects to operate. A narrow definition could greatly restrict allowable exports and provide insufficient water to achieve CVP and SWP purposes.

In addition to basic sanitation, health and safety water needs include purposes such as fire protection storage and ensuring that critical services like hospitals, power generation facilities, schools, and airports continue to operate. Some critical facilities may be unique to particular service areas, for example, Silicon Valley has historically been home to large server "farms" that support world-wide internet communication. Public health and safety water needs for Santa Clara County must also take into account the unique risks associated with being subject to three of the most active earthquake faults in the nation, creating the need to maintain both surface water and groundwater reserves in the event of a major earthquake.

As previously described, groundwater overdraft, land surface subsidence and saltwater intrusion are very real threats to sustainable water supply for Santa Clara County, and to critical infrastructure located in the northern part of the county near San Francisco Bay. Groundwater overdraft led to inelastic land subsidence of about 13 feet in San Jose between 1915 and 1970.

¹Included in the Santa Clara Valley Water District, 2010 Urban Water Management Plan:
<http://www.valleywater.org/Services/WaterSupplyPlanning.aspx>

State Water Resources Control Board,
c/o Michael Buckman
March 3, 2014
Page 4

If even a fraction of that land subsidence occurred again, it could cause permanent damage to stormwater and wastewater collection systems, including the county's three largest wastewater treatment plants; and reduce the ability of flood protection projects such as the Guadalupe River project to achieve intended levels of protection, increasing the risk of flooding to residents, businesses and transportation corridors. Land subsidence in the county historically contributed to salt water intrusion along San Francisco Bay and degraded groundwater quality so that, in some areas, it is no longer suitable for municipal and domestic supply purposes. Maintaining groundwater levels above subsidence thresholds is critical to health and safety in Santa Clara County.

Additional actions by the State Water Board and other agencies will likely be necessary as we go through the year, as the drought's impacts become more widespread and more severe, and impacts that may not even be anticipated today occur. It will require flexibility and adaptation, as conditions change and opportunities arise, to fulfill the fundamental state policy established in Water Code section 100 that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, in the interest of the people, and for the public welfare. SCVWD acknowledges the difficult challenges the drought creates, and urges the State Water Board to continue to take all necessary actions to mitigate the drought's impacts throughout the State.

Sincerely,



Beau Goldie, P.E.
Chief Executive Officer
Santa Clara Valley Water District