

SCVWD Comments on CALFED Draft PEIS/EIR

General Comments:

1. The Santa Clara Valley Water District (District) supports CALFED's stakeholder-driven process in developing a consensus package of solutions for issues facing the Bay-Delta. Since there are technical and assurances issues that require more time to be resolved and that all the stakeholders are still working hard towards achieving consensus on the CALFED package, all the proposed elements of the CALFED solution need to remain on the table until a preferred alternative can be reached through this consensus process.
2. Although a phased implementation process may be necessary, the final CALFED PEIS/EIR must contain enough detail to allow programmatic NEPA/CEQA approval and to obtain a programmatic Section 404 permit for the entire CALFED program, including those features that will be subject to future phasing decisions. In other words, the PEIS/EIR and the programmatic permit must approve implementation of the CALFED program both with and without the elements subject to phasing, thereby requiring only site-specific (footprint) approvals later in the process.
3. The residents and businesses of Santa Clara County, "Silicon Valley", are very interested in getting improved drinking water quality and improved water supply reliability as a result of the CALFED solution.
4. Since the implementation of the CALFED solution will take decades, it is very important to assure that all the parties "get better together". In other words, while we support early implementation of the ecosystem restoration program, we would also want drinking water quality and water supply reliability start to improve along with environmental improvements.

Drinking Water Quality:

5. Santa Clara County is home to 1.6 million residents and 1,500 of the largest electronics companies. We need high quality water for drinking, and to support the high-tech manufacturing industry.
6. The District expects CALFED to meet its objective of improving the Delta's water quality, including drinking water quality since two-thirds of the state's population depend on the Delta as a direct source of supply. The District cannot accept degradation of water quality as a result of CALFED program implementation. We urge CALFED to incorporate all of the source water protection program goals of the 1996 Safe Drinking Water Act.

7. Drinking water quality regulations will continue to get more stringent. Recent epidemiological studies underscore the increasing focus on acute exposures, in addition to chronic exposures, to disinfection-by-products. Urban water supply agencies in California need to have a better source water quality to enable them to continue to meet future standards with feasible and affordable advanced treatment technology. The conditions of the Bay-Delta estuary pose a unique challenge and concerns with certain source water constituents such as bromide.
8. EPA must provide a date certain when it will promulgate drinking water standards applicable to the Bay-Delta system and assure municipal purveyors that they will be provided sufficient lead time to construct the treatment or Delta diversion facilities needed to meet those standards.
9. Water quality improvements and planning for facilities that will improve drinking water quality need to happen as soon as program implementation begins. The short compliance schedule for meeting drinking water quality standards does not allow for a delayed facility planning process.
10. CALFED needs to focus more attention on the performance of each alternative during critical months and during dry and critical years rather than average annual performance in water quality parameter changes. Water utilities are required to be in compliance at all times and for all year types.
11. CALFED needs to disclose the actual salinity values rather than percentage changes, the composition of these salinity values, and the relative bromide proportions in its graphical presentations.

Water Supply:

12. Imported supplies from the State Water Project (SWP), Central Valley Project (CVP), and Hetch Hetchy constitute over half of the water supply in Santa Clara County in an average year. By 2020, we expect to have a shortage of up to 100,000 AF/year or 20% of the expected demand in critically dry years. The District is committed to implementing its Integrated Water Resource Planning strategy of pursuing a range of options including: conservation, recycling, banking, and transfers. These options are dependent on a reliable supply of imported water from our existing contract entitlements.
13. The District expects its imported supplies will become increasingly more reliable than under the Delta Accord conditions as the CALFED solution begins to be implemented.
14. CALFED needs to focus on improving the reliability of water supply in dry and critical years when the conflict is greatest among all of the beneficial uses.

15. CALFED needs to make full disclosure of water supply impacts and proposed mitigation for such impacts, especially in critical months within the year and for all year types, due to proposed changes in operating requirements or environmental water acquisition. Despite CALFED's claims that additional Ecosystem Restoration Program (ERP) flows will be acquired through a willing-seller/willing-buyer approach, there will be water supply impacts in dry years to the projects. Water supply impacts, especially in dry years, are very significant impacts that need to be minimized and mitigated.
16. One potential water supply impact that is of particular concern to the District is the storage in San Luis Reservoir, since the District and other San Felipe Division contractors of the CVP are the first to experience an interruption in water service if the reservoir level drops too low in annual operations. When San Luis Reservoir drops below 200,000 acre-foot total storage, algal blooms near the water surface substantially degrade drinking water quality to the point that the District no longer delivers CVP water to its treatment plants. When the reservoir drops below 150,000 acre-feet, the District considers an interruption in service to be imminent. Modeling of south of Delta water supply impacts should reflect these parameters, and the final PEIS/EIR should display enough information to evaluate any increased risk of interruption in service to Santa Clara County.
17. In CALFED's evaluation of total annual project delivery changes among the alternatives, CALFED needs to distinguish and disclose water supply impacts and delivery changes between SWP and CVP, and among the different types of contracts (e.g. urban and ag, CVP exchange and settlement contracts, refuge supplies, and CVP exporters).
18. CALFED should evaluate the relative contribution of water supply from tributaries downstream of major reservoirs in managing the overall water supply to reduce conflicts.

