



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California • 95814 • 916.341.5615
P.O. Box 100 • Sacramento, California • 95812-0100
Fax 916.341.5621 • www.waterboards.ca.gov

Agenda Item 2
Attachment 6



Arnold Schwarzenegger
Governor

AUG. 8 2008

John Kirlin
Executive Director
Delta Vision
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Mr. Kirlin:

REQUEST FOR INFORMATION REGARDING THE WATER BOARDS' STRATEGIC WORKPLAN FOR THE BAY-DELTA

This letter responds to your request for information regarding the State Water Resources Control Board's (State Water Board), Central Valley Regional Water Quality Control Board's (Central Valley Regional Water Board), and San Francisco Bay Regional Water Quality Control Board's (San Francisco Bay Regional Water Board) (collectively Water Boards) Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta). Specifically, you pose nine questions, each of which is addressed following the brief introduction below. Attachment A provides additional detailed information concerning the questions as they relate to specific elements of the Strategic Workplan.

Introduction

In response to mounting environmental and water supply concerns in the Bay-Delta, the Water Boards directed staff to prepare a Strategic Workplan for the Bay-Delta that prioritizes and describes the scope of activities and provides specificity regarding timelines and resource needs for implementing coordinated activities in the Bay-Delta to protect beneficial uses. On July 16, 2008, the State Water Board approved a final Strategic Workplan for the Bay-Delta. The Central Valley and San Francisco Bay Regional Water Quality Control Boards will consider approval of the Strategic Workplan later this year. The final Strategic Workplan consists of nine elements including:

1) Water Quality and Contaminant Control Activities¹

¹ Includes: various Total Maximum Daily Loads (TMDL); a Drinking Water Policy for the Central Valley; a Once-Through Cooling Policy for Power Plants and revised National Pollutant Discharge Elimination System (NPDES) permits for Delta power plants; Sediment Quality Objectives for Enclosed Bays and Estuaries; activities to manage invasive species; development of a standardized statewide monitoring program for blue-green algae blooms and any needed control measures; characterization of discharges from Delta islands; an evaluation of the effects of ambient ammonia concentrations and development of any necessary control measures; a selenium screening study in the Delta; and activities related to in-Delta pesticide use.

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- 2) A Comprehensive Monitoring Program
- 3) Review and Modification of the Southern Delta Salinity and San Joaquin River Flow Objectives included in the Bay-Delta Water Quality Control Plan (Bay-Delta Plan) and their implementation
- 4) Review of the Suisun Marsh Water Quality Objectives included in the Bay-Delta Plan and Other Actions to Address Water Quality and Habitat Concerns in Suisun Marsh
- 5) Comprehensive Review of the Bay-Delta Plan, Water Rights, and Other Requirements to Protect Fish and Wildlife Beneficial Uses and the Public Trust
- 6) Activities to Ensure that the State Water Project's (SWP) and Central Valley Project's (CVP) Methods of Diversion in the Delta are Reasonable, Beneficial, and Protect the Public Trust
- 7) Water Right Compliance, Enforcement, and Other Activities to Ensure Adequate Flows to Meet Water Quality Objectives
- 8) Water Use Efficiency
- 9) Other Activities

These elements encompass a broad range of actions that: 1) implement the Water Boards' core water quality responsibilities; 2) continue meeting prior Water Boards' commitments; 3) are responsive to priorities identified by the Governor and the Delta Vision Blue Ribbon Task Force; and 4) build on existing processes, such as the Bay Delta Conservation Plan (BDCP). Overall, the workplan identifies a wide range of flow-related and water quality actions to protect the Bay-Delta and the public trust, while still protecting diverse public interests.

Questions

Why are you undertaking this effort?

The Water Boards are undertaking the water right and water quality actions identified in the Bay-Delta Strategic Workplan to address the environmental and water supply crises in the Bay-Delta. The purpose of the Strategic Workplan is to describe for decision makers and the public the high priority activities that the Water Boards will pursue over the next five years that constitute the best use of the Water Boards' resources to meet these crises. The workplan process helps to assure that the Water Boards' activities in the Bay-Delta are comprehensive and fully coordinated within the Water Boards and with other processes. The workplan also provides for adaptive management with ongoing opportunities for modification based on future needs.

