



## Central Valley Regional Water Quality Control Board

13 September 2019

Governor's Office of Planning & Research

SEP 16 2019

STATE CLEARINGHOUSE

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### COMMENTS TO NOTICE OF AVAILABILITY (NOA) OF AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT FOR THE GRASSLAND BYPASS PROJECT, SCH# 2007121110, MERCED COUNTY AND FRESNO COUNTY

Pursuant to the San Luis & Delta-Mendota Water Authority's 14 August 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Availability (NOA) of an Addendum to the Final Environmental Impact Statement and Environmental Impact Report* and associated documents for the Grassland Bypass Project, located in Merced County and Fresno County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3)

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years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

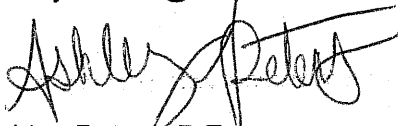
Subsurface drainage from the Grassland Drainage Area is known to contain selenium concentrations at levels that have the potential to impact receiving waters. To address selenium impacts, the Basin Plan contains a water quality objective of 5 micrograms per liter ( $\mu\text{g/L}$ ) (4-day average) for Mud Slough (north) and the San Joaquin River from the Mud Slough confluence to the Merced River. Prior to the year 2020, a performance goal of 15  $\mu\text{g/L}$  (monthly mean) for selenium applies. The Basin Plan also prohibits the discharge of agricultural subsurface drainage water to Mud Slough (north) and the San Joaquin River from the Mud Slough confluence to the Merced River after 31 December 2019 unless water quality objectives for selenium are being met.

In your Addendum to the Final Environmental Impact Statement and Environmental Impact Report for the Grassland Bypass Project, 2010-2019, you state that the selenium water quality objective would be met during most of the year with occasional exceedances and propose a modification to existing mitigation measures that would establish a water quality goal of 3  $\mu\text{g/L}$  (4-day average) for selenium, which for every three (3) months it is met one (1) exceedance of the 5  $\mu\text{g/L}$  (4-day average) water quality objective would be allowed.

This mitigation measure does not meet Basin Plan requirements and would not be allowed in revised Waste Discharge Requirements (WDRs). If discharges to Mud Slough (north) are to be permitted beyond 31 December 2019, WDRs for the Grassland Bypass Project must be revised or new WDRs issued. These WDRs cannot permit discharges that exceed criteria established by the Basin Plan. All monitoring results for selenium will be compared to the Basin Plan water quality objective and any exceedances of the objective will result in action by the Central Valley Water Board pursuant to the Basin Plan's requirements.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

If you have questions regarding these comments, please contact me at (916) 464-4857 or [Ashley.Peters@waterboards.ca.gov](mailto:Ashley.Peters@waterboards.ca.gov).



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cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento