



Linda S. Adams
*Secretary for
Environmental Protection*

State Water Resources Control Board



Arnold Schwarzenegger
Governor

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

NOTICE OF PUBLIC WORKSHOP

REVIEW OF THE 2006 WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY

Wednesday, October 8, 2008
Commencing at 10:00 a.m.
at
Joe Serna, Jr./Cal-EPA Building
Coastal Hearing Room
1001 I Street
Sacramento, California

SUBJECT OF WORKSHOP

The purpose of this workshop is to receive comments from agencies and members of the public regarding periodic review of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (2006 Bay-Delta Plan or 2006 Plan), which will help the State Water Resources Control Board (State Water Board) identify elements of the 2006 Plan that may need amendment.

BACKGROUND

The Bay-Delta includes the Sacramento-San Joaquin Delta, Suisun Marsh, and the embayments upstream of the Golden Gate. The Delta and Suisun Marsh are located where California's two major river systems, the Sacramento and the San Joaquin Rivers, converge to flow westward to meet the incoming seawater tides flowing through the San Francisco Bay. The watershed of the Bay-Delta is a critical source of water supply for much of California and is a source of drinking water for approximately two-thirds of the State's population. The watershed also supplies water to some of the State's most productive agricultural areas and provides water for fish, wildlife, and other public trust uses within and upstream of the Bay-Delta.

PERIODIC REVIEW AND AMENDMENT PROCESS

Under its authority to protect beneficial uses of water, the State Water Board adopted the 2006 Bay-Delta Plan on December 13, 2006 by [Resolution No. 2006-0098](#). Water Code section 13240 requires that water quality control plans be periodically reviewed. Federal Clean Water Act section 303(c) (33 U.S.C. § 1313(c)) requires a triennial review of state water quality "standards," as defined in the Act. This workshop formally begins the review process.

California Environmental Protection Agency

Recycled Paper



The plan review and amendment process will consist of two distinct phases: 1) review of the 2006 Plan to identify particular elements that may need amendment, new elements that may need to be added, or revision of the entire plan; and 2) State Water Board staff preparation of any needed plan amendments or revision of the entire plan, followed by the State Water Board adoption of all or some of the amendments or revision.

Accordingly, after completion of the periodic review process, State Water Board staff will begin the process of amending the 2006 Plan. This second phase, in which the specifics of amendments to the plan are considered, will not begin until January 2009 at the earliest. The amendment process will include preparation of environmental documentation as required under the California Environmental Quality Act. After staff has prepared draft plan amendments or a draft revised plan, the State Water Board will solicit public comments and hold a hearing to take formal testimony. After the State Water Board prepares responses to comments on significant environmental points and the public hearing is complete, the State Water Board can vote on a resolution to adopt all or some of the plan amendments or a revised plan. The State Water Board adopted a Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Workplan) in July 2008. Per the Workplan, the State Water Board anticipates that it will consider adoption of draft changes to the Bay-Delta Plan by December 2011. The timeline may change as the result of changes to the Bay Delta Conservation Plan timeline or other issues.

PERIODIC REVIEW WORKSHOP ISSUES

The October 8, 2008, periodic review workshop will mark the beginning of the first phase of the periodic review and amendment process. At this time the State Water Board is only seeking comments on elements that may need amendment, or new elements that should be added, or whether the entire plan should be revised. Comments may be submitted in writing in advance of the workshop and may be summarized in oral presentations at the workshop. These comments should be limited to a description of the plan elements that should be amended or added and a brief statement of reasons for the recommended changes or additions.

Pursuant to the Workplan, the State Water Board has already initiated a separate, but parallel, process to review two specific elements of the 2006 Plan: the southern Delta salinity objectives and the San Joaquin River flow objectives. This separate salinity objective review will be limited to the issue of the quality of water necessary to protect water supply for agricultural beneficial use. Accordingly, these two specific elements do not need to be addressed in the October 8, 2008 periodic review workshop. Persons with an interest in the southern Delta salinity and San Joaquin River flow objective elements of the 2006 Plan should participate in the workshops scheduled for these purposes. For more details about the objectives, see the enclosure titled "Description of Upcoming Related Bay-Delta Water Quality Control Planning Processes..."

