

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11315,)
11316, 11317, 11318, 11966,)
11967, 11968, 11969, 11970,)
11971, 11972, 11073, 12720,)
12721, 12722, 12723, 12724,)
12725, 12726, 12727, 12860,)
15149, and 15739 of the)
UNITED STATES BUREAU OF)
RECLAMATION)
and Permits 16477, 16478,)
16479, 16480, 16481, 16482, and)
16483 of the)
DEPARTMENT OF WATER RESOURCES.)

ORDER: WR 92-08

ORDER ESTABLISHING ALTERNATIVE COMPLIANCE FOR THE CHLORIDE STANDARD AT THE CONTRA COSTA CANAL INTAKE

BY THE BOARD:

1.0 INTRODUCTION

On October 30, 1992, the State Water Resources Control Board (State Water Board) gave notice of a public hearing on November 20, 1992 to consider three issues, including whether it would be reasonable to require the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) to comply with the 150 milligram per liter chloride standard at the Contra Costa Canal intake in the Sacramento-San Joaquin Delta (Delta) for the remaining 32 days of compliance required by Water Right Decision 1485 (D-1485) during calendar year 1992. The hearing was held on

November 20, 1992, and the State Water Board has considered all the evidence in the record. The State Water Board finds and concludes as follows:

2.0 BACKGROUND

2.1 Previous Proceeding

On March 19, 1992, the State Water Board adopted Order WR 92-02, establishing drought-related requirements for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary during 1992. Order WR 92-02 was adopted because of conditions prevailing in this sixth year of statewide drought. Reservoir storage was low, water delivery reductions were planned, and the National Marine Fisheries Service had imposed several requirements for the Delta and Suisun Marsh that made it difficult to comply with D-1485. The 1992 water year was a critically dry year under the provisions of D-1485.

In addition to other provisions in Order WR 92-02, the State Water Board reserved jurisdiction to consider whether it is reasonable, under all of the circumstances, to require compliance with the 150 milligram per liter (mg/l) chloride standard at the Contra Costa Canal intake during 1992. The State Water Board directed that any request for relief from meeting the standard be filed jointly by the USBR and the DWR.

The State Water Board specified that the evidence should address the reasonableness of meeting the standard, the effect of the National Marine Fisheries Service requirements on the ability to meet the standard, and whether a State Water Board decision granting relief would be subject to the California Environmental Quality Act. See Order WR 92-02, page 34-35.

In 1992 to date, the USBR and the DWR have credit for meeting the 150 mg/l chloride standard at the Contra Costa Canal intake for 123 days of the 155 days required during a critically dry year. To comply with this standard, they must meet the 150 mg/l chloride standard for another 32 days in 1992. When they are not required to meet the 150 mg/l chloride standard, the DWR and the USBR must meet a 250 mg/l chloride standard at the Contra Costa Canal intake. The DWR and the USBR jointly filed a request for relief from the requirement that they meet the 150 mg/l chloride standard for another 32 days in 1992.

2.2 Issue Under Consideration

In the hearing notice, the State Water Board asked whether, if it finds that the DWR and the USBR cannot reasonably comply with the 150 mg/l chloride standard for the remaining days of compliance required in 1992,

an alternative compliance requirement should be adopted.* The alternative compliance requirement proposed for consideration in the notice was:

"Commencing on November 29, 1992 and continuing through December 31, 1992, combined mean daily pumping rates at the State Water Project's Harvey O. Banks and the Central Valley Project's Tracy pumping facilities shall be limited to 1500 cfs whenever the mean daily chloride level at the Contra Costa Canal Intake at Rock Slough is greater than 150 milligrams per liter chlorides, except when the mean daily salinity at Collinsville is less than _____ Electrical Conductivity."

3.0 REASONABLENESS OF COMPLYING WITH THE 150 MG/L CHLORIDE STANDARD

Without adequate precipitation to meet the 150 mg/l chloride standard during the remainder of 1992, the USBR and the DWR would have to release water from storage to meet the standard.

Water supplies are at a very low level at this time, and it is important to conserve water to the extent possible. The coming winter may not produce enough water to relieve shortages. As of October 31, 1992, storage capacities in Shasta, Oroville, Folsom, and San Luis Reservoirs were 58, 58, 29, and 29 percent of average. Storage levels in the State's 155 major

* Two other issues were also listed in the hearing notice, regarding actions the State Water Board should take because of the failures of the DWR and the USBR to meet the D-1485 standards in 1991 and in 1992. Those issues will be addressed separately from this order.

reservoirs are at their lowest levels since 1977, the driest year in recent history.

The State Water Board's alternatives are to (1) take no action, (2) relieve the DWR and the USBR from meeting the 150 mg/l standard, in which case the DWR and the USBR would be required to meet the 250 mg/l standard, or (3) adopt an alternative compliance requirement that the DWR and the USBR can meet instead of the 150 mg/l standard.

If the Board takes no action, the DWR and the USBR will be required to meet the 150 mg/l chloride standard.

The DWR and the USBR currently are meeting the 250 mg/l standard. Meeting the 150 mg/l chloride standard for the remaining 32 days required during 1992 will require between 120,000 and 150,000 acre-feet of water.

Assuming that their reservoirs do not refill in 1993 and that rainfall is not sufficient to meet the 150 mg/l chloride standard, the DWR and the USBR would have this much less water in storage for environmental, agricultural, and urban uses in 1993.

Absent constraints, relief from the 150 mg/l chloride standard would allow water exports at a higher rate than would exist while meeting the standard, increasing the reverse flows in the central and southern Delta.

