

February 15, 2008

Tam Doduc, Chair and Members of the
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Strategic Plan Update 2008-2012

Dear Chair Doduc and Members of the Board:

Santa Clara Valley Water District (District) staff has reviewed the California Water Board's Strategic Plan Update 2008-2012 (the Plan), dated January 25, 2008. The District appreciates the opportunity to provide our comments on the Plan. Based on our review of the current and previous revisions, the District believes the Plan is continuing to move in the right direction, but several issues need to be addressed in order to help the Plan reach its full potential. Our comments are presented below.

1. Overarching Framework (Page 3): This section is presenting the overall goal of protection of water resources. While groundwater is mentioned, the majority of the discussion and examples provided are focused on surface water. The District recommends that this section clearly state that the protection of both surface water and groundwater are of equal priority. Both programs should work together as a comprehensive whole that provides the maximum benefit to both of these critical resources.
2. Overarching Framework (Climate Change, Page 3): The District supports the importance that the Plan is giving to addressing climate change and its potential impacts on water resources. While we understand the importance for promoting the awareness and understanding of the potential impacts of climate change on California water resources, we would like for the report to acknowledge the uncertainties on the severity and timing of these potential impacts, especially recognizing the need to identify low-probability effects that may have high consequences for the state's water resources management. The District recommends that a discussion of these uncertainties be included, and that the Plan should emphasize the importance of flexibility and furthering regional collaboration for managing risks associated with uncertainties in the planning for climate change.
3. Environmental Priority 2 – Protect Groundwater (Why this Issue is Critical..., Page 12): This section states, "Wastes from intensive land use...will continue to degrade groundwater even with the most effective management practices." The District believes this sets the wrong tone for the Plan. The mission of the Board and the plan should be to protect the State's water resources, not to slow the degradation of the State's water resources.

The District recommends that this statement be revised as follows: "Wastes from intensive land use, such as urbanization and agriculture, will continue to degrade groundwater unless current management practices are improved through a more collaborative and comprehensive approach that takes the relationship between land use and potential impacts to water resources into account." The proposed revision provides

the same message that degradation is likely to continue, but that there are positive steps that can be taken to prevent, or at least minimize, any further degradation.

4. Environmental Priority 2 – Protect Groundwater (Long Range Approach..., Pages 12 and 13): This section begins by stating, “The rate of degradation of groundwater quality can be slowed by....” As stated in our previous comment, the District believes the Plan should be directed towards protection of groundwater quality. The District does not disagree with the measures that are discussed, but there should be much stronger alignment with the Board’s overall mission of protecting water resources. The District recommends that the introductory sentence be revised as follows: “Degradation of groundwater quality can be prevented, or at least minimized, by improving, expanding, and enforcing existing regulatory programs, including prevention, permitting, and remediation, and through improved land use planning.”

This section goes on to further state that “comprehensive groundwater management, coupled with sustainable land use practices...can slow the rate of groundwater degradation”. The District strongly supports the coupling of comprehensive groundwater management and sustainable land use practices, but believes the Plan’s apparent goal of slowing groundwater degradation is not sufficient. This approach, especially when applied to new developments should be able to achieve much more than simply slowing degradation. The District recommends that the introductory sentence be revised as follows: “Comprehensive groundwater management, coupled with sustainable land use practices that maximize natural recharge and regulate controllable discharges, can prevent or slow the rate of groundwater degradation due to intensive land use.”

5. Environmental Priority 2 – Protect Groundwater (Objective 2.1, Page 14): This objective stresses the implementation of an integrated groundwater protection approach. The District, as the groundwater management agency for Santa Clara County, strongly supports the Plan’s objective encouraging and facilitating local management of groundwater resources.

The first step in an integrated approach is a coordinated approach between the Board’s internal programs. The District recognizes that communication and collaboration between different departments within a single agency is a common issue throughout both private industry and public agencies. The District recommends that Board encourage and require increased collaboration between the State’s surface water and groundwater programs. In order to achieve a comprehensive water resources management approach, cooperation between these programs is imperative. An example of where this breakdown in communication is regularly observed is in the use of infiltration for stormwater management. Infiltration is often referred to as a treatment measure in regards to surface water. While this may be an accurate description from strictly surface water objective, infiltration is a potential source of contaminants from the groundwater perspective. The District believes that increased infiltration as a stormwater management practice can be beneficial to both programs, but these projects need to be addressed by both programs in a comprehensive manner that is protective of both surface water and groundwater.

