



**Tribal Consultation  
on EPA's review of  
Water Quality  
Standards for the  
Bay-Delta WQCP**

**Spring RTOC  
California Break-Out  
April 20, 2023**

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# Agenda

- Water Quality Standards and EPA's role under the Clean Water Act
- The Bay-Delta Water Quality Control Plan
- EPA actions and timeline
- Questions



# Clean Water Act

## Sections 303, 304, 305

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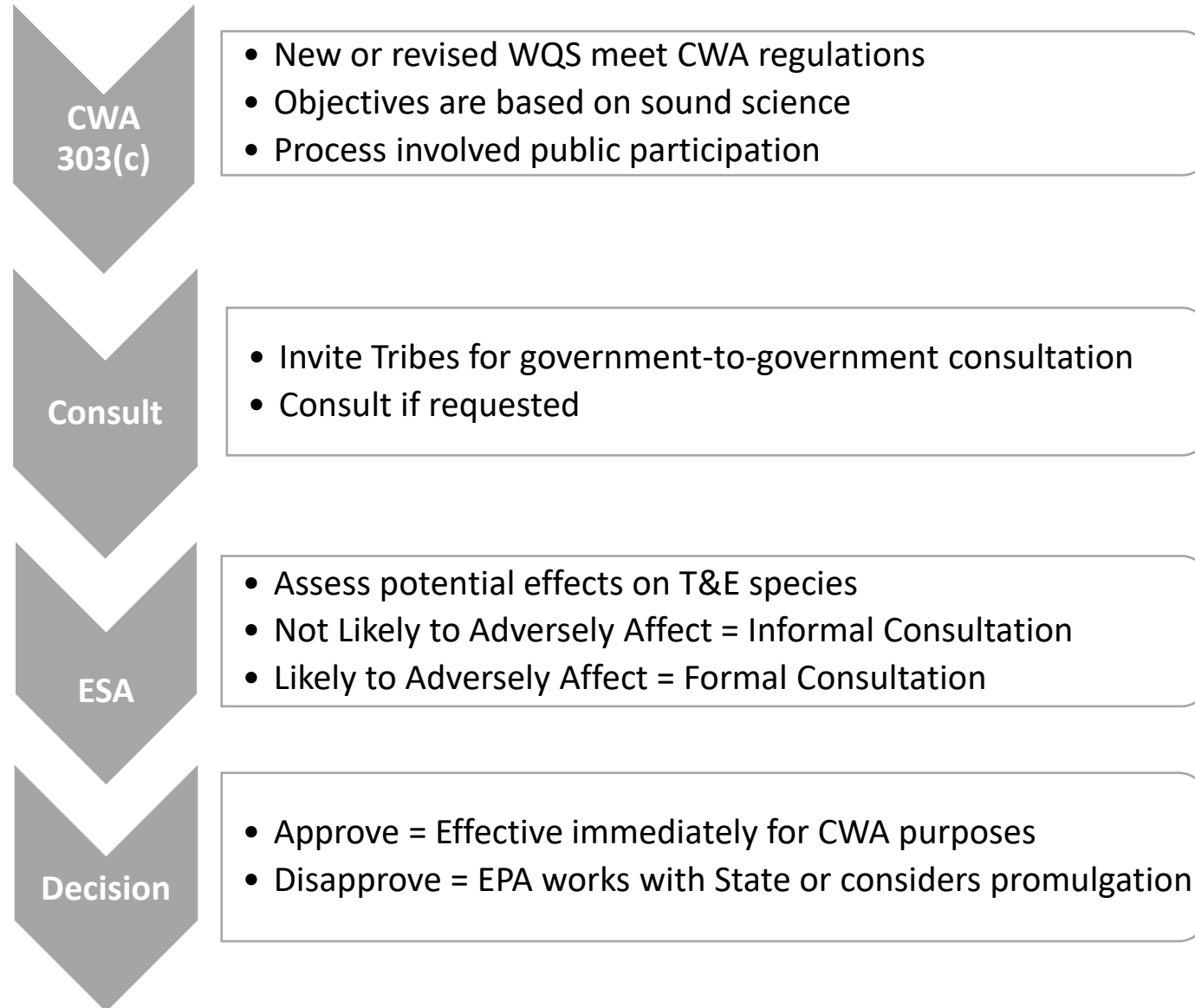
- Defines Water Quality Standards and establishes fishable & swimmable goals
- Establishes role of States, Territories, and Tribes
  - Develop WQS
  - Review and revise WQS
  - Monitor and assess water bodies
- Establishes role of EPA
  - Establish recommended criteria
  - Review all new and revised WQS for CWA purposes