All other elements identified in the 2006 Plan, including emerging issues, may be considered at the October 8 workshop.

PROCEDURAL MATTERS

Participants are encouraged to provide written comments to the State Water Board by 12:00 Noon on Wednesday, October 1, 2008. During the workshop, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient workshop in which participants have an opportunity to participate, time limits may be imposed on oral presentations. Participants with similar comments are requested to make joint presentations.

This is an informal workshop. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The State Water Board requests that 15 copies of written comments be sent to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Written comments may also be delivered by hand to the following address:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 1st Floor
Sacramento, CA 95814

Participants are encouraged to also submit their comments electronically. Documents submitted electronically must be in Adobe Portable Document Format (PDF). Electronic submittals to the State Water Board of documents less than 15 megabytes in total size (incoming mail server attachment limitation) may be sent via electronic mail to: commentletters@waterboards.ca.gov, with a subject of "Periodic Review Workshop". Electronic submittals to the State Water Board of documents greater than 15 megabytes in total size should be sent by regular mail in PDF format on compact disk (CD) media. The State Water Board will post on its website copies of all comments submitted for the workshop for the information of and use by other participants.

Each participant is requested to bring additional copies of any written submittals to the workshop for the use of the other participants. Participants are encouraged to summarize their written comments in their oral presentations. To ensure that all participants have an opportunity to participate in the workshop, oral presentations may be limited to 10 minutes or less. Participants with similar comments are requested to make joint presentations.

INFORMATION REGARDING THE WORKSHOP

Questions concerning this notice may be directed to Anne Short, Environmental Scientist, Bay-Delta Unit, at (916) 445-5997, or Erin Mahaney, Senior Staff Counsel, at (916) 341-5187.

PARKING AND ACCESSIBILITY

The enclosed map shows the location of the Joe Serna, Jr. (Cal EPA) Building and public parking sites in Sacramento. The Joe Serna Jr./Cal EPA Building Coastal Hearing Room is accessible to persons with disabilities. All visitors are required to sign in prior to attending any meeting. Visitors can sign in and obtain badges in the Visitor and Environmental Services Center, which is just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

