



March 30, 2016

via e-mail and U.S. mail

Dyan Whyte
Assistant Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Upper Berryessa Flood Risk Management Project

Dear Ms. Whyte:

The Santa Clara Valley Water District (District) was surprised to hear that the Regional Water Quality Control Board (Regional Board) staff intend to ask the Regional Board at its June or July meeting to issue Waste Discharge Requirements (WDR) to the District related to the Upper Berryessa flood risk management project. We do not perceive any reason the Regional Board should proceed with a WDR at this time; therefore, the District urges the Regional Board to put off consideration of such a WDR for the time being.

As you know, the U.S. Army Corps of Engineers (USACE) is responsible for constructing this project and the District expects to be responsible for operations and maintenance (O&M). The Regional Board recently certified that the USACE construction of the project as designed meets all applicable water quality standards. The certified EIR for this project also found that water quality and hydrology impacts would be less than significant with implementation of the mitigation measures identified in the EIR.

Please provide us a written explanation as to why Regional Board staff are contemplating the issuance of a WDR now, especially in consideration of the following facts:

- A. O&M manual has not been issued: The District understands that construction will take about two years, during such time USACE will be developing a manual for proper O&M of the project. Once completed, the manual will be submitted to the Regional Board for review and to the District for implementation.
- B. Impacts to water quality: Once construction is completed, the District does not anticipate any O&M-related activities will need to be performed for some time, therefore, issuing a WDR would only need to be considered should the District propose some new discharge.

The Regional Board staff have made several requests for information from the District related to this potential WDR; however, the District is on a very tight timeline to meet the USACE project schedule, so it will be difficult for us to meet the timeline you have proposed. We look forward to hearing from you regarding this issue.

Sincerely,

Melanie Richardson, P.E.
Acting Chief Operating Officer - Watersheds

c: C. Hakes, J. Nam, J. Manidakos, File

