



June 22, 2015

Margaret Wong
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

RE: WASTE DISCHARGE REQUIREMENTS FOR SLDMWA AND USBR –
SURFACE WATER DISCHARGES FROM GRASSLAND BYPASS PROJECT

Dear Ms. Wong,

This letter is submitted as the comments of the Bay Institute regarding the Central Valley Regional Water Quality Control Board's (CVRWQCB's) proposed Waste Discharge Requirements (WDRs) for surface water discharges from the Grassland Bypass Project (GBP). As one of the parties involved in negotiating three successive Grassland Bypass Use Agreements, we are extremely concerned that the provisions of the draft Order would allow for increased selenium loading to the San Joaquin River basin, undermining the intent of those agreements and undoing the success of this effort in reducing and eliminating contamination of the river and its fish and wildlife. We agree with the specific concerns raised in the comment letters submitted today by Contra Costa County and Contra Costa Water District, and incorporate those comments by reference.

In order to be consistent with the framework of the GBP Use Agreements and protect the gains made since the late 1990s in reducing the effects of agricultural drainage discharge on the San Joaquin River basin, the CVRWQCB should:

- Amend its proposed order, specifically to prohibit discharge from the GBP starting in 2020, except for storm runoff under specific conditions to be determined in any future agreement, per the intent of the current GBP Use Agreement and its environmental review. Alternatively, the order could expire on December 31, 2019, and new WDRs issued to cover the period starting in 2020, following preparation of a new environmental review, if the CVRWQCB chooses to repudiate the approach taken in the Use Agreement and its success.
- Amend its proposed order, specifically to make its monthly load limits fully consistent with the current GBP Use Agreement and to change the total allowable

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annual selenium discharge from 8,000 pounds to numbers consistent with the current GBP Use Agreement's load limits for each water year type. Failure to do so will not only violate the provisions of the current Agreement but would result in exceedances of the existing 5 µg/L selenium objective.

- Amend its proposed order, specifically to incorporate salt load limits based on the current GBP Use Agreement.
- Amend the San Joaquin Basin Plan to require a 2 µg/L selenium objective for Mud Slough in effect no later than the 2018-2020 period, consistent with the long-term goal of the Use Agreements and the final selenium loading limits for that period. Basing future WDR provisions on a 5 µg/L selenium objective would undermine the specific ultimate purpose of the agreements and undo the substantial success of the current regime.

In summary, we are disappointed that the proposed order is inconsistent with the current GBP Use Agreement, and urge you to modify the order to incorporate the correct monthly and total load limits, prohibit discharges from the GBP starting in 2020, and incorporate related salt loading limits. Thank you for considering these comments. Please contact me at (415) 272-6616 or bobker@bay.org if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Bobker', written in a cursive style.

Gary Bobker
Program Director