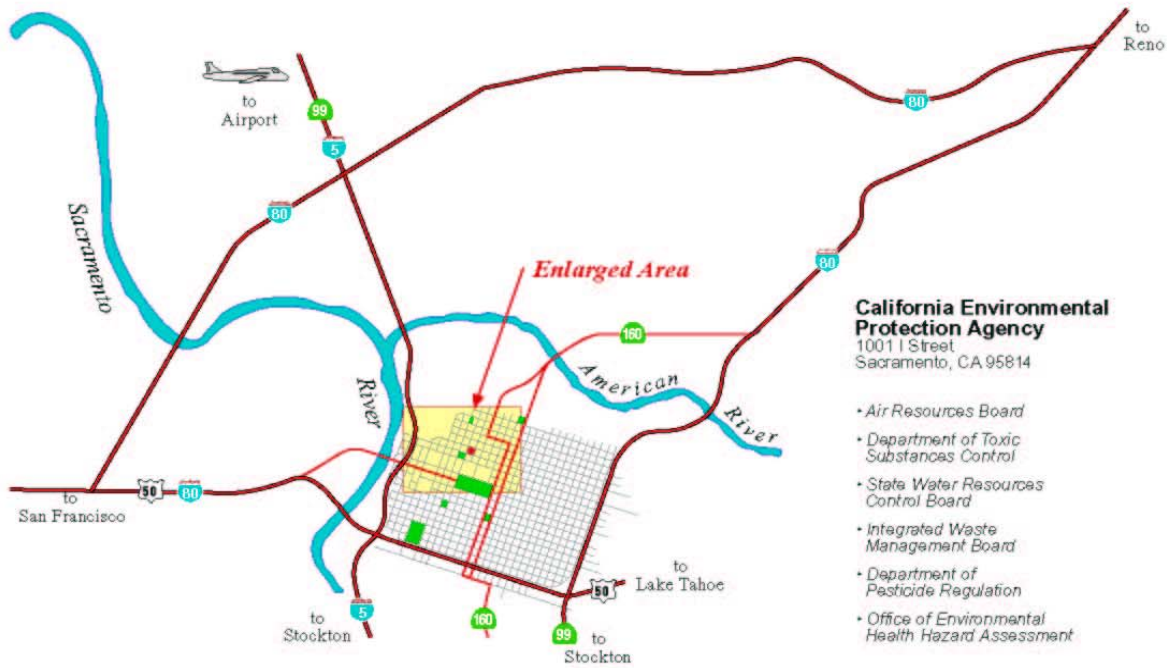
August 29, 2008

Date

Jeanine Townsend

Jeanine Townsend
Clerk to the Board

Enclosures



Parking Lot Locations



Parking Lot Locations

- Lot 1 (7th & G St.)
- Lot 2 (7th & G St.)
- Lot A (7th & Capitol)
- Lot C (14th & H St.)
- Lot G (3rd & L)
- Lot H (10th & L)
- Lot I (10th & I, 11th & I)
- Lot K (6th & J/L, 7th & K)
- Lot P (2nd & I)
- Lot U (5th & J)
- Lot W (2nd & I St.)

DESCRIPTION OF UPCOMING RELATED BAY-DELTA WATER QUALITY CONTROL PLANNING PROCESSES INCLUDED IN THE WATER BOARDS' STRATEGIC WORKPLAN FOR THE BAY-DELTA BACKGROUND

On July 16, 2008, the State Water Resources Control Board (State Water Board) adopted the Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) (Workplan). Although the Workplan contains many water quality-related elements, two of these elements are specifically related to water quality control planning efforts that will commence in the next three months. This document describes these two elements and the three related, but distinct, proceedings concerning those elements:

- 1) Element: A review of the southern Delta salinity and San Joaquin River flow objectives contained in the Water Quality Control Plan for the Bay-Delta (2006 Bay-Delta Plan). This salinity objective review will be limited to the issue of the quality of water necessary to protect water supply for agricultural beneficial use.
 - a. Proceeding: Workshop on September 17, 2008
- 2) Element: A comprehensive review of the 2006 Bay-Delta Plan and its implementation through water right requirements, and other requirements to protect fish and wildlife beneficial uses and the public trust (comprehensive Bay-Delta Plan review).
 - a. Proceeding: An October 2008 scoping meeting to obtain input on possible revisions of the Bay-Delta Plan
 - b. Proceeding: An evidentiary hearing beginning in November of 2008 on a number of critical factual issues concerning the Delta's ecology

SOUTHERN DELTA SALINITY AND SAN JOAQUIN RIVER FLOW OBJECTIVES REVIEW

As described in the Workplan, the State Water Board, in the 2006 Bay-Delta Plan, committed to conduct a review of the southern Delta salinity and San Joaquin River flow objectives and the implementation of those objectives through water rights and other measures. This salinity objective review will be limited to the issue of the quality of water necessary to protect water supply for agricultural beneficial use. The Workplan reiterates the State Water Board's commitment to this review and provides a timeline for completing that work. The State Water Board will hold workshops to discuss the San Joaquin River flow objectives and southern Delta salinity, on September 17, 2008, continuing on November 5, 2008. Following those workshops, the State Water Board will complete the activities described in the Workplan to consider possible plan amendments and changes to water rights or other measures implementing those objectives.