What will be the final work products of these efforts?

The final work products for the various elements included in the workplan vary based on the activity. The workplan includes work products for both water quality and water rights activities by the State Water Board, Central Valley Regional Water Board, and San Francisco Bay Regional Water Board. Together, all of the activities are intended to

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provide for improved protection of beneficial uses in the Bay-Delta. Specific work products fall into several categories that include development of plans, policies, and regulations to establish needed measures to protect beneficial uses and implementation of those measures; monitoring and analytical activities to better understand potential impacts to beneficial uses and develop appropriate controls; and compliance and enforcement activities to protect beneficial uses and the public trust against illegal or unauthorized activities. A brief description of the specific work products for each element is provided in attachment A.

When will those work products be completed and available to policy makers?

The Water Boards' Strategic Workplan for the Bay-Delta outlines activities the Water Boards intend to pursue over the next five years. The timeframe for completion of a particular action (or work product) within the Strategic Workplan varies depending on the activity. For example, many of the activities were initiated before the workplan was adopted and will continue beyond five years. Other activities are ongoing or will only occur on an as-needed basis. A brief description of when the various work products described above will be available is provided in Attachment A.

Whose decision(s) makes that work product "final?" When will they make that decision?

The State Water Board already has approved the Strategic Workplan and the Central Valley Regional Water Board and San Francisco Bay Regional Water Board are expected to consider approval of the workplan in the near future. To the extent the Strategic Workplan is considered a "work product," it is a final product (although, as discussed herein, it is subject to modification). To the extent that individual actions within elements of the Strategic Workplan are considered work products, the State Water Board, Central Valley Regional Water Board, or San Francisco Bay Regional Water Board, as appropriate for that action, will decide whether a particular action is final. But as noted above, some of the activities are ongoing, and decisions regarding finalization of work products will vary depending on the particular activity. Some of the activities will require further approval from one or more of the Water Boards to arrive at a final work product, while others likely will not. Work products that will require final approval by the Water Boards include: TMDLs, policies, amendments to basin plans, certain enforcement activities, regulations, adjudicative proceedings, and adoption of in-stream flow standards. Other work products may not necessarily require approval by the Water Boards, but all of the activities can be directed by one or more of the Water Boards as necessary. Additional information regarding the decision process for each work product is provided in attachment A.

What are the geographic boundaries to which the policy actions recommended will apply?

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The actions included in the Water Boards' Strategic Workplan broadly encompass all areas of the Bay-Delta and its tributaries. However, the focus of the workplan is on the Delta. For each element, the geographical boundaries vary. Additional information regarding the geographic scope of each element is provided in attachment A.

What policies and/or programmatic decisions will this information inform?

The various elements of the Water Boards' Strategic Workplan inform a broad array of policies and programmatic decisions including: Delta Vision; BDCP; and local, regional, State, and federal policies and programs related to water rights and water quality in the Bay-Delta watershed.

When will those policy and/or programmatic decisions be made? By whom?

There are many, varied timelines and decision makers for the various policy and programmatic decisions that will be informed by the elements included in the Water Boards' Strategic Workplan. One purpose of the strategic workplan is to inform these other decision makers regarding the Water Boards' future planned activities such that they can include Water Board activities in their planning and decision making processes.

What will full success of this effort mean?

Full success of the Water Boards' Strategic Workplan will result in significant progress toward protection of aquatic beneficial uses in the Bay-Delta watershed and reasonable and beneficial use of the State's scarce water resources. Successful implementation of the workplan also will result in improved efficiency and coordination of efforts to protect beneficial uses in the Bay-Delta watershed and improved internal and external communication and planning.

When will those effects occur?

The positive effects of the Water Boards' Strategic Workplan are already occurring. Many of the activities described in the workplan were initiated by the Water Boards prior to adoption of the Strategic Workplan. Development of the workplan has already served to improve internal and external coordination and planning and established a process for continuing to do so. For certain activities described in the workplan, additional time will be needed to realize their beneficial effects. Many of the issues the Strategic Workplan addresses have developed over many decades and involve competing beneficial uses. In many cases the solutions to these issues are complicated and controversial and will require time to comprehensively address. Committing to address these issues in the Water Boards' Strategic Workplan will help to ensure that the Water Boards' focus continues to remain on these important and difficult activities.

