EPA Region 9 input to September 15 CEQ meeting on California Bay-Delta

I. Responses to the questions posed at the Sept 4 meeting:

A. Identify current EPA activities in the Bay Delta and characterize current federal and state coordination on these activities

- See Region 9's "Delta Issues" paper for a summary of EPA's main areas of investment in the Bay-Delta.

- EPA provides significant funding to and collaborates closely with the State water quality agencies to implement the full range of Clean Water Act and Safe Drinking Water Act programs, including improving water quality standards, developing and implementing TMDLs, ensuring point source dischargers have current permits and are in compliance, and funding non-point source measures. The State most significant activities related to the Bay-Delta are articulated in their Bay-Delta Strategic Workplan (2008).

- EPA's most successful collaborations with other federal agencies are science-related. We contribute (in-kind only) to the Interagency Ecological Program (IEP), which is nine of the federal and State agencies working on Bay-Delta issues. We are also an active participant on the science group investigating the pelagic organism decline (POD).

- EPA has played a significant technical role in the Corps-sponsored effort to develop a Delta Long-Term Management Strategy for maximizing reuse of dredging materials. Other State and federal agencies participate to varying degrees.

B. Characterize how EPA current activities might fit into MOU

As currently drafted, the MOU doesn't call for specificity on current activities. It envisions a "coordinated federal workplan outlining near-term actions". We can provide more specific input as the MOU evolves, should that be desired.

C. Identify what we believe to be the biggest opportunities for coordinated federal/state actions in Bay Delta

- We suggest the MOU include a commitment of "expediting the development and implementation of a water quality monitoring and assessment program in the Delta estuary." [See suggestion below on MOU section V(d).] Although there is a significant amount of water quality data collected in the Delta and its watersheds, monitoring is typically not coordinated and assessment of data is not done in any comprehensive fashion. The POD investigations illustrated both gaps in data collection and ineffective data management. Where successful "regional monitoring programs" exist (such as in SF Bay and along the Southern Californian Coast), we are able to strategically target water quality improvement actions, assess progress and effectively communicate water quality issues. Several years ago, EPA began working towards a more effective water quality monitoring program with the other CalFed agencies. Although we have continued to support this effort, focusing

mainly on the San Joaquin, real progress requires a renewed commitment from the other agencies, particularly BOR and USGS. This effort can complement and support the Reclamation-led San Joaquin River Restoration program as well as Reclamation's compliance monitoring for TMDL implementation on the San Joaquin.

II. Comments on 9/9/09 draft of MOU:

- in Section IV, the MOU gives DOI the role of "implementing federal policy and commitments in Bay-Delta matters." Given that an MOU cannot give any agency new authority or abridge or transfer existing agency authority, this phrase should be deleted. Rather, we suggest eliminating IV(a) and revising IV(b) to say "The Chair of the CEQ will work with the Secretary of the Interior as the lead federal agency to coordinate the development and implementation of federal policy and commitments in Bay-Delta matters."

- In IV(c), we would like to see the Fish and Wildlife Service and the Bureau of Reclamation themselves represented, as well as the DOI. We question the need to include the DOJ.

- In IV(e), we suggest eliminating the term "budget crosscut". PL108-361 included new authorities for some of the federal agencies, but not authority to do a cross-cut budget. The law required the agencies to participate in an annual budget cross-cut exercise, though no additional authority was needed to do so.

- In V, we suggest revising (d) to say "Expediting the development and implementation of a water quality monitoring and assessment program in the Delta estuary."

- In V, some elaboration on the objectives and scope of the "coordinated federal workplan" would be helpful. For instance, under (f), what types of "Recovery Act and other projects" are envisioned to be included?