COMPREHENSIVE BAY-DELTA PLAN REVIEW

The Workplan requires a comprehensive review of the Bay-Delta Plan, and water rights and other measures implementing that plan to establish interim and long-term water quality objectives and implementation measures to protect fish and wildlife beneficial uses of water and the public trust (other than the southern Delta salinity and San Joaquin River flow objectives as described above). The State Water Board's review of the southern Delta salinity and San Joaquin River flow objectives is on a separate path from that of the comprehensive Bay-Delta Plan review because of the State Water Board's prior commitment to undertake these proceedings. These reviews may, however, merge later in the process as appropriate. Similarly, the review of the Suisun Marsh water quality objectives included in the Workplan may also merge with the comprehensive review of the Bay-Delta Plan as appropriate.

The Workplan anticipates that the Bay-Delta Conservation Plan (BDCP) environmental review may include some of the analyses needed to inform the comprehensive Bay-Delta Plan review.¹ In addition, the Workplan includes information-gathering activities by the State Water Board that may affect the scope of the Bay-Delta Plan revision or provide summaries of science to date at the commencement of the environmental review process:

- An October 2008 scoping meeting on periodic review of the Bay-Delta Plan; and
- A series of evidentiary hearings on a number of critical factual issues concerning the Delta's ecology²

Periodic Review and Potential Changes to the Bay-Delta Plan and its Implementation

The purpose of the periodic review scoping meeting is to receive comments from agencies and members of the public regarding elements of the 2006 Bay-Delta Plan that may need amendment and potential new elements that should be considered. Under its authority to protect the beneficial uses of water, the State Water Board adopted the 2006 Bay-Delta Plan on December 13, 2006. Water Code section 13240 requires that water quality control plans be periodically reviewed. The federal Clean Water Act section 303(c) (33 U.S.C. § 1313(c)) requires a triennial review of state water quality "standards," as defined in the Act. The October 2008 workshop will formally begin the review process. The periodic review will conclude when the State Water Board determines which issues it should consider for potential changes to the Bay-Delta Plan. After completion of the periodic review process, State Water Board staff will prepare any needed plan amendments or revise the entire plan. The State Water Board may conduct additional technical information gathering proceedings to inform that amendment process.

Evidentiary Hearings

Along with the periodic review and basin planning processes described above, the State Water Board will conduct evidentiary hearings with testimony and cross examination under oath on critical factual issues concerning the Delta. Specifically, the State Water Board is seeking information concerning what analyses have been conducted related to critical factual issues concerning the Bay-Delta's ecology and what those analyses show. At this time, the State Water Board is not requesting expert opinions. Rather instead, the Board is seeking to inventory and summarize the findings of well-documented data-based scientific analyses. The purpose of the evidentiary hearings is to receive evidence on the facts and identify uncertainties regarding these critical issues. The State Water Board will make factual findings on these issues as appropriate to guide the State Water Board's basin planning and environmental review activities described above, and other Water Board processes. For example, findings on ammonia toxicity may help to determine whether an ammonia receiving water objective should be part of the scope of potential revisions to the Bay-Delta Plan, Central Valley Basin Plan, San Francisco Bay Basin Plan, or if a statewide policy should be established. Findings on fish screens could establish what is and is not known on this topic, and thereby help guide subsequent environmental review and other processes, including changes to the Program of Implementation for the Bay-Delta Plan. The factual findings will also be provided to BDCP, Delta Vision, and other related processes. As a first step, in August 2008 the State Water Board is soliciting written public input regarding the critical factual issues that parties believe should be considered by the State Water Board in the evidentiary hearings.

¹ Where the State Water Board relies on analyses prepared by other agencies, the Board will conduct a public and independent proceeding to consider whether the analyses and the use of the analyses are appropriate for the Board's proceedings.

² These issues will include, at a minimum: sources of salt to the Bay-Delta Estuary, biological impacts of constant or variable salinity on fisheries, biological benefits (if any) of fish screens in the legally defined Delta, biological impacts of ammonia discharges, biological impacts of toxic substances (other than ammonia), and biological impacts of net outflow objectives.