Action Item Summary
EPA Technical Meeting #2

November 13, 2014: 9:00 am - 12:00 pm

ICF INTERNATIONAL | 630 K Street, Suite 400, Sacramento CA 95814

I. Introductions:

Attendees*: Cassandra Enos (DWR), Ken Bogdan (DWR), Parviz Nader (DWR), Derek Hilts (USFWS), Cathy Marcinkevage (NMFS), Susie Barrett (USFWS), Matt Nobriga (USFWS), Tim Vendlinski (EPA), Stephanie Skophammer (EPA), Chandra Chilmakuri (CH2M-Hill), Ben Giudice (RBI), Adam Smith (ICF), Michelle Banonis (USBR), Steve Centerwall (ICF)

II. Presentation by CH2 and RBI –

- Preliminary results of sensitivity analyses indicate that many exceedances of salinity standards were caused by one of three factors:
    - Modeling artifacts (daily patterning of Delta inflows in DSM2)
    - Proposed shift in WQCP compliance point from Emmaton to Threemile Slough
    - Other modeling assumptions (location of restoration areas, operation of Suisun Marsh salinity control gate, and timing of operable barrier operations)

III. Discussion of EPA Concerns

Topic 1: Was any additional modeling and/or analysis conducted by the lead agencies?

Action Items:

- Preliminary results of sensitivity analyses were presented at this meeting and will inform the following revisions to the SDEIS:
    - Explain modeling artifacts and describe operational flexibility in meeting water quality standards now and in the future.
    - Add detail about the siting and design of restoration projects and provide support for the contention that the restored wetlands can mitigate for water quality impacts caused by the proposed project.
    - Revise conclusions to 'less than significant/not adverse' for potential effects on salinity concentrations at Emmaton, San Andreas Landing, Old River at Tracy Road Bridge, and in Suisun Marsh.
    - Clarify aspects of the Prisoners Point objective re: the intent of standard (striped bass spawning), and the potential effects on listed species if the

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barrier at the head of old river (HORB) is operable, or if additional water was exported from the South Delta.
    - Correct calculations for chloride effects limitations (150 mg/L WQO) in modeling of the 16 year reference period and add a discussion that DWR/ICF are contending that the siting and design of restoration projects will help DWR and USBR to mitigate for water quality impacts caused by the proposed project.

- CH2M-Hill and RBI will further evaluate potential effects on chloride concentrations (250 mg/L WQO), and DWR/ICF will disclose the relevant modeling results in the SDEIS.
- DWR/ICF will share this further evaluation and modeling results the material is incorporated into the SDEIS.

Topic 2: EPA is concerned that modeling shows persistent violations of water quality standards in the Delta related to salinity and chloride.

Areas of Agreement:

- DWR/ICF contends that water quality standards will only be violated once in 16 years, and if this is correct, the EPA agrees that such a violation is not "persistent".

Action Items: (N/A – covered by previous bullet)

Topic 3: EPA is concerned that the proposed project would worsen water quality (e.g., increased concentrations of bromide) for those who divert water directly from the Delta, e.g., the North Bay Aqueduct intake at Barker Slough (Solano County).

Action Items:

- DWR/ICF will continue investigating whether or not the siting and design of restoration projects could resolve potential violations of water quality standards, or whether or not the perceived violations are actually modeling artifacts.

Topic 4: EPA is concerned that the DEIS does not report compliance with flow-related D-1641 objectives.

Areas of Agreement:

- Compliance with flow objectives is built into the Calsim model.

Action Item:

- EPA will discuss internally how compliance with flow objectives will be demonstrated.

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Topic 5: EPA is concerned that the DEIS does not explain why higher outflows for Alternative 8 (compared to Alternative 7) result in higher salinity concentrations in the Delta. Wouldn't higher freshwater flows create lower salinity concentrations?

Action Item:

- DWR/ICF will clarify in the Supplemental DEIS (Ch. 8) why long-term average outflows do not show monthly variation related to outflow and salinity.

Topic 6: EPA is concerned that the proposed project might have difficulty meeting minimum freshwater flow levels at Rio Vista, and remains concerned that DWR/ICF have not adequately integrated water quality elements of the propose project with the State Water Board's comprehensive updating of the Bay Delta WQCP. DWR/ICF contend that the scope of the State Water Board's process is broader than the scope of the BDCP and, by extension, the federal and State water projects.

Action Item: DWR/ICF will clarify in the SDEIS the relationship between the BDCP and the Bay Delta WQCP, and will reconcile conflicting descriptions of the project and the process, respectively, in various chapters of the SDEIS.

Topic 7: What mitigation measures are available to avoid impacts?

Action Items: (N/A – covered by previous bullet)

Topic 8: Will all WQ objectives be evaluated?

Action Items:

- The flow-related questions in Table 3 of D-1641 were discussed previously. EPA will clarify whether or not the Agency has additional questions and how this information should be presented in the SDEIS.

IV. Wrap-Up and Next Steps

Meeting to be held on 11/24 to discuss contaminants (selenium and mercury).

EPA Note: Some of these notes refer to "agreements" or "conclusions." At this point, EPA is responding to tentative proposals for revisions suggested by the lead agencies or its consultants. Any agreements or conclusions referenced in this document are similarly tentative. EPA will base its Section 309 review on the actual released contents of the public revised DEIS and/or supplemental DEIS (whichever approach is taken).

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*Note: Erin Foresman was not in attendance. However, a follow-up conference call with Chandra, Ben, Steve, Cassandra, Stephanie, and Erin was held on Nov 19th.

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