

11/13/98 - Woodard

**DRAFT WATER QUALITY ADDENDA TO CALFED PHASE II REPORT  
Resulting from November 10, 1998 Water Quality Program Management Briefing**

**Voluntary Action versus Enforcement**

While the CALFED Water Quality Program is based on incentives and formation of voluntary partnerships to correct and prevent water quality problems, water quality actions taken under the program will affect, and be affected by, various regulatory processes. For example, information gathered through CALFED actions could be used to support regulatory decisions. Also, although CALFED will rely heavily on good faith efforts by participants, some water quality problems targeted for CALFED action may not be soluble entirely by voluntary actions. Avoidance of enforcement action is one form of incentive that could be a legitimate part of the overall CALFED strategy for improving water quality. Therefore, in some cases, it may be appropriate to develop linkages that would cause enforcement actions to follow unsuccessful attempts at achieving success through cooperative efforts.

On the other hand, stakeholders have repeatedly stated that one of CALFED's greatest strengths is its cooperative structure that enables energy to be focused on solutions rather than identifying and punishing culprits. There is great concern among stakeholders that the CALFED Water Quality Program must not become the agent for accomplishing regulatory outcomes the agencies having these responsibilities have been unable to achieve through their public processes.

To be successful, the CALFED Water Quality Program must preserve the cooperative spirit that makes the program such a valuable departure from past approaches. Yet, the regulatory entities (especially CALFED members) must fulfill their responsibilities in a manner that is consistent with CALFED goals and objectives as well as their own, and do so in a way that avoids duplication and overlap of effort.

A number of stakeholders have pointed out that CALFED water quality objectives could be more readily achieved if regulatory agencies fully enforced existing water quality regulatory provisions. Although CALFED has not direct jurisdiction over the regulatory entities, it will strongly encourage attainment of existing regulatory efforts as a first priority.

The relationship between CALFED actions and those of regulatory agencies will be complex and must continue to evolve through the life of the program as the program itself evolves. It is not now possible to define a precise formula by which CALFED activities will relate to regulatory activities. It is, however, possible to establish principles and a process for evolving these relationships. CALFED adopts the following policies:

- Water Quality Program actions will strongly emphasize voluntary, cooperative efforts to achieve its objectives.
- Establishment of regulatory "backstops" to achieve objectives that are not realizable through voluntary efforts may be appropriate in some cases, and will be adopted in cooperation with the regulatory entities through public CALFED processes with full public participation.

Between January and December 1999, CALFED will establish a working group including

stakeholder and regulatory agency representatives to begin formulating specific guidelines describing appropriate relationships between CALFED water quality actions and those of regulatory entities. The product of this work effort will be an interim policy document to be considered for adoption by the CALFED Policy Group prior to certification of the Programmatic EIS/EIR in December 1999. This document will include definition of how CALFED water quality investments should be made in order to foster appropriate relationships with relevant regulatory entities and processes.

The interim document will be built upon and extended during the first phase of program implementation.

### **Continuous Water Quality Improvement**

*CALFED is committed to achieving continuous improvement in the quality of waters of the San Francisco Bay-Delta estuary until no ecological or other beneficial uses of the waters are impaired by water quality problems, and to maintaining this quality once achieved. This objective extends to the watersheds of the estuary to the extent that water quality problems in these watersheds affect species dependent on the estuary. With respect to drinking water beneficial uses, the CALFED objective is to strive for drinking water supply that meets and exceeds requirements for reliable, safe drinking water, consistent with other critical CALFED objectives.*

"Continuous" as used in this policy is defined as a steady trend over the 30 year time horizon of the CALFED Program, and does not include short term fluctuations that may be brought about by wet or dry hydrologic conditions, or other shorter term, temporary, events.

Consistent with its policy for continuous water quality improvement, there is need for interim measures of success. These must be developed through the involvement of CALFED agencies and stakeholders. CALFED management has organized a working group of water experts to develop detailed interim indicators of success. This group will formulate recommendations for approval by the CALFED Policy Group.