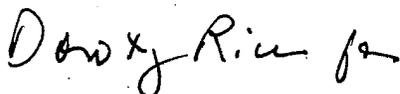
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Thank you for the opportunity to provide the Delta Vision process with additional information regarding the Water Boards' Bay-Delta Strategic Workplan. Please let me know if you have any additional questions or information needs.

Sincerely



Tom Howard
Chief Deputy Director

cc: Bruce H. Wolfe, Executive Officer
San Francisco Bay Reg. Water Bd.
1515 Clay Street
Suite 1400
Oakland, CA 94612

Pamela Creedon, Executive Officer
Central Valley Reg. Water Bd.
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Attachment A

Additional Information Concerning Questions from Delta Vision on the Water Boards' Bay-Delta Strategic Workplan

WATER QUALITY AND CONTAMINANT CONTROL ACTIVITIES

TMDLs

Final Work Products: Adoption and implementation of TMDLs in the Bay-Delta and tributaries

When Completed: Some of the TMDLs are completed and require implementation. Others have not yet been developed. The Central Valley and San Francisco Bay Regional Water Boards prepare annual workplans with specificity on the timelines for each TMDL.

Final Decision: State Water Board

Geographic Boundaries: The geographic boundaries for the TMDLs included in the workplan are specific to each TMDL and include: the lower San Joaquin River (salt and boron); the Stockton Deep Water Ship Channel (dissolved oxygen); Delta Waterways (diazinon, chlorpyrifos, pathogens); the Delta and San Francisco Bay (mercury); North San Francisco Bay (selenium); San Francisco Bay (polychlorinated biphenyls); and Old and Middle Rivers (dissolved oxygen)

Drinking Water Policy

Final Work Product: Adoption and implementation of a Drinking Water Policy for the Central Valley

When Completed: June 2010

Final Decision: State Water Board

Geographic Boundaries: Central Valley

Once-Through Cooling

Final Work Products: Adoption and implementation of a Once-Through Cooling Policy for Power Plants and revised National Pollutant Discharge Elimination System permits for Delta power plants

When Completed: Policy - June 2009; permits - by June 2009 or shortly after

Final Decisions: Policy – State Water Board; Permits – Central Valley and San Francisco Bay Regional Water Boards

Geographic Boundaries: Policy – statewide; permits – Pittsburg and Antioch

Sediment Quality Objectives

Final Work Product: Adoption and implementation of Sediment Quality Objectives for Enclosed Bays and Estuaries

When Completed: Phase II objectives by December 2010

Final Decision: State Water Board

Geographic Boundaries: Statewide

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Invasive Species Management

Final Work Products: Coordination with other regulatory agencies on activities to manage invasive species

When Completed: Ongoing

Final Decision: Interim decision by staff; final decision to be determined

Geographic Boundaries: Statewide

Blue-Green Algae

Final Work Products: Development of a standardized statewide monitoring program to better understand blue-green algae blooms and development of any needed control measures

When Completed: Monitoring - June 2010, control measures - ongoing

Final Decisions: Monitoring – Interim decision by staff; final decision to be determined, control measures – Water Boards

Geographic Boundaries: Statewide

Discharges from Delta Islands

Final Work Products: Development of monitoring plan to characterize discharges from Delta islands to improve understanding regarding these discharges for use in modeling and other applications

When Completed: June 2009

Final Decision: Interim decision by staff; final decision to be determined

Geographic Boundaries: Delta islands

Ammonia Evaluation

Final Work Products: Evaluation of the effects of ambient ammonia concentrations on delta smelt survival and algal primary productivity and development of any necessary control measures

When Completed: Evaluation - February 2009, control measures - ongoing

Final Decision: Evaluation – interim decision by staff; final decision to be determined, control measures – Water Boards

Geographic Boundaries: Bay-Delta watershed

Selenium Screening Study

Final Work Products: Completion of a selenium screening study in the Delta to better understand whether impacts are occurring related to elevated selenium levels and inform future decision making