Hetch Hetchy Reservoir  
Tuolumne River, CA



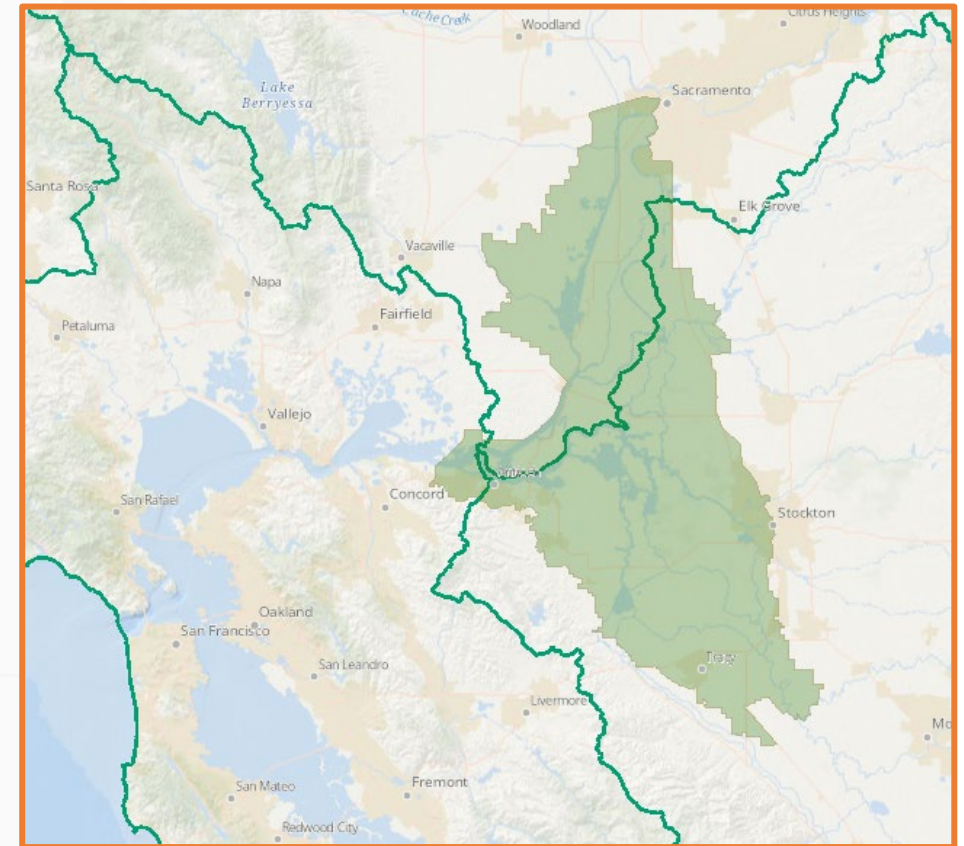
# EPA Review of Water Quality Standards



# Bay-Delta Water Quality Control Plan



 Legal Delta boundary



# Bay-Delta Water Quality Control Plan



1995: New standards for Delta flow

Sacramento  
San Francisco  
San Jose

Sacramento River Basin

2023-2024(?): Revised flow standards for Sacramento River and interior Delta

San Joaquin River Basin

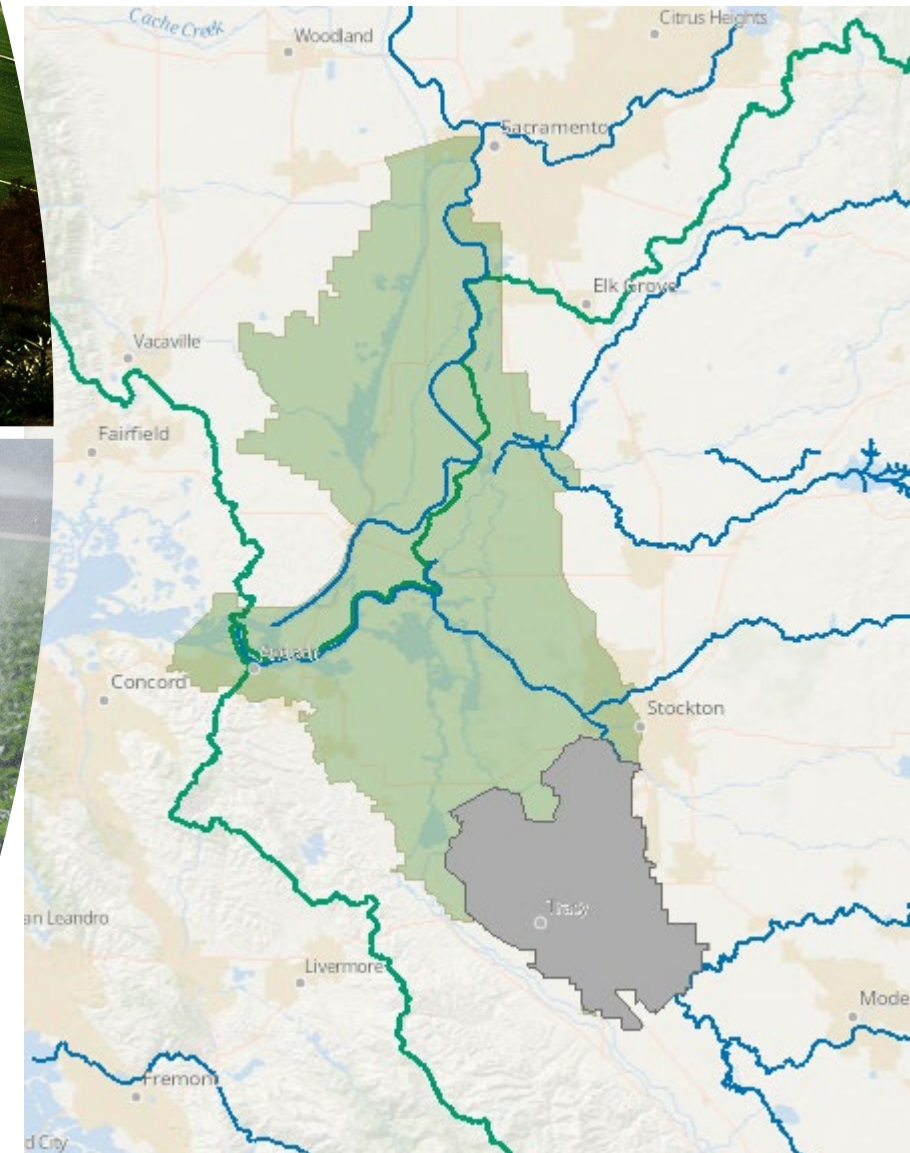


2018: Revised standards for San Joaquin River flow & South Delta salinity

# Southern Delta Salinity Objectives



- Legal Delta boundary
- Southern Delta



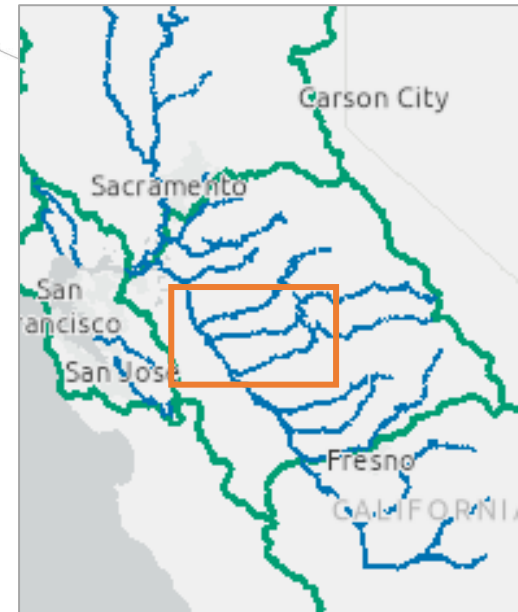
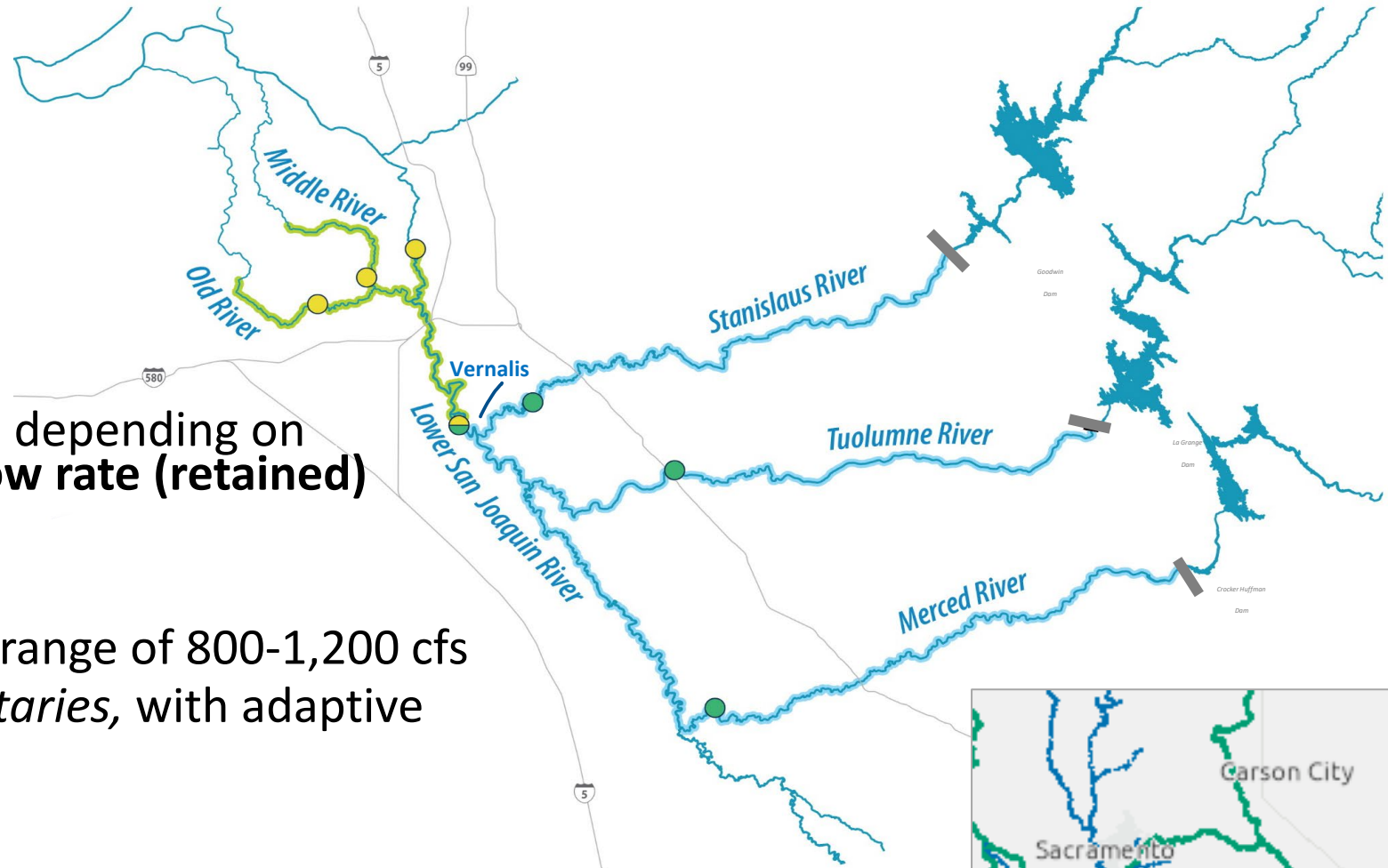
## Numeric Criteria to Support Agricultural Uses

- Previous = Seasonal
- 1.0 dS/m September-March
  - 0.7 dS/m April- August

- New = Year-round
- 1.0 dS/m



# SJR Flow Objectives to support Fish & Wildlife Uses



Previous = minimum flow rate Feb-June depending on water year type & **1,000 cfs October flow rate (retained)**

## New Numeric Criteria (Feb – June)

- 1,000 cfs at *Vernalis*, with adaptive range of 800-1,200 cfs
- 40% unimpaired flow at *three tributaries*, with adaptive range of 30-50%

## Narrative Criteria (Year-Round)

- *“Maintain inflow conditions... to the Delta at Vernalis sufficient to support and maintain the natural production of viable native San Joaquin River watershed fish populations migrating through the Delta...”*
- *“Flows... shall be managed in a manner to avoid causing significant adverse impacts to fish and wildlife beneficial uses at other times of the year.”*





# Bay-Delta WQCP: EPA Review & Next Steps

Underway

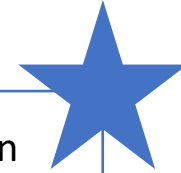


- New or revised WQS meet CWA regulations
- Objectives are based on sound science
- Process involved public participation

Underway



- Invite Tribes for government-to-government consultation
- Consult if requested



Underway



- Assess potential effects on T&E species
- Not Likely to Adversely Affect = Informal Consultation
- Likely to Adversely Affect = Formal Consultation



NOAA FISHERIES

2023



- Approve = Effective immediately for CWA purposes
- Disapprove = EPA works with State or considers promulgation



## Questions & Comments

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