Storage and Conveyance Elements:

19. CALFED should maximize multiple benefits in meeting both CALFED and local agencies' storage needs. The District and other South Bay contractors can potentially utilize additional surface and groundwater storage for mutual benefits to CALFED and local agencies.
20. CALFED should create incentives and rewards for groundwater basin management programs such that a high level of assurances can be provided to entities that utilize groundwater storage/conjunctive use programs to meet their water supply and banking needs.

Bay-Delta Ecosystem Restoration:

21. The District supports improving the ecosystem functions and health of the Bay-Delta. However, we will not support a CALFED solution that only provides ecosystem benefits without providing water user benefits in improved water supply reliability and drinking water quality.
22. The CALFED Program should be better integrated and coordinated with CVPIA implementation. Areas of possible integration and coordination include: environmental objectives, environmental fees or assessments, project compliance, and management and decision-making processes.
23. The South Bay is part of the San Francisco Bay-Sacramento/San Joaquin Delta Estuary system. CALFED should include the South Bay in allocating ecosystem restoration program and water quality program funding to improve ecosystem and water quality.
24. CALFED should re-evaluate the existing operating requirements such that better linkages between ecosystem improvements and operational requirements can be made. The existing paradigms between ecosystem protection and project operations need to be updated to reflect the extensive habitat restoration programs to be implemented by CALFED. Certain surrogate requirements, such as X2 standards for setting the fresh and salt water interface near Suisun Marsh to encourage biological productivity, need to be re-evaluated for its continuing scientific validity in light of in-Delta ecosystem improvements that will be made.
25. As required by NEPA, the PEIR/EIS must acknowledge scientific uncertainties related to the potential benefits of fish restoration actions, particularly flow-related actions. For actions or programs where benefits and costs are uncertain, the Preferred Alternative should lay out a reasonable process for moving forward with implementation, using adaptive management and monitoring.

Implementation Issues: Finance and Assurances

26. CALFED must meet its solution principles regarding affordability and equitable allocation of costs and benefits. The allocation of costs must be commensurate with benefits received.
27. Assurances must be provided that the water user benefits in improved drinking water quality and improved water supply reliability will materialize and that all beneficiaries progress on an equal basis.
28. Regulatory agencies and the future program management entity must provide assurances

that the stability and certainty paid for by the water users will continue.

29. The future management and implementation of all of the components of the CALFED solution must include stakeholders in a decision-making role.
30. CALFED should add another distinguishing characteristic in its evaluation of the alternatives that addresses the long-term effectiveness in meeting the program objectives and adaptability to future changes in the Delta.

Water Use Efficiency Component:

31. The District is committed to further promote water use efficiency as a way to reduce future demand. However, CALFED's ambitious water conservation and recycling goals will require local flexibility, substantial financial support, and incentives to be provided to local implementing agencies in order for the programs to be reasonably achievable.
32. The entity responsible for certifying certification should be constituted as a non-governmental, stakeholder-participatory, self-regulating body.
33. Implementation details on any sanctions for non-compliance need to be worked out and discussed in the context of the yet-to-be-determined structure of the certifying entity.
34. CALFED should exhaust all positive incentives to encourage and assure water agency compliance with the MOU prior to any consideration of water-based sanctions.
35. If a system of graduated non-compliance sanctions resulting in water-based sanctions are applied only for the most unresponsive agencies, then at minimum there should be the following provisions:
 - i. Assurances or certification is based on actions or BMP implementation efforts and not water saving goals.
 - ii. CALFED provides funding for the certification process by the certifying entity.
 - iii. Funding and technical support for BMP implementation is available.
36. The District believes that it is not appropriate to add water recycling as a BMP under the Urban Memorandum Of Understanding (MOU). We believe that incentives to promote recycling need to be designed differently than incentives to promote water conservation.
37. There needs to be clear definitions on what constitutes "recycled water".

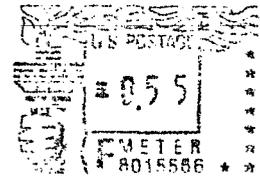
38. CALFED needs to clarify how water saving estimates are determined, especially as they relate to the following:
- i. It is unclear if the "Draft Bulletin 160-98 Baseline" or " the CALFED No Action conditions" include passive water savings.
 - ii. Full implementation of the BMPs depends on the urban purveyors' determinations of cost-effectiveness. More explanation and detail is required regarding how the "additional conservation as a result of a CALFED program" goes beyond the revised BMP definitions.
 - iii. The measures listed for obtaining additional water use reductions (for residential indoor water use) appear to reflect the current BMPs; therefore, are the "additional technologies" solely responsible for achieving the potential extra savings of 20-30 gpcd estimated for the San Francisco Bay region?

Transfers:

39. The District believes that transfers and other open water market transactions are important components in meeting statewide demands, including the District's own future water needs as identified in our Integrated Water Resource Planning strategy. The CALFED solution package should facilitate these market transactions. CALFED should continue to evaluate the alternatives' performance in facilitating transfers as a distinguishing characteristic, and this evaluation should be included in the final PEIR/EIS.
40. In order for the water transfer market to function reliably, the District believes that supply-side elements which support and complement the market will be needed in the CALFED solution package.
41. There should be a consistent set of policies and guidelines to be applied to all types of transfers and market transactions, regardless of whether the transactions are between water users or environmental water acquisitions.

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