



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

July 9, 2008

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812

RE: Comments on Draft Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

Dear Ms. Townsend:

We have reviewed the June 2008 *Draft Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Strategic Workplan). We recognize and commend the significant effort to generate this document. By establishing the Bay-Delta Team of staff from the State Board and two Regional Boards, the Board has enabled an unprecedented coordination of regulatory activities focused on Bay and Delta issues. Overall, the Strategic Workplan is a comprehensive and ambitious effort to address the most critical water quality and water management issues facing this troubled resource.

We have previously submitted comments for the Board's March 2008 Workshop on developing the Strategic Workplan. A copy of those comments is enclosed for your reference. We have a few additional comments on this Strategic Workplan.

### **Specific Comments**

#### **(1) Water Quality and Contaminants Control**

**Total Maximum Daily Loads** - The challenge of restoring impaired water quality requires a wide range of activities and resources. TMDLs can provide a useful framework for this work. The Strategic Workplan acknowledges the shortfall in resources to develop and implement the many TMDLs necessary to address water quality impairments in the Bay-Delta. We are committed to working with the Regional Boards to help leverage existing resources for these issues (e.g., Farm Bill funds allocated through NRCS). We also believe that the planned Delta Regional Monitoring Program should include the necessary monitoring, assessment, and modeling to better identify the location, type and extent of practices necessary to achieve TMDL load allocations, as often this level of information is not available when TMDL implementation plans are initially developed.

**Blue-green algae** - Board staff has made much progress over the last few years in collaboration with other agencies to develop the statewide blue-green algae (BGA) voluntary guidance document. The Strategic Workplan outlines additional work needed to more effectively monitor, assess and control BGA occurrences. Another critical role for the Regional Boards is working with the Department of Public Health to ensure that where BGA occurs above the threshold levels established in the guidance document, the public is adequately advised, either by a local agency or the state.

**Delta dredging** – Although the Strategic Workplan encompasses many of the State and Regional Boards’ on-going efforts in the Bay-Delta, it does not mention the Board’s regulatory activity related to dredging and dredge material management in the Delta, nor the Board’s critical participation in developing a Delta Long Term Management Strategy (Delta LTMS). The Delta LTMS is an interagency collaboration to develop a more efficient and effective permitting process for dredging, while also facilitating appropriate beneficial reuse of dredged materials. The Strategic Workplan should recognize the Board staff investment needed if the Delta LTMS is to be successful.

In addition, the US Army Corps of Engineers recently initiated the environmental review process for two proposed ship channel deepening projects for the Ports of Stockton and Sacramento. Given the potential for highly significant impacts from these projects, including impacts to water quality and hydrology, we believe it would be appropriate to include the Board’s activities related to these projects in the Strategic Workplan.

## **(2) Monitoring**

EPA strongly supports the development of a more integrated and comprehensive water quality monitoring and assessment system for the Delta and its upstream watersheds. We have seen tremendous benefit of these regional efforts in the San Francisco Bay and on the south coast. As the Board is aware, there are a number of valuable, focused monitoring and assessment activities sponsored by the Interagency Ecological Program (IEP), the CALFED Science Program, and the various CALFED agencies. Coordination and the integration of these efforts will be challenging. The recent Pelagic Organism Decline (POD) science review is a good example of a collaborative effort to integrate many different data-gathering efforts into a cohesive whole, providing useful information for all agencies.

As the Strategic Workplan indicates, EPA is currently collaborating with the Central Valley Board, other agencies, and stakeholders on a strategy for more effective and efficient water quality monitoring and assessment within the San Joaquin basin. In addition, for many years, we funded much of the monitoring conducted under the Sacramento River Watershed Program. We have also worked with Regional and State Board staff on a set of water quality indicators for the CalFed Program. In the course of these activities, we will continue to make every effort to link to the comprehensive monitoring program contemplated for the Delta. We look forward to the State Board’s leadership in facilitating the development of a coordinated system for monitoring and assessing water quality in and around the Delta, and will assist in any way we can.

### **(3) San Joaquin Flows**

We support the Strategic Workplan's attention to water quality and flow issues in the lower San Joaquin. From the perspective of the Delta, the focus on activities directly related to Vernalis and South Delta water quality objectives and VAMP flows is understandable. However, the Workplan also clearly acknowledges the severity of a broader set of flow-related impairments in the San Joaquin River and the consequences within the Delta of the imbalance of Sacramento and San Joaquin inflows. Higher flows and water quality improvements in the lower San Joaquin River (that is, from the confluence with the Merced, downstream) have the potential to affect a range of environmental and human uses in the Delta and upstream. The Workplan also references a number of ongoing activities involving the Central Valley Regional Board and other agencies to improve River conditions; these programs present opportunities for coordinating information and analyses. To reiterate our March 2008 comments to the Board, the State and Regional Board staff might usefully participate in the planning of environmental monitoring and analyses being conducted for San Joaquin River Restoration for the purpose of enhancing the information which the Boards will need for its analyses on San Joaquin actions.

### **(4) Comprehensive Review of Bay-Delta Water Quality Control Plan and Public Trust Evaluation**

The Strategic Workplan proposes to rely substantially on the Bay Delta Conservation Plan (BDCP) as the analytical process underlying any future Board actions on the Water Quality Control Plan, future water rights decisions, and potential reviews of public trust values in the estuary. Given the complex, interrelated analyses and the limited resources of most of the participants in the multiple ongoing Delta processes (Board actions, Delta Vision, BDCP, among others), we agree that using a single environmental review process makes sense. (*See* our BDCP scoping comments of March 17, 2008, a copy of which is attached.) To make this work, Board staff must continue active engagement in the BDCP process to assure that an adequate array of both interim and long-term alternatives are examined, in light of the multiple potential actions evaluated in this multi-purpose document.

If a single environmental document is envisioned, that single document will inevitably need a significantly broader set of alternatives analyses than would be expected in a single-purpose NCCP/HCP environmental document. That is, an NCCP/HCP ordinarily evaluates only those alternatives relevant to the "covered activities" of the participating entities (primarily the water export projects in this case), whereas the Board's mandate and potential actions are substantially broader, encompassing water rights for all uses of Delta waters and water quality for all beneficial uses (not limited to those affecting endangered species). Furthermore, the analysis of beneficial and adverse impacts associated with the alternatives must attend closely to issues of State Board concern.

As participants in the mammoth CalFed EIS/EIR process, we are fully aware of the problems and pitfalls of managing a multipurpose document. We believe that the Board, the BDCP participants, and any other regulatory agencies intending to rely on this environmental review should carefully craft an environmental review strategy that meets the needs of all agencies and ensures that the information necessary for each agency's respective processes is developed.

In addition, we recommend that the Board consider whether there are aspects of Delta water management issues that will not be covered by the BDCP process. The Pelagic Organism Decline (POD) science effort identified several stressors on the system, including toxics and invasive species. Recent research has raised significant questions about, for example, the role of ammonia in the decline of the Delta aquatic environment. It is unlikely that even a broadly conceived NCCP/HCP under the Endangered Species Acts will have the regulatory authority to adequately address some of these other stressors. Through the Strategic Workplan, we believe the Board should identify and move forward now on evaluating potential actions to address these additional stressors.

#### **(5) Water Use Efficiency**

We are encouraged that the Strategic Workplan responds to the statewide priority of water use efficiency by bringing this subject to bear on policy and management practices for delta water supplies. The activities outlined in the Strategic Workplan will enhance the sustainability of delta supplies and reinforce the expectation that conservation is an important aspect of reasonable use of these supplies.

As the state agencies are in the early stages of developing plans for implementing the Governor's recently announced target of a 20% reduction in per capita water use statewide, we encourage you to make use of tools and information being developed by EPA's WaterSense program, such as specifications for water efficient household fixtures, new homes, and landscaping programs.

We look forward to working with Board staff as the Strategic Workplan is refined and implemented. If you have any questions about our comments, please call me at (415)972-3472.

Sincerely,

*(original signed by Karen Schwinn)*

Karen Schwinn  
Associate Director  
Water Division

Enclosures:  
EPA's BDCP Scoping Comment  
EPA's March 19, 2008 comment letter to Board