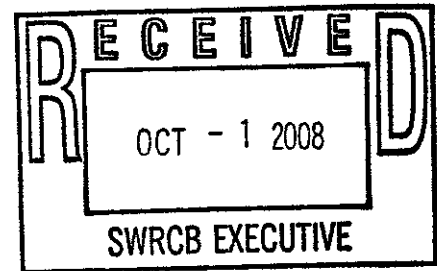


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October 1, 2008

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
Division of Water Rights
1001 I Street, 24th Floor
Sacramento, California 95814



Re: Review of 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

Dear Ms. Townsend:

The following comments regarding Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary are submitted on behalf of Stockton East Water District.

San Joaquin River Salinity Objectives Upstream of Vernalis Must be Established

One of the purposes of the objectives established in the Water Quality Control Plan, as stated by this Board in the 2006 Plan, is to "provide reasonable protection of municipal, industrial, and agricultural beneficial uses; and to provide reasonable protection of fish and wildlife beneficial uses..." 2006 WQCP at p. 10. The 2006 Plan also stated that the water quality objectives "are established to attain the highest water quality which is reasonable, considering all demands being made on the waters of the Estuary." *Id.*

As part of the review of the 1995 Water Quality Control Plan, the District requested that salinity objectives be established on the San Joaquin River upstream of Vernalis. The Final Staff Report rejected the District's request because:

[t]he CVRWQCB has dedicated significant effort toward establishing a salinity objective upstream of Vernalis and is currently making progress toward adoption of an objective upstream. Staff recommends that the SWRCB give the CVRWQCB additional time to develop upstream objectives. If development of upstream

objectives is not progressing satisfactorily, the SWRCB may begin its own proceeding to adopt appropriate objectives or take other actions. Such proceedings could take place outside of the current process to consider amendments to the 1995 Plan. *Final Staff Report Periodic Review of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, dated September 30, 2004, pgs. 33-34.*

This State Water Board in D-1641 adopted in 1999 directed the Central Valley Regional Board to "promptly develop and adopt" salinity objectives upstream of Vernalis. Progress has neither been made since 1999 nor since September 2004 pronouncement that this topic should not be included in the 2006 WQCP. We are tired of the excuses made by the Regional Board that they have budgetary constraints or inadequate staff, it has been over 13 years since the State Board originally directed the Regional Board (April 1995) to adopt upstream objectives, and still no action! The time is now and the appropriate body is this State Board to undertake its own proceeding to adopt salinity objectives upstream of Vernalis.

The first water quality monitoring station on the San Joaquin River is at Vernalis – at the very end of the river where it meets the Delta. That leaves the entire San Joaquin River without water quality objectives. The result is no accountability until the San Joaquin River reaches the Delta; by that point New Melones Reservoir is the only source of fresh water to dilute the pollution as this Board has failed to force the Bureau of Reclamation to operate in a manner that eliminates that burden from New Melones.

The Board should amend the 2006 Plan to establish a new compliance location for the 0.7/1.0 EC value upstream in the San Joaquin River in the vicinity of the Newman Wasteway and the Merced River. There are many municipal, industrial, agricultural and fish and wildlife beneficial uses between the Newman Wasteway and Vernalis that have gone unprotected; adoption and implementation of the proposed objective would fulfill the goals of the Plan by providing "reasonable protection" for those beneficial uses.

Very truly yours,



KARNA E. HARRIGFELD
Attorney-at-Law

KEH:md

cc: Mr. Kevin Kauffman, Stockton East Water District