

303 (d) Deadline:  
1/31/06

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January 30, 2006

State Water Resources Control Board  
Attn: Selica Potter  
Acting Clerk of the Board  
P.O. Box 100  
Sacramento, CA 95812-2000



Re: COMMENT LETTER - SECTION 303(d) LIST

Dear Honorable State Board Members:

On behalf of the County of San Joaquin ("County") we submit to the State Water Resources Control Board (State Board) the following comments to the Federal Clean Water Act 303(d) list of Water Quality Segments for California. In particular, the County supports the continued listing of the San Joaquin River related to salinity and boron.

The San Joaquin River is listed on the 303(d) list as impaired for salinity and boron. The impairment extends from downstream of the Mendota Pool to the Airport Way Bridge near Vernalis. The County supports the continued listing of this portion of the San Joaquin River. It is our understanding that some parties have requested that this segment of the San Joaquin River be removed from the 303(d) list. The County submits that the river is still impaired for salinity and boron and requests that the State Board continue to list this river as impaired.

Section 303(d) of the Clean Water Act requires the identification of waterbodies that do not meet, or are not expected to meet, water quality standards, or are considered impaired. The affected waterbody, and associated pollutant or stressor, is then prioritized in the 303(d) list. The Clean Water Act further requires the development of a Total Maximum Daily Load (TMDL) for each listing.

In November of 2005 the State Board approved the Regional Water Quality Control Board, Central Valley Region's TMDL for the control of salt and boron discharges into the lower San Joaquin River in order to meet the salinity objective for salt and boron at Vernalis ("TMDL"). This TMDL discusses the existing San Joaquin River valley contributions to the salt and boron discharges to the river, including

identifying agricultural drainage, discharge of managed wetlands and groundwater accretions as the principle sources of salt and boron water quality problems. The TMDL at page 1-5 indicates that "water quality objectives for salinity and boron are frequently exceeded during certain times of the year and under certain flow regimes. Consequently the river no longer supports all of its designated beneficial uses." These facts support the continued listing of this portion of the San Joaquin River as a 303(d) impaired segment as it is "known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards."

The TMDL indicates that for water years 1986 through 1998 the non-irrigation season salinity objective (applicable Sept. 1 through Mar. 31) was exceeded 11% of the time and the irrigation season salinity objective (applicable April 1 through August 31) was exceeded 49 percent of the time. (TMDL p. 1-11, See Figure 1-3.) As the TMDL indicates, this rate of exceedance at Vernalis occurred even though releases were made from New Melones on the Stanislaus River to dilute the pollution flows of the San Joaquin River just above the objective measuring point at Vernalis. Again this is strong evidence that it is proper to continue to list this segment of the river as impaired.

The salinity objective on the San Joaquin River was developed to protect agricultural beneficial uses. The TMDL at page 1-21 indicates that in agricultural settings, irrigation with saline water can lead to the accumulation of salt in the soil profile. The TMDL continues that crop yield reduction occurs when salts accumulate in the root zone of the crop and that symptoms of salt toxicity include wilting, darker bluish-green leaf color and occasionally thicker, waxier leaves. (TMDL p. 1-21.) Boron toxicity in plants is characterized by leaf malformation and be thickened, curled, wilted and chronic leaves. (TMDL p. 1-23.)

The impacts to agricultural crops from salinity and boron have the effect of reducing crop yield. This may be difficult to measure and monitor, but real, actual damages are occurring. Proponents of the request to delist the river purportedly indicate that farmers and agricultural crops are not suffering. This is simply not supportable. Although their may not be readily available data showing farmers go out of business, decreases in crop yield and other production impacts occur.

During the State Board hearing regarding the Cease and Desist Order against the Department of Water Resources and the Bureau of Reclamation which occurred in October - December of 2005, and which a final State Board decision is pending, the County presented evidence regarding the 2004 crop production within San Joaquin County that receives irrigation water from the lower San Joaquin River, the Delta or the Delta Mendota Canal. In addition, the South Delta Water Agency and the Central Delta Water Agency submitted evidence regarding the impacts of salinity to

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its farmers within the Delta. This evidence is also applicable to this matter, as it demonstrates the impacts of salt to agricultural crops and the ongoing, real problems these San Joaquin County farmers are facing and suffering from due to salinity impairment on the San Joaquin River and within the Delta. The County includes by this reference this information submitted in the State Board Cease and Desist proceedings introduced by the County, South Delta Water Agency and Central Delta Water Agency.

The County supports the State Board's recent approval of the TMDL to meet the salinity objective at Vernalis and is eager to participate in the public process regarding the establishment of additional salinity objectives upstream of Vernalis which commences next week with a Regional Board public workshop. It is our goal that with meaningful salinity regulation and control on the lower San Joaquin River one day it will in fact be appropriate to delist the San Joaquin River as a 303(d) impaired segment. However, that time is not now. Much work and progress must first occur along this impaired river.

Very truly yours,



DEEANNE M. GILLICK  
Attorney at Law

DMG:dmg

cc: Dr. Mel Lytle  
Thomas J. Shephard