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September 8, 2004

Item 1
Sept. 14, 2004 Workshop
hard cc: Board
Debbie Irvin

VIA ELECTRONIC AND OVERNIGHT MAIL

email: Board
CC, HMS, TH, CMW, BJL, DI
VAW, JWK, LJM, GK, JT

Ms. Gita Kapahi
Chief Bay-Delta/Special Projects Unit
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street
Sacramento, California 95814

Re: Draft Staff Report on Periodic Review of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

Dear Ms. Kapahi:

The following comments regarding the Draft Staff Report on Periodic Review of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary are submitted on behalf of Stockton East Water District.

TABLE 2 ISSUES

Issue 2: Southern Delta Electrical Conductivity: We support the Staff recommendation that the Southern Delta EC objectives be reviewed during the periodic review to determine if changes in the objectives are needed to protect agricultural beneficial uses and to ensure that the objectives do not result in an unreasonable use of water.

Issue 3: San Joaquin River Electrical Conductivity Objectives Upstream of Vernalis: Staff recommends that the Central Valley Regional Water Quality Control Board (CVRWQCB) be given additional time to develop upstream objectives. Staff cites to "competing demands and budgetary constraints" as appropriate excuses for the CVRWQCB not heeding the direction that this State Board gave to the CVRWQCB in D-1641 adopted in 1999 to "promptly develop and adopt" salinity objectives upstream of Vernalis. Frankly, we are tired of this excuse, it has been over 5 years and no progress has been made by the CVRWQCB. The State Board's direction in D-1641 is

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not the first time this Board has directed the CVRWQCB to establish salinity objectives upstream of Vernalis. The State Board has continually directed the Regional Board since April 1995, nearly 10 years and no action! The time is now and the appropriate body is this State Board to undertake its own proceeding to adopt salinity objectives upstream of Vernalis. If the periodic review is not the correct forum as your staff suggests, we respectfully request that the State Board provide the appropriate notice and begin its own proceeding on adoption of salinity objectives upstream of Vernalis. If the State Board elects not to institute its own proceedings, we request that the State Board impose a specific timeline on the Regional Board to adopt the objectives and if the Regional Board fails to meet the timeline, the State Board must undertake its own proceeding.

TABLE 3 ISSUES

Issue 11: River Flows – San Joaquin River at Airport Way Bridge, Vernalis: February – April 14 and May 16 – June: We agree with the Staff recommendation to review the February – April 14 and May 16 – June flow objectives for the San Joaquin River at Vernalis. Specifically, SEWD supports a review of the appropriateness of linking the San Joaquin River flow objectives with Sacramento River hydrological conditions and an investigation into reducing the flow objectives while maintaining appropriate fishery protections.

Issue 12: River Flows – San Joaquin River at Airport Way Bridge, Vernalis: 31 day pulse flow April 15 – May 15: We agree with the Staff recommendation to review the San Joaquin River April/May pulse flow objectives.

We appreciate the opportunity to comment on this Draft Staff Report.

Very truly yours,



KARNA E. HARRIGFELD
Attorney-at-Law

KEH:rl

cc: Ms. Debbie Irvin, Clerk to the Board (16 copies)
Mr. Kevin Kauffman, Stockton East Water District