

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Robert Schlipf)
MEETING DATE: March 17, 2004

ITEM: 9

SUBJECT: **U.S. Fish & Wildlife Service and California Department of Fish & Game, South San Francisco Bay Low Salinity Salt Ponds – Issuance of Waste Discharge Requirements**

CHRONOLOGY: January 21, 2004 – Status Report on Permitting Process
March 19, 2003 – Status Report on Purchase and Restoration of Cargill Ponds

DISCUSSION: The U.S. Fish and Wildlife Service (U.S. FWS) and California Department of Fish and Game (CDFG) have applied to discharge saline waters as part of the Initial Stewardship Phase to manage 15,000 acres of commercial salt ponds purchased from Cargill, Inc. in 2003. The entire acreage consists of 54 salt ponds broken down into four general management areas with a total of 18 discharge locations. The four areas are Baumberg, Alviso, West Bay, and Coyote Creek (a subunit of the Alviso system). Attachment A provides the location of these management areas. The CDFG owns and will operate the Baumberg area; and U.S. FWS owns and will operate the Alviso/Coyote and West Bay areas. Final or long-term restoration of these areas will be planned during this Initial Stewardship Phase, and may take as long as five years to develop.

The attached Tentative Order (Attachment B) includes terms and conditions for (1) the initial release of contents from lower salinity salt ponds to San Francisco Bay, followed by (2) subsequent continuous circulation of Bay waters into and out of the former salt ponds for the benefit of fish and wildlife. The initial release of pond waters will be timed to minimize potential adverse affects of elevated salinity to aquatic life, for instance by taking advantage of fresher Bay waters in the spring. Dynamic modeling results suggest that the initial release will take up to three months at each discharge location. Initial discharge from different locations will be phased in over the next two years. This avoids loading the Bay system all at once, and in some cases allows more time for Cargill to further lower salinities in the ponds by taking more salty water into their remaining salt ponds. After initial release, discharges under continuous circulation will be at salinities near ambient Bay levels.

The Tentative Order requires that the Agencies operate the ponds to comply with the Basin Plan's water quality objectives for salinity, temperature, dissolved oxygen, and pH. Based on technical studies, compliance with salinity will also ensure compliance with metals objectives.

The Initial Stewardship Phase will also require permits from the Army Corps of Engineers and the Bay Conservation and Development Commission for installation of new water control structures. The Agencies will be maximizing the use of existing infrastructure built by Cargill (e.g., culverts, gaps, levees, and pumps). However, in order to meet the Board's water quality objective for salinity, some new structures will be installed.

Even though pond waters will discharge to the Bay or sloughs, the Tentative Order is in the form of a state permit instead of a federal NPDES permit. The U.S. EPA concurred with this determination (Attachment C).

We conducted a public workshop on February 25, 2004, to discuss the technical details of the Initial Stewardship Plan design, water quality modeling, monitoring, potential impacts, and operations plan. Attachment D provides a summary of the questions and answers from this workshop.

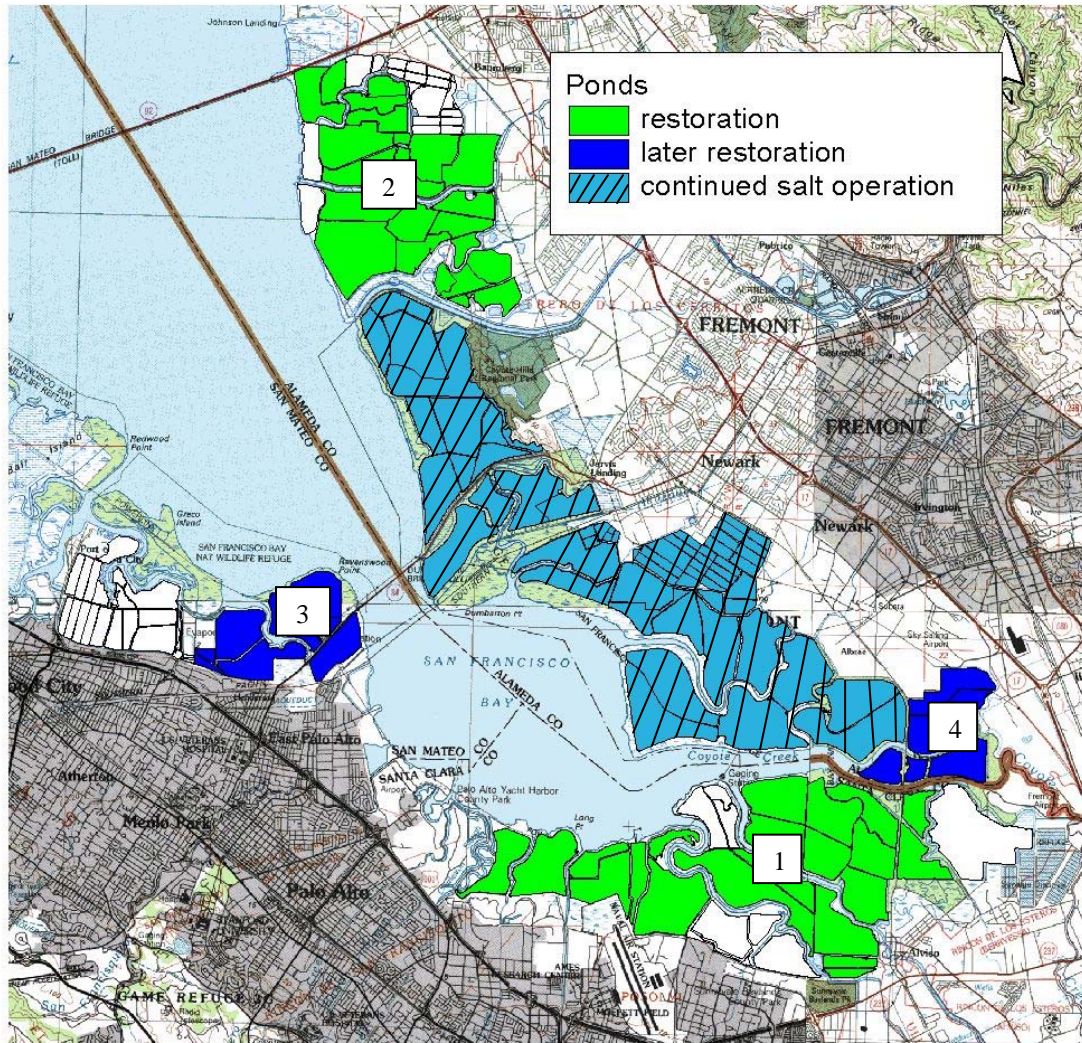
Cargill, U.S. FWS, CDFG, Santa Clara Valley Water District, Save the Bay, and the City of San Jose commented on the Tentative Order (Attachment E). Staff responded to these comments (Attachment F), and believes that all issues have been resolved.

RECOMMEN-
DATION:

Adoption of Tentative Order

ATTACHMENTS: A. Location Map
B. Tentative Order
C. Water Board/U.S. EPA Correspondence
D. Questions and Answers from Public Workshop
E. Comments Received
F. Response to Comments

ATTACHMENT A



Legend

- 1 – Alviso (7,500 acres)
- 2 – Baumberg (5,500 acres)
- 3 – West Bay (1,600 acres)
- 4 – Coyote Creek (500 acres)