

Proposed Update of Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin River Estuary

Requested Action: Direct staff to continue to monitor and comment as needed on the State Water Resources Control Board's review and update of elements of the Bay-Delta Plan Water Quality Control Plan.

Summary

The State Water Resources Control Board (SWRCB) is currently reviewing the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). They will determine if updates to the water quality objectives, including flow objectives and other implementation actions are needed. This current update began in 2009.

There are many elements of the SWRCB's Bay-Delta Plan that affect or relate to policies, recommendations, and issues discussed in the Delta Stewardship Council's Delta Plan including Delta outflows, tributary inflows, and operation of Delta Cross Channel.

The SWRCB issued a Notice of Preparation to get input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in an update to the Bay-Delta Plan. Staff is preparing comments on the NOP that will ask the SWRCB to address opportunities to provide a more natural regime for flows, salinity, and sediment; and to consider recent TMDLs for selenium and mercury, ammonia, and sediment for the Bay Delta system.

Background

The State Water Board administers programs to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve a balance of beneficial uses. State water quality law requires the adoption of Water Quality Control Plans that identify existing and potential beneficial uses of waters of the state and establish water quality objectives to protect these uses. They also contain implementation, surveillance and monitoring plans. The State Water Board along with the San Francisco Bay Regional Water Board and the Central Valley Regional Water Board, participate in the Bay-Delta efforts.

The current 2006 Bay-Delta Plan includes objectives for inflows to the Delta from the Sacramento River and San Joaquin River, as well as objectives for Delta outflow. The State Water Board considers a number of factors when developing and implementing flow objectives, including competing uses for water. The State Water Board's water

quality control planning and management of water rights can determine the amount and timing of water entering and moving through the Delta.

Regulation and enforcement of water quality objectives helps to control contaminants that degrade the waters of the Delta, including salinity, ammonia and other nutrients, metals such as mercury, pesticides, and other toxic substances.

State and federal law requires the periodic review of these plans to ensure that they reflect current conditions. The current update of the Bay-Delta Plan, which began in 2009 and is scheduled for completion in 2013, will mark the fourth review of the plan since its original adoption in 1978.

This update has two phases. **Phase I** began in 2009, to address objectives related to the Southern Delta Salinity and San Joaquin River Flow Objectives included in the Bay-Delta Plan. Since that time, a comprehensive technical report for this first phase of effort was prepared and subjected to scientific peer review. This report, along with a Substitute Environmental Document that will be released in early 2012, will serve as the basis for any needed changes to protect water quality relating to flows from the San Joaquin River and salinity in the southern Delta.

Phase II involves the comprehensive review of the other elements of the Bay-Delta Plan and potential changes to protect beneficial uses in the Bay-Delta. These elements include:

1. Delta outflow objectives,
2. export/inflow objectives,
3. Delta Cross Channel Gate closure objectives,
4. Suisun Marsh objectives,
5. potential new reverse flow objectives for Old and Middle Rivers,
6. potential new floodplain habitat flow objectives,
7. potential changes to the monitoring and special studies program, and
8. flood plain habitat

The SWRCB is seeking comment concerning the scope and content of the environmental information to be included in their Substitute Environmental Document relating to their review of the Bay-Delta Plan.

Recommended Action

DSC staff asks the Council's approval to participate and keep an eye on the SWRCB's review. Staff proposes to recommend that the review consider, in addition to the above elements:

- Flows related to the location of the low salinity zone, often referred to as "X2";
- A more natural regime for flows, salinity, and sediment; and

- Applicable elements of recent TMDLs for selenium, mercury, ammonia, and sediment.

In addition, we will propose that flow needs to consider important variables of flow, including frequency of specific flows, duration of various flows, timing of flow, and the rate of change in flows.

Finally, staff will ask the SWRCB, as it conducts its review, to consider and assess impacts on beneficial uses of water in the Delta and its watershed, as well as water available for export from the Delta. We will also ask the SWRCB to identify and assess impacts to agriculture, biological resources, hydrology, water quality, and recreation.

Staff proposes to track and comment on elements of this plan, and report back on the SWRCB's consideration of the DSC's comments.

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