

SOUTH DELTA WATER AGENCY

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April 6, 2012

Via E-mail THoward@waterboards.ca.gov

Mr. Thomas Howard, Executive Director
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-2000

Re: Report of Exceedance of South Delta Water Quality Agricultural Objective

Dear Mr. Howard:

This morning I received an email copy of DWR and USBR's April 2, 2012, letter notifying you of a water quality objective exceedance at Station P-12 (Old River at Tracy Blvd. Bridge). When I learned of the letter during a recent telephone conference with DWR and USBR operators and Delta Division personnel, I requested such communications be emailed to me and not just sent via regular mail. I believe DWR and USBR have now corrected their error of failing to copy the other interested parties as required by the amended CDO (WR 2010-0002).

The purpose of this letter is to bring to your attention what I believe to be a more serious issue regarding the obligations set forth in CDO. The April 2 letter notes that the EC at P-12 reached 1.1, a small but significant violation of the 1.0 objective. However, notification *after* such violation occurs is not in complete compliance with the amended CDO.

The amended CDO under "Order," A, paragraph 9 states:

In the event DWR and/or USBR *projects a potential exceedance* of the 0.7 EC objective at Interagency Station C-6 (Brandt Bridge), C-8 (Old River near Middle River) or P-12 prior to . . . (certain actions required if the objectives are later changed) DWR and/or USBR *shall immediately inform the State Water Board of the potential exceedance and shall describe the corrective actions* they are initiating to avoid or reduce the exceedance. Corrective actions may include but are not limited to additional releases from upstream CVP facilities or south of the

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Delta State Water Project (SWP) or CVP facilities, modification in the timing of releases from Project facilities, reduction in exports, recirculation of water through the San Joaquin River, purchases or exchanges of water under transfers from other entities, *modified operation of temporary barriers*, reductions in high saline drainage from upstream sources, or alternative supplies to Delta farmers (including overland supplies). (Emphasis added)

Both the daily EC and the 30-day running average for Stations C-6 and C-8 are and have been for the past month between .86 and .96 EC, while P-12 has reached 1.0. Obviously, when the objective became 0.7 (instead of 1.0) on April 1, it became clear that the 0.7 EC standard would be immediately violated at each of the three interior southern Delta compliance stations, once a 30-day average for this change was calculated, unless something occurred to improve water quality. Since two of the temporary barriers are now installed and being operated (Tracy Old River and Middle River barriers) it is unlikely that water quality will improve in any of the main channels upstream of each barrier (the barriers provide water level protections but can inhibit net flows). In sum, there is little doubt that the 0.7 standard will be violated 30 days after April 1.

I therefore conclude that *at least a month ago*, DWR and USBR should have notified the SWRCB of the expected violations of the 0.7 EC objective and begun proposing and evaluating actions that could be undertaken to avoid or lessen any such violations. Instead, it appears no has been given to the expected water quality violations, to obligations under the amended CDO, and to actions which might avoid or lessen the expected violations. No operators of the export facilities have considered any changes, no additional flows have been sought, no modifications to barriers have been proposed, no consultation with SDWA has been suggested, and no modeling or other analysis of remedial actions has been considered much less done.

The point is that even though the amended CDO is legally binding on DWR and USBR, they are apparently assuming that reservoir releases, export operations, barrier operations, etc. should go on as normal and water quality violations in the southern Delta should be accepted.

I feel obligated to explain just one portion of the problem facing South Delta farmers. Although the 2006 WQCP clarifies that the salinity standards apply throughout the channels, DWR and USBR never try to estimate much less address the EC in Old River downstream of P-12 and upstream of the temporary rock barrier. In that unmonitored area, the worst null zone of the area exists. When the EC at P-12 is 1.1, the water quality in portions of this reach are at least 1.5 and likely higher. Diverters from this area regularly experience crop damage from high salinity applied water. Once the Tracy Old River barrier is installed, there are likely no further opportunities for this reach to be flushed until the barriers are removed in late fall.

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If DWR and USBR would plan ahead, they could easily anticipate these conditions which would allow for consideration of possible actions. One possible course of action would be to alter the order of installation of the temporary rock barriers and the HOR "fish" barrier such that a net flow is induced in Old River only for a period of time. This would flush the null zone before it becomes a summer- and fall-long stagnant zone. Coordinating this with river flows could also help. Instead, the fishery agencies, exporters and DWR and USBR negotiate among themselves about barriers and then at the last possible minute secure permits and go forward without any consideration for Old River water quality. I believe this attitude will never change until the SWRCB takes action against the projects. Once they are somehow adversely impacted by their disregard for their obligations, they will then focus time and effort to address the salt problem they caused.

Clearly this letter cannot substitute for a deliberative process among informed people and modeling as to what possible actions might be done to lessen (if not prevent) violations of the salinity standards. Whether or not I have been remiss in not "yelling" often or loud enough, we need to change to DWR and USBR mind set that nothing can be done for the South Delta. Just as USBR begrudgingly secures water for a pulse flow, so should the projects plan ahead each year to consider, evaluate and initiate actions to address water quality. Currently they do not. It is important to recall that crop damage occurs in most years in our area due to highly saline applied water.

This letter is South Delta Water Agency's notification to the SWRCB, DWR and USBR that the latter two agencies are in violation of the amended CDO. Please feel free to contact me if you have any questions.

Very truly yours,



JOHN HERRICK

cc: Ms. Patricia Fernandez (DWR)
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