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January 28, 2004

Gita Kapahi
Chief of the Bay/Delta Special Projects Unit
PO Box 2000
Sacramento, CA 95812

RE: Review of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary – Comments of Tuolumne Utilities District

Ms. Kapahi:

Tuolumne Utilities District (“TUD”) submits the following comments regarding the State Water Resources Control Board’s (the “Board”) triennial review of the 1995 Water Quality Control Plan for the Bay/Delta (the “1995 Plan”). TUD is a county water district in Tuolumne County serving almost 40,000 customers with water for domestic, municipal, and agricultural uses.

TUD recommends that the Board amend the 1995 Plan in a manner that will more equitably distribute the burdens of meeting water quality and water flow objectives upon all users of water in the south Delta. Currently, the United States Bureau of Reclamation (the “Bureau”) is being compelled to meet both of these objectives by essentially releasing all of its water from New Melones Reservoir. This imposes the entire burden of meeting these objectives on the Stanislaus River, which includes not just New Melones, but upstream county of origin appropriators as well. Any amendment to the 1995 Plan should recognize that this inequitable approach is not working and require all users of water, which includes the Bureau, to implement different strategies to improve water quality and water flows in the Delta.

Introduction

In its December 10, 2003, solicitation to the public that it was formally accepting suggestions for amending the 1995 Plan, the Board specifically requested that the following questions be answered:

1. Should the SWRCB amend the San Joaquin River flow objectives for Fish and Wildlife uses in the 1995 Plan?
2. Should the SWRCB amend the chloride objectives on Table 1 for Municipal and Industrial uses that apply at Contra Costa Pumping Plant #1 in the 1995 Plan?
3. Should the SWRCB amend the salinity objectives on Table 3 for Fish and Wildlife uses that apply to the western Suisun March, at Interagency Station Numbers S-97 and S-35?
4. Should the SWRCB amend the narrative objective for salmon protection on Table 3 in the 1995 Plan?
5. Should the SWRCB modify the preliminary Water Quality Compliance and Baseline Monitoring program provided in Table 4 of the 1995 Plan?

In addition, the Board pointed out that this list was "not exhaustive" and that the Board would be interested in receiving any suggestions on amending the 1995 Plan. It is within this latter "catchall" provision that TUD makes the following suggestions.

Suggestions

Section A.(2) of Chapter IV of the 1995 Plan claims that water quality objectives for the southern Delta salinity can be met through a combination of water quality control and water right actions. Elevated salinity in the southern Delta is caused by (1) low flows and (2) discharges of land-derived salts, primarily from drainage. Thus, there are two contributing factors to elevated salinity in the southern Delta. However, the Board has only addressed the first factor by enforcing the obligation of the Bureau to release more water from New Melones to control salinity, a water right action, which only addresses the lack of flows, and not the discharges of salts into the San Joaquin River. The Board has not enforced the obligation it imposed on the Bureau in D-1641 to develop a drainage plan that could control the discharge of salts into the San Joaquin.

This lopsided approach to water quality control in the Delta has resulted in a cure that is worse than the disease. It has resulted in increased upstream discharges of salts from the lands surrounding the San Joaquin River, which have required the Bureau to release more unused water from New Melones in a losing effort to dilute the salts. This then deprives water contractors, such as TUD, water from New Melones, water to which they are entitled under both county of origin principles and previous contracts with the Bureau—while the dischargers of the salts get a free ride.

The Board can remedy this situation in three ways. First, it should require that the Bureau submit and implement a drainage plan, as required by D-1641, that will reduce the concentrations of salt in water that is exported into the upper San Joaquin River. This could be in the form of treatment, improved irrigating or draining methods. Until the Bureau does so, the Board should limit the amount of CVP water deliveries that result in discharges to the upper San Joaquin River.

Second, the Board should amend the 1995 Plan to include at least one additional monitoring station on the San Joaquin upstream of Vernalis. Currently, having Vernalis

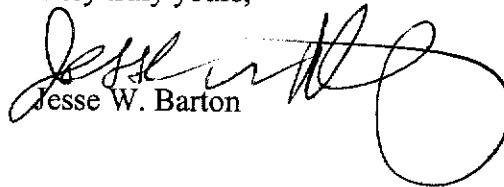
as the only monitoring point leaves the rest of the San Joaquin without standards. This imposes the entire burden of meeting the water quality objectives in the 1995 Plan upon New Melones releases—releases that have shown to be inadequate. By creating additional monitoring points on the San Joaquin, the Board will be better able to determine the causes and locations of problem discharges, which will allow both the Board and the Bureau to more accurately target the problems. We strongly recommend that an additional monitoring site be created at the Newman Wasteway, Newman. Creating a monitoring location at this point on the San Joaquin will assist in determining how much salt Salt and Mud Sloughs are exporting into the San Joaquin River. This new monitoring location should include compliance requirements for the 0.7/1.0 EC value.

Third, the Board should also expand the time frame during which the 0.7 EC value applies to the new monitoring location at the Newman Wasteway. Right now, this value, generally, only applies to the period from April 1 to August 31 of each year. By limiting the EC value to this time period, the Board would not adequately monitor salinity discharges from the Salt and Mud Sloughs during regular irrigation times because water delivery in this area extends past October. A more appropriate time period for the 0.7/1.0 EC value in the Newman Wasteway would be from April 1 to October 31.

Conclusion

The triennial review the Board has begun presents the Board with the opportunity to address those issues the 1995 Plan may have overlooked, or those issues that it simply hasn't implemented. We strongly encourage the Board to capitalize on this opportunity to develop a better functioning and more equitable water quality control plan for the Delta.

Very truly yours,


Jesse W. Barton

Cc: Gary Egger