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12 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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14 In the matter of 2016 SWRCB Hearing re
15 CalWaterFix Petition for Change

OPENING STATEMENT

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1 Last fall, the California Department of Water Resources (DWR) and the United States
2 Bureau of Reclamation (Reclamation) (collectively Petitioners) filed their petition with the State
3 Water Resources Control Board (the State Water Board) to add three new points of diversion in
4 the North Delta (the Petition). In filing the Petition with the State Water Board, the Petitioners
5 informed the State Water Board and the public that the operation of this new project, called the
6 California WaterFix Project (WaterFix), would not injure legal users of water or have an adverse
7 impact on the environment of the Sacramento-San Joaquin Delta (the Delta). The City of
8 Brentwood (City) was skeptical, because the City has seen its water quality degrade over time due
9 to the effects of the operations of the federal Central Valley Project (CVP) and the State Water
10 Project (SWP) pumping plants in the south Delta.

11 But, rather than leaping to conclusions about the potential effects of WaterFix on the
12 City's diversions of water, the City retained Dr. Susan Paulsen, who received her Ph.D. from
13 Caltech in environmental engineering and who did her Ph.D. dissertation analyzing water quality
14 in the Delta, to analyze the potential impacts of the WaterFix project on the City's diversions of
15 water from the Delta. Dr. Paulsen will testify as follows:

16 • The modeling performed by Petitioners in support of the WaterFix project is not
17 adequate to enable the State Water Board to find that the WaterFix project would not injure legal
18 users of water within the Delta. In particular, the choice of the baseline for Petitioners' analysis
19 has the tendency to mask changes in water quality associated with WaterFix. This tendency is
20 exacerbated by the fact that the water quality analysis submitted by Petitioners is based on long-
21 term monthly averages. Those averages have the effect of muting the differences in water quality
22 that can be identified using daily data or by grouping the data by year types (i.e., critical, dry,
23 normal and wet), rather than over the 16-year model period as a whole.

24 There are two chief effects of WaterFix on the Delta. First, it is likely that WaterFix will
25 result in the export of between an additional 500,000 acre-feet/year (for Alternatives 4A H3 and
26 H4) and 1.2 million acre-feet/year (for Boundary 1), while substantially reducing Delta outflow.
27 Second, because much of that additional water would be exported from the North Delta
28 Diversion, the WaterFix project will increase salinity (especially in the western Delta in the

1 vicinity of the City's primary source of surface water at Rock Slough). Associated with increased
2 salinity will be increased residence time, which will also degrade water quality. In terms of the
3 City's use of water to serve its residents, therefore, the WaterFix project will cause a significant
4 reduction in the number of days that useable water is available to the City at its primary source of
5 surface water.

6 • The WaterFix project will also cause an increased number of days where the water
7 quality in the western Delta exceeds the water quality objectives for chloride established by the
8 State Water Board in D-1641. Petitioners have also suggested as part of their testimony in
9 support of WaterFix a creative interpretation of the San Joaquin River Export/Import ratio (the
10 E/I ratio) that is mandated in D-1641. Under Petitioners' reinterpretation of the E/I ratio, exports
11 of water from the North Delta Diversion simply do not count as "exports" and do not count as
12 "inflow" to the Delta; instead, they just conveniently disappear from the D-1641 accounting.
13 This effectively eliminates or minimizes one regulatory limitation that the State Water Board has
14 imposed to limit the amount of water that can be exported from the Delta that has historically
15 served to protect water quality in the western Delta. Thus, if the State Water Board were to
16 approve the WaterFix project with that reinterpretation of the E/I ratio, it is likely that water
17 quality in the western Delta would further degrade.

18 Based on Dr. Paulsen's testimony, Christopher Ehlers, the Assistant Director of Public
19 Works for the City, will testify that the WaterFix project would have a significant adverse effect
20 on the City's ability to provide drinking water for its residents and to comply with its effluent
21 limitations for its wastewater treatment plant. Mr. Ehlers, who is responsible for running both the
22 City's water treatment plant and its wastewater treatment plant, will testify that the degraded
23 water quality at Rock Slough that is caused by WaterFix will force the City to abandon that
24 diversion for periods ranging between one and five months in some years and instead rely on
25 obtaining drinking water from Contra Costa Water District (CCWD) at a cost of more than
26 \$600/acre-foot. Moreover, Mr. Ehlers will testify that, whenever water quality at the City's
27 intake exceeds 150 mg/L chloride, it is difficult for the City to meet the effluent limits for
28 Chloride established by the Regional Water Quality Control Board for the City's wastewater

1 treatment plant. Thus, rather than risking substantial fines, the City would – again – be forced
2 either to purchase water from CCWD or to install new and costly treatment processes.

3 In short, the City believes that the WaterFix project is a project that preferentially diverts
4 “sweeter” water from the Sacramento River for export to areas south of the Delta while leaving
5 in-Delta diverters like the City primarily dependent on the more saline waters of the San Joaquin
6 River system. Under those circumstances, it is clear that water quality in most of the Delta will
7 degrade and that, in fact, is what DWR’s modeling shows. In particular, Dr. Paulsen’s analysis
8 shows that the WaterFix project will substantially degrade the quality of water available to the
9 City in the western Delta, the quality of water upon which the City reasonably relied in
10 purchasing capacity in CCWD’s system and building its wastewater treatment plant. The
11 additional degradation of water that will be caused by the WaterFix project injures the City and
12 its residents as legal users of water; not only is the effect material, but the effect is to force
13 substantial additional costs on to the City’s ratepayers.

14 For these reasons, the City believes that the State Water Board should either reject the
15 Petition or impose terms and conditions on the Petition that would avoid adverse effects on the
16 City. After the conclusion of Part 1B or at another time deemed appropriate by the State Water
17 Board, the City will be pleased to submit its proposed permit terms and conditions for
18 consideration by the State Water Board.