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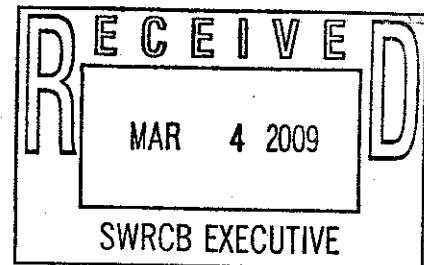
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March 4, 2009

Via Email: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812



Re: *Petition of Environmental Law Foundation (Waste Discharge Requirements Order No. R5-2007-0036 [NPDES No. CA0079154] and Time Schedule Order No. R5-2007-0037 for City of Tracy) and California Sportfishing Protection Alliance (Waste Discharge Requirements Order No. R5-2007-0036 [NPDES No. CA0079154] and Time Schedule Order No. R5-2007-0037 for City of Tracy), Central Valley Water Board*

**Comments to: A-1846(a) and A-1846(b) – March 17, 2009
Board Meeting
Our File No. 3533.000**

Dear Ms. Townsend:

Through this letter, Westlands Water District ("Westlands") provides written comment on the proposed order circulated by the State Water Resources Control Board ("State Water Board") on February 2, 2009, relating to the above-referenced petitions.

Westlands is a California water district formed in 1952. Westlands uses water from the Central Valley Project ("CVP") for irrigation of approximately 500,000 acres on the west side of the San Joaquin Valley in Fresno and Kings Counties, as well as for municipal and industrial purposes within those Counties. Westlands' farmers produce more than 60 high quality commercial food and fiber crops sold for the fresh, dry, canned, and frozen food markets, both domestic and export. More than 50,000 people live and work in the communities that are dependent on Westlands' agricultural economy.

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Westlands has an interest in discharges to the Delta because of the impact the discharges can have on its water supply. Two examples demonstrate the basis for its interest. First the State Water Board assigned to the CVP's operator, the United States Department of the Interior, Bureau of Reclamation ("Reclamation"), significant responsibility for the water quality objectives established in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Dec. 13, 2006) ("Bay-Delta Plan"). As a result, discharges into the Delta that fail to adequately protect beneficial uses of Delta water could require Reclamation to increase releases from CVP reservoirs and/or reduce pumping at in-Delta CVP facilities, to avoid a claim that Reclamation is not meeting its responsibilities. Either of those changes in CVP operations could reduce the amount of water available to Westlands. In addition, discharges from wastewater treatment facilities, including the Tracy Wastewater Treatment Plan, may adversely affect fish species dependant upon the Delta. Such effects could increase the level of regulatory constraints imposed on Reclamation's CVP operations pursuant to the federal Endangered Species Act. The added regulatory constraints on the CVP also could limit the amount of CVP water made available to Westlands. Westlands therefore has a significant interest in how discharges into the Delta are regulated.

Westlands reviewed the proposed order and appreciates the manner in which it addresses electrical conductivity (salinity) and the direction it provides to the Central Valley Regional Water Quality Control Board regarding the same. Westlands anticipates attending the hearing scheduled for March 17, 2009, to consider the proposed order, at which time it would be happy to answer any questions the State Water Board may have.

Best Regards,

DIEPENBROCK HARRISON
A Professional Corporation

By


Jonathan R. Marz

Attorneys for Westlands Water District

cc: Thomas Birmingham, Westlands Water District
Jason Peltier, Westlands Water District