One difficulty in management of contaminated sites, for both regulatory agencies and the responsible parties and their consultants, is the disjointed authority over clean-up activities. This authority is divided between multiple local, state and federal agencies. The District recommends that the Board set a goal to achieve increased collaboration

between the Regional Boards and the Department of Toxic Substance Control (DTSC). These two agencies, although both State agencies, often do not take the same approach and have differing priorities when dealing with groundwater issues. The State should be taking a coordinated approach to the investigation and clean-up of contaminated sites.

6. Environmental Priority 2 – Protect Groundwater (Action 2.1, Page 14): The District fully supports the effort to encourage regional efforts to protect high use groundwater basins. One difficulty that is faced in regional efforts is that land use authority lies with the cities and counties and the primary authority over groundwater management is divided between the local groundwater management agency and the State. The District believes that the State should develop programs that facilitate and/or reward regional efforts that address groundwater management and land use decisions in a collaborative manner.
7. Environmental Priority 2 – Protect Groundwater (Action 2.1.4, Page 14): The District strongly supports the regulation of all activities that impact groundwater resources.
8. Environmental Priority 2 – Protect Groundwater (Objective 2.3, Page 15): The District supports the objective to include the appropriate measures to protect groundwater quality in all Waste Discharge Requirements (WDRs). The District recommends that to encourage the regional efforts and collaboration as described in Objective 2.1 that local groundwater management agencies and other regional stakeholders to have a role in the WDR development process.
9. Environmental Priority 2 – Protect Groundwater (Objective 2.4 and Action 2.4.1, Page 15): The District was actively involved in the development of the Underground Storage Tank Clean-Up Fund's (Fund's) Pay-for-Performance program, which was designed with this objective in mind. The District strongly supports tying Fund reimbursement to measurable environmental progress.
10. Environmental Priority 3 – Promote Sustainable Water Supplies (Objectives 3.2 and 3.3, Page 18): The District strongly supports the increased use of recycled water and stormwater to supplement local water supplies where it is protective of groundwater quality. The District recommends that the Board develop programs to encourage the use of dual plumbing, especially in new developments, so that recycled water and stormwater can be managed to reach their full potential. Non-potable water should be used whenever it is available and can be used without adverse impacts.
11. Planning Priorities 4 and 5 (Page 19): The introduction to these priorities is combined into a single discussion, and then the objectives and actions are discussed separately. The District recommends that this section be revised for clarity.
12. Planning Priority 4 – California Water Quality Plan (Objective 4.2, Page 21): This objective focuses on the "connection between water quality, water quantity, and climate change" to both understand the potential impacts of climate change on water resources and "to identify and prioritize actions that can help reduce greenhouse gasses and address adaptation needs. The District recommends that land use decisions be added to this focus as these decisions will have a significant impact on both water quality and quantity and will likely be one of the most important components of any comprehensive approach to dealing with our water resource management issues and climate change.

13. Planning Priority 5 – Basin Planning (Goal 5, Page 22): The District strongly supports the effort to develop a consistent format and a collaborative approach in developing Basin Plans.
14. Organizational Priority 6 – Transparency and Accountability (Page 23): The District strongly supports the development of a performance measurement system that will result in a more effective and efficient organization. This effort should result in a limited number of measures that accurately reflect performance. The District cautions against developing a program with so many measures that the real work cannot be completed. The overall goal of this program must be clearly stated and understood throughout the organization that the measure is not what is important; it is the efficiency and effectiveness of the underlying program that is paramount.
15. Organizational Priority 7 – Consistency (Page 27): The District supports the value of enhancing consistency across the Water Boards. However, this value also needs to recognize the importance of local hydrogeology, conditions, needs, and local agency interests and allow flexibility to Water Boards to respond to local conditions that may not apply statewide. Water Board actions, both at the State Water Board and Regional Water Board levels, should take local interests into consideration. Consistency and flexibility are often competing interests, but the District believes that for an efficient and effective statewide program, there needs to be a proper balance between them.

As the water resources management agency for Santa Clara County, the Santa Clara Valley Water District looks forward to working with the State Water Resources Control Board and other stakeholders in developing and implementing the actions that are laid out in this Strategic Plan Update. The District is highly supportive of the focus on a comprehensive approach to water resources management that includes protection of both surface water and groundwater, and on integration of climate change considerations. The District also strongly supports the emphasis on local management of groundwater resources. Thank you for the opportunity to provide comments on the Strategic Plan Update.

Sincerely,



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Santa Clara Valley Water District