Increases in pumping rates and reverse flows could adversely affect winter-run Chinook salmon fry that currently are in the northern Delta. The winter-run Chinook salmon fry will remain in the Delta for several months before they smolt and migrate to the ocean. The winter-run Chinook salmon is listed under the federal Endangered Species Act as an endangered species. The winter-run Chinook salmon is the primary species that could be adversely affected by higher pumping rates than would prevail with the 150 mg/l chloride standard in effect during December 1992.

Therefore, any relief from the 150 mg/l chloride standard should prevent the Tracy and Banks pumping plants from exporting water at a rate faster than they could export water with the standard in effect, and should encourage retention of water in storage upstream of the Delta.

Three similar but different alternative compliance terms have been proposed. These are: (1) the proposed term set forth in the notice of hearing; (2) a term proposed by the DWR and the USBR jointly, and (3) a term proposed by the Contra Costa Water District. All three alternative compliance requirements would limit the export pumping when the 150 mg/l chloride standard or an alternative standard is not being met, but would

allow additional water to be conserved in upstream reservoirs for future use.

The USBR/DWR proposal differs from the hearing notice only by supplying mean daily salinity levels of 1.4 mmhos per centimeter electrical conductivity at Jersey Point on the San Joaquin River or 8.0 mmhos/centimeter electrical conductivity on the Sacramento River at Collinsville that must be met before the export pumping rate can increase above 1500 cfs. The Contra Costa Water District proposal recommends that the limit on export pumping be set at 2500 cfs unless the salinity at Jersey Point is 0.8 mmhos/centimeter electrical conductivity. The Contra Costa Water District proposal uses a 2500 cfs pumping limit instead of 1500 cfs.

Contra Costa Water District pointed out that restricting exports to 1500 cfs could result in water quality degradation due to accumulation of agricultural drainage. Using the Collinsville salinity to determine when to resume exports could lead to a period of increased salinity in the interior Delta, rather than improvement. Delaying the resumption of higher pumping rates until salinity at Jersey Point improves to 0.8 mmhos/centimeter electrical conductivity will provide time for downstream transport to expel salt water to

the west so that fresher water can be drawn southward in the Delta.

The State Water Board will require compliance with the Contra Costa Water District proposal, since it will achieve better water quality while keeping the export pumping rates at a low level that is more protective of the winter-run Chinook salmon fry and which will allow retention of water in storage upstream.

4.0

ENVIRONMENTAL CONSIDERATIONS

The Department of Fish and Game (DFG) witness testified that the alternative compliance requirement would not have an adverse effect during the late November through December period. The DFG witness testified that the alternative compliance requirement could have a positive effect on the fisheries, because of lower export pumping rates and less reverse flow than could occur if the projects were to meet the 150 mg/l chloride standard during this period. Also, the alternative compliance requirement will allow more water to be retained in upstream reservoirs for fishery temperature control during 1993.

This order includes relief during a five-day period from the alternative compliance requirement, to allow a test by DFG and the United States Fish and Wildlife

Service of winter-run Chinook salmon survival in the Clifton Court Forebay. During the test, pumping at Banks will be limited to 4000 cfs.

With the alternative compliance requirement established in this order, there is no reasonable possibility that this order will cause a significant adverse effect on the environment. This order enforces the requirements of D-1485 by requiring alternative compliance appropriate to the drought conditions that have prevailed during 1992. Therefore, this order is categorically exempt from the California Environmental Quality Act under the provisions of 14 Cal.Code Regs. Section 15321(a)(2).

ORDER

IT IS HEREBY ORDERED THAT:

1. Commencing on November 29, 1992 and continuing through December 31, 1992, combined mean daily pumping rate at the State Water Project's Harvey O. Banks and the Central Valley Project's Tracy pumping facilities shall be limited to 2500 cubic feet per second whenever the mean daily chloride level at the Contra Costa Canal intake at Rock Slough is greater than 150 milligrams per liter chlorides, except when the mean daily salinity at Jersey Point is less than 0.8 mmhos per centimeter electrical conductivity.

2. For a five-day period during December 1992, at the direction of the Department of Fish and Game, the mean daily pumping rate at the Banks Pumping Plant shall be limited to 4000 cubic feet per second for the purpose of estimating winter-run Chinook salmon losses in Clifton Court Forebay. During this five-day period, the mean daily pumping rate at the Tracy Pumping Plant shall be limited to 900 cubic feet per second. During this five-day period, export pumping may exceed these limits if the chloride level at the Contra Costa Canal intake is less than 150 milligrams per liter or if the mean daily salinity at Jersey Point does not exceed 0.8 mmhos per centimeter electrical conductivity. Authority is delegated to the Executive Director or his designee to authorize ramping of export rates between 2500 cubic-feet per second and 4000 cubic-feet per second before and after the five-day test period. The DFG and the DWR shall provide documentation to the Executive Director supporting their ramping proposal before the test period.

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3. Except as temporarily modified herein, all other terms and conditions of Water Right Decision 1485 remain in full force and effect.

CERTIFICATION

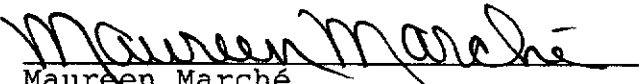
The undersigned, Administrative Assistant to the State Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 24, 1992.

AYE: W. Don Maughan
 Eliseo M. Samaniego
 John Caffrey
 Marc Del Piero

NO: None

ABSENT: James M. Stubchaer

ABSTAIN: None


Maureen Marché
Administrative Assistant
to the Board