Water quality improvement actions taken in the watersheds of the Delta estuary will be undertaken with a comprehensive watershed management focus. Water quality actions in the watersheds will be coordinated with ecosystem restoration, flood control, and water management activities to systematically address all sources of water quality degradation in the watersheds.

An application of the Continuous Improvement Policy would be to adopt a bromide objective of 50 parts per billion (ug/L) and an organic carbon objective of 3 parts per million (mg/L) in drinking water supplies diverted from the Delta. These values represent the levels that would, according to the results of a study by urban water agencies, enable current and envisioned drinking water regulations to be consistently and affordably met using Delta waters. Water Quality Program actions would be directed at reducing bromide and organic carbon while health effects research, treatment research, and regulatory developments continue. With respect to drinking water beneficial uses, CALFED would commit to achieving a convergence between the quality of drinking water available from the Delta and the quality of water that is needed to

reliably produce safe drinking water from the Delta, as established by health effects research, treatment research, and regulatory requirements. If this convergence required a decision for an isolated facility, CALFED would commit to proceeding in this direction.

The CALFED Comprehensive Monitoring, Assessment, and Research Program (CMARP) will be the primary vehicle for measuring the extent to which continuous water quality improvement is achieved. For the most part, performance measures will be made by comparing measured water quality to specific water quality targets that have been established for the CALFED water quality parameters of concern and which, generally identify thresholds below which beneficial uses are not impaired.

During the first stage of program implementation, the Water Quality Program will establish a technical review and oversight group as a function of the Water Quality Technical Group (the body of technical agency and stakeholder representatives that advises the Water Quality Program). The oversight group will be charged with evaluating the information supplied through the CMARP program and providing recommendations for management actions as necessary to assure and enhance continuous improvement in water quality.

In evaluating the success of the program in achieving its objective for continuous water quality improvement, the oversight group will not be constrained to evaluate only actions stemming from the Water Quality Program. Other actions, or potential actions may also be examined. An example would be evaluating opportunities for voluntary water exchanges that could would in water quality benefits to beneficial users of Delta waters.

### **Investment Structure**

To enable determination of priorities for investment, the CALFED Water Quality Program has adopted the guidelines that investments should generally flow first toward water quality problems that well known to cause serious impairment of beneficial uses, for which remedial or preventative actions are well studied and demonstrably feasible, and which are associated with relatively small costs, as compared to other actions. Other factors affecting priorities for implementation may include the degree of anticipated benefit to other CALFED resource areas, whether a competent entity exists to implement the project, and whether cooperative funding is available.

Another category of high priority projects will be those for which an early start is required to develop solutions to incompletely understood, but potentially serious, problems. For example, a newly discovered toxic substance in the environment may constitute a possible serious threat to water quality, but its extent and effects may be largely unknown. In such cases it may be necessary to begin investigation immediately to classify and quantify the threat, and to formulate corrective or preventative measures as needed.

### **Water Quality Implications of Levee System Integrity Program**

Levee failures have the potential for major degradation of the quality of fresh water in the Delta, and it would be inappropriate for this fact to be ignored within the Water Quality Program. In June 1972, levees on Andrus Island suddenly failed. This caused saline Bay water to rush into the Delta to fill the island. The salinity that was propelled into the Delta could not be expelled and, therefore, had to be diverted into the service areas of the State Water Project and Central Valley Project. The water quality effects of this failure continued to be seen in southern reservoirs for over a year. In the event of a catastrophic levee failure in the Delta, the amount of saline water entering the system could be such as to make Delta waters unusable for many months. Besides making the water unusable for agricultural, industrial, or domestic purposes, it could also destroy delicate ecosystem balances and ruin CALFED investments in ecosystem restoration. Therefore, although levee system integrity is not a function of the Water Quality Program, it is difficult to overestimate the importance of a successful Delta levee program to achieving and maintaining good water quality for the beneficial uses of Delta waters.

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