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Selica Potter
Acting Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-0100

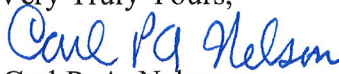
Re: **COMMENT LETTER – 01/13/06 BOARD MEETING ITEM NUMBER 4**

Dear Ms. Potter:

Contra Costa Water District (CCWD) has reviewed the December 30, 2005 draft Order Adopting Cease and Desist Order and Granting Petitions for Reconsideration (Draft Order),¹ and appreciates that staff of the State Water Quality Control Board (SWRCB) recommend granting CCWD's Petition of Reconsideration of the July 1, 2005 conditional approval (by the Chief of the Division of Water Rights) of the Joint Point of Diversion (JPOD) Water Quality Response Plan. Condition 1 of that approval purported to relax water quality objectives set forth as water right conditions in SWRCB Water Rights Decision 1641 (D-1641),² an action that would have required conducting the appropriate public process, associated environmental reviews and water rights hearings. Granting reconsideration as recommended would establish greater consistency on the part of SWRCB, and, like the proposed Cease and Desist aspects of the Order, demonstrate the SWRCB's intent that Delta water quality objectives be enforced.

However, as submitted, the Draft Order still proposes what would amount to a relaxation of D-1641, allowing use of Stage 1 JPOD for "minimal, historic, uses" *without compliance with the 0.7 EC objectives contained in D-1641* (Section 6.0, item 11 of Draft Order). CCWD again respectfully points out that changes to D-1641 require conducting a full public process, including environmental review and appropriately noticed water rights hearings. CCWD requests that SWRCB not amend D-1641 as proposed through this Draft Order. If the SWRCB believes that modification to the southern Delta EC objectives in D-1641 may be appropriate, it should ensure that the appropriate process is used like that that led up to the adoption of the Decision, and that related revisions to the Water Quality Control Plan await the completion of the process now being conducted in the Periodic Review of the May 1995 Water Quality Control Plan. CCWD's suggested revisions to the Draft Order accompany this comment letter.

Very Truly Yours,



Carl P. A. Nelson

cc: Parties to the October 24 hearing (per accompanying proof of service)

1 In the Matter of Draft Cease and Desist Order Nos. 262.31-16 and 262.31-17 against the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) and In the Matter of Petitions for Reconsideration of the Approval of a Water Quality Response Plan Submitted by the DWR and the USBR for the Use of Joint Points of Diversion.

2 These objectives were first established by the 1978 Water Quality Control Plan for the Sacramento-San Joaquin Delta (Delta) and Suisun Marsh (1978 Delta Plan), and were reiterated in the 1991 and 1995 Water Quality Control Plans for Salinity for the San Francisco Bay/Delta Estuary before becoming a water right condition.