12/4/07 BOARD MEETING (ITEM #18 SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY)

The United States Environmental Protection Agency (USEPA) read with considerable interest the recent notice from the State Water Resources Control Board and the Central Valley and San Francisco Bay Regional Water Control Boards (collectively, the Water Boards) discussing potential actions to protect the beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the Bay Delta Estuary.) We applaud the Water Board's comprehensive approach of bringing all of the tools available to the Water Boards to bear on the interconnected problems facing the Bay Delta Estuary.

As you know (and as we stated in our June 18, 2007 letter to the State Board in the context of its Pelagic Organism Decline workshop) , USEPA believes that the Water Boards must play a critical role in developing and implementing solutions to Bay Delta Estuary issues. The implementation of any significant proposals arising from the Delta Vision planning effort will require major Water Board involvement to assess and revise the complicated water rights and water quality regulatory provisions affected by the proposed activities. Similarly, the implementation of any Habitat Conservation Plan or Natural Communities Conservation Plan developed in the Bay Delta Conservation Plan (BDCP) process will necessarily require significant Water Board involvement to assure that the entire range of beneficial uses (endangered species as well as others) are protected. In addition, any effort to implement a second phase of the CalFed Bay Delta Program must build upon and further the many efforts of the Water Boards. The Water Boards are uniquely capable of taking both water rights and water quality actions to enable a comprehensive approach.

We believe that the 20 action items outlined in the draft resolution constitute an excellent agenda for using all of the Water Boards' expertise and authorities in a coordinated effort. These action items are ambitious, but are realistic about the scope of the problems facing the Bay Delta Estuary.

USEPA has worked with the Water Boards on many of the proposed actions, including the establishment of water quality objectives and monitoring programs, the adoption of TMDLs and NPDES permits, and the development of a Delta Drinking Water Policy. We will continue those collaborations, as well as strengthen our collective efforts to evaluate the results of the Pelagic Organism Decline science effort. In addition, we believe it would be useful to coordinate anticipated Water Board, Department of Pesticide Regulation, and USEPA evaluations of the effect of pyrethroid and other pesticides on the beneficial uses in the Bay Delta Estuary.

We look forward to working with the Water Boards as you finalize your strategy and workplan and move forward on these issues. If you have any questions about USEPA's involvement in the anticipated activities, please contact me at (415)972-3472.

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