



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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Submitted electronically to Bay-Delta@waterboards.ca.gov

Ms. Diane Riddle
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Comprehensive (Phase 2) Bay-Delta Technical Workshops

Dear Ms. Riddle:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide input on the format and questions for workshops on the Comprehensive (Phase 2) Review of Bay-Delta Plan. CVCWA is a non-profit organization representing more than 50 publicly owned treatment works (POTWs) throughout the Central Valley Region, including POTWs that discharge to the Bay-Delta. CVCWA represents its members on a number of regulatory matters affecting surface water discharge, land application, and water reuse. We approach these matters with a perspective to balance environmental and economic interests consistent with state and federal law.

CVCWA is committed to ensuring that sound science is the basis for policy decisions regarding ecosystem protection and water supply in the Delta. Therefore we strongly support the use of independent expert panels for each of the workshops. We recommend following a similar format as was used in the 2010 Delta Flow Criteria proceedings. Additionally the term “non flow related factors,” as described in the meeting notice needs to be defined and each of those topics covered by an applicable expert for those factors under all panels.

One approach for selecting independent scientists for the panels would be to request another independent science body to make the selections, such as the Independent Science

Board or the National Research Council Committee on Delta Sustainability. Stakeholders could then provide feedback on the recommended panel, helping insure that an unbiased, balanced panel was selected. The National Research Council has an established procedure used to verify there is no conflict of interest with the panelists they choose for committees. Their procedure can be found at http://www8.nationalacademies.org/cp/information.aspx?key=Conflict_of_Interest.

Water Code section 13000 requires the State Water Board to regulate activities “to attain the highest water quality which is reasonable, considering all demands made and to be made” (Wat. Code, § 13000.) This legal standard is of general applicability and applies to all of the State Water Board’s water quality regulatory activities, including the development and adoption of water quality control plans (i.e., basin plans). When adopting water quality objectives, Water Code section 13241, as applied to the State Water Board by Water Code section 13170, requires the State Water Board to consider a number of statutory factors. The factors for consideration include: beneficial uses, water quality conditions that could be reasonably achieved, economic considerations, the need to develop housing, and the need to develop and use recycled water. (Wat. Code, § 13241.) Economic consideration includes evaluating the costs of compliance and not just the economic benefits. The panels listed do not appear to include a comprehensive analysis of economic factors which have to be considered in any update to the Bay-Delta Plan. We recommend an additional workshop be proposed that would discuss these considerations in a transparent manner.

We understand Water Board Staff wants recommendations for questions to be posed to the panels during the upcoming workshops. We are proposing the following questions for consideration to be asked of the Ecosystem Change and the Low Salinity Zone, Salmonids, and Pelagic Organisms panels:

1. How would baseline flows change as water recycling increases throughout the state?
2. What is the role of hydraulic retention time and how does it affect the Delta ecosystem (e.g., invasive species, eutrophication, water quality, etc.)?
3. What are the roles and desired levels of nutrients (i.e., concentrations, ratios, and forms) for achieving a healthy ecosystem, recognizing that too high or too low of nutrient concentrations can be harmful to the ecosystem? What indicators and tools should be used to monitor and evaluate successful nutrient management?
4. How might nutrient changes (e.g., a nutrient TMDL) affect the Delta ecosystem? These changes will likely be positive and negative. How will conflicting objectives be resolved?
5. What is the ability to attain desired nutrient levels through the management of controllable sources of total nitrogen and phosphorus? How should the attainability of

nutrient levels be used in the development of a nutrient management strategy for the Delta?

6. What is the relative importance of nutrients supplied by internal cycling compared to external nutrient inputs, relative to managing a healthy ecosystem?
7. How will the Delta ecosystem be affected by the exchange of high-quality Sacramento River water for lower quality San Joaquin River water due to planned changes in State and Federal water diversion locations?
8. How much phytoplankton and zooplankton biomass is removed from the Delta by exports/water diversions, and what impact does it have on the ecosystem?
9. How important are known fish losses due to entrainment versus hypothetical losses due to other stressors?
10. What is the role and optimum level(s) of turbidity in the Delta?
11. What are the effects and relative importance of invasive clams on the foodweb, and what can be done to address the effects?
12. The entire Delta is 303(d) listed for invasive species; what can be done to address this issue?
13. How could comprehensive ecosystem models be used by regulators to understand the various processes, transformations, and effects to effectively manage the Delta?
Examples of the various processes, transformations and effects to effectively manage the Delta are flows, nutrients, invasive species, and examining the effectiveness of plausible nutrient management scenarios. How can this inform adaptive management in the Delta?

This last question is an overarching question that could apply to all the panels but is specific for the fourth panel regarding analytical tools.

In conclusion CVCWA is glad to assist the State Water Board and we thank you for the opportunity to comment. I may be reached at (530) 268-1338 if you have any questions or wish to discuss our comments.

Sincerely,



Debbie Webster,
Executive Officer

c: Pamela Creedon – Central Valley RWQCB (by email)