When Completed: June 2009

Final Decisions: Interim decision by staff; final decision to be determined

Geographic Boundaries: Bay-Delta

In-Delta Pesticide Use

Final Work Products: Development of recommendations and potentially a memorandum of understanding between the Central Valley Regional Water Board, the Department of Pesticide Regulation, and the Delta County Agricultural Commissioners

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on future steps to assure that pesticides are not impairing aquatic beneficial uses in the Delta

When Completed: June 2009

Final Decisions: Water Boards, DPR

Geographic Boundary: Delta

Comprehensive Monitoring Program

Final Work Products: Short-term: establishment of a framework for regularly gathering, compiling, assessing, and reporting readily available data currently being collected under Water Board programs and external programs; long-term: development of a regional monitoring program for the Bay-Delta

When Completed: Short-term – 1-2 years, long-term 3-5 years

Final Decisions: Water Boards

Geographic Boundaries: Delta

SOUTHERN DELTA SALINITY AND SAN JOAQUIN RIVER FLOWS

Final Work Products: Review of, and possible updates to, the salinity and San Joaquin River flow objectives included in the Bay-Delta Plan and implementation of those measures through changes to water rights requirements and any other needed measures

When Completed: Prior to April 2012

Final Decisions: State Water Board

Geographic Boundaries: Southern Delta, San Joaquin River

SUISUN MARSH

Final Work Products: Review of, and possible updates to, the Suisun Marsh water quality objectives included in the Bay-Delta Plan and implementation of those objectives through water rights or other requirements; completion of a study to determine the effects of mercury methylation and low dissolved oxygen in Suisun Marsh; 401 Water Quality Certification activities; and other regulatory activities

When Completed: As needed, ongoing

Final Decisions: Water Boards

Geographic Boundaries: Suisun Marsh

COMPREHENSIVE REVIEW OF THE BAY-DELTA PLAN

Final Work Products: Review of, and possible updates to, the Bay-Delta Plan and water rights and other requirements implementing that plan

When Completed: End of 2011

Final Decisions: State Water Board

Geographic Boundaries: Bay-Delta watershed

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ACTIVITIES TO ENSURE THE SWP'S AND CVP'S METHODS OF DIVERSION IN THE DELTA ARE REASONABLE, BENEFICIAL, AND PROTECT THE PUBLIC TRUST

Final Work Products: If needed and appropriate, a water rights order requiring implementation of a remedy for any unreasonable impacts of the CVP's and SWP's methods of diversion

When Completed: As needed

Final Decisions: State Water Board

Geographic Boundaries: Delta

WATER RIGHT COMPLIANCE, ENFORCEMENT, AND OTHER ACTIVITIES TO ENSURE ADEQUATE FLOWS TO MEET WATER QUALITY OBJECTIVES

Final Work Products: Enforcement actions will be completed to address any compliance issues; as necessary, additional activities will be completed to ensure that adequate flows are available to meet water quality objectives

When Completed: December 2009 and ongoing

Final Decisions: State Water Board

Geographic Boundaries: Bay-Delta watershed

WATER USE EFFICIENCY

Final Work Products: Adoption and implementation of regulations for water conservation; adjudicative proceedings and associated orders or decisions to determine and address the reasonableness of one urban and one agricultural area or supplier with high water use receiving water supplies from the Delta watershed; development of a strategy to reduce urban per capita water use by 20 percent by 2020 and; development of a report to the Legislature on developing and implementing a coordinated water measurement database

When Completed: Regulations – August 2011; adjudicative proceedings – December 2012; strategy to reduce water use – October 2008; report to Legislature – January 2009; water recycling plans – July 2010 – ongoing

Final Decisions: Regulations, adjudicative proceedings, water recycling plans – State Water Board; strategy to reduce water use, report to Legislature – multi-agency

Geographic Boundaries: Statewide

OTHER ACTIVITIES

Final Work Products: Creation of a delta smelt refuge; development of a fish screen monitoring program and requirements as necessary for certain Delta water uses to screen water diversions; development and implementation of minimum in-stream flow standards for at least one tributary to the Delta or Suisun Marsh; and development of a salinity management plan for the Central Valley (CV-SALTS)

When Completed: Various dates

Final Decisions: State Water Board, Central Valley Regional Water Board (CV-SALTS)

Geographic Boundaries: Various