



TUOLUMNE UTILITIES DISTRICT

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Sent Via: commentletters@waterboards.ca.gov and US Mail

March 17, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814-0100
commentletters@waterboards.ca.gov

Subject: Comments of the Tuolumne Utilities District on Updates to the 2006 Water Quality Control Plan for the San Francisco Bay-Delta and Estuary, and the Substitute Environmental Document (Phase I)

Dear Ms. Townsend and Members of the State Water Resources Control Board:

The Tuolumne Utilities District (“District”) submits this comment letter regarding the Bay Delta Plan (“BDP”) Water Quality Control Plan (“WQCP”), and corresponding Substitute Environmental Document (“SED”) for the State Water Resources Control Board’s (“SWRCB”) review and consideration. The District appreciates the opportunity to register its comments and concerns to the SWRCB and in so doing recommends that the proposed modifications to the WQCP and the SED be very substantially revised or rejected.

Tuolumne Utilities District (“TUD” or “District”) provides raw water and treated water services to customers throughout Tuolumne County including the City of Sonora, and the communities of Tuolumne, Jamestown and Columbia, amongst other areas. The District has approximately 13,500 treated water accounts and an additional 590 untreated or raw water accounts. Customer classes served include single family, multi-family, schools, regional hospital, medical facilities, firefighting agencies, state parks, community college, long term care and other institutional facilities. To provide water services to our customers the District owns and operates 13 water treatment facilities. The District currently has an estimated treated water service population of approximately 31,000 with approximately 2,000 additional people served through wholesale water service to mutual water companies; the District’s service area includes disadvantaged communities (“DAC”) constituting a significant portion of its service area. Tuolumne County’s current population is approximately 55,000 and the District is the primary water provider to the business and commercial centers of the County. Nearly everyone in Tuolumne County benefits, in some degree, from the District’s services.

Approximately 97% of the water the District distributes originates from the South Fork Stanislaus River and is impounded in Pacific Gas and Electric Company’s (PG&E) Lyons and Strawberry (Pinecrest Lake) reservoirs. The District receives its water under contract with PG&E. The contract dates back to 1983, when PG&E sold the water system to the County of Tuolumne, the precursor water purveyor to the District.¹ The District’s raw water system serves a variety of customer types and uses, including agricultural/irrigation water, organic farming, commercial and industrial users including the Sierra Pacific Industries lumber mill which is currently processing timber from the Rim Fire and the Tree Mortality Emergency in the area, amongst others. The District operates and maintains 4 water reservoirs, 13 treatment plants, 82 treated water storage tanks, and 330 miles of potable water distribution pipelines in addition to other supporting infrastructure. The District’s Columbia Water System is also a water source to CalFire’s Columbia Air Attack Base.

¹ The Tuolumne Utilities District was formed by election of voters in 1992 and assumed all responsibility and authority for the provision of raw and treated water previously provided under the auspices of Tuolumne County. The Tuolumne Utilities District also provides wastewater services.

The District is concerned with the BDP/WQCP itself, and the inadequacy of its underlying environmental analysis that is the SED. The compartmentalization of the BDP into the proposed phases threatens a predetermination of how future phases must be developed and analyzed, and produces an inadequate Phase I environmental analysis since approval of Phase I will have sweeping and unresolved environmental impacts and consequences forwarded to future phases. This approach to environmental review is inconsistent with how this type of environmental analysis should be developed. To the extent that the WQCP and SED will implicate how the effects of future phases might be imposed upon the District, portions of its service area, or the surface waters upon which the District relies for water, whether by way of future incremental regulatory application through action of the SWRCB or other regulatory agencies, or at bar, then the SED fails to adequately examine the environmental effect on the District, its customers, upstream ecosystems and species, and the greater whole of Tuolumne County. In essence, the BDP's Phase I determinations will have the practical effect of tying the hands of future decision makers and render all other BDP/WQCP "phases" a fait accompli under which future environmental determinations will be force fit. Environmental justice alone demands a more comprehensive, transparent environmental analysis.

Tuolumne County's local economy has a median household income of \$48,493 and a per capita income of \$26,063. The county is rural with approximately 55,365 residents, of which 15,540 (28%) are seniors. The county's median age is 47.3. Approximately 39% of the county's population is very low or low income. These are relevant underlying economic factors that are of significant importance when analyzing the effects of WQCP, and the SED, and should be considered.²

The SED does not adequately evaluate the economic impact of the potential effects of the proposed project on the District's service area or Tuolumne County more generally. The local county economy is heavily reliant on tourism, recreation, access to rivers, reservoirs and lakes, as well as agriculture and logging. The project proposal for 40% or greater, unimpaired flows will necessarily impact the local economy in a manner that the SED completely fails to analyze. Furthermore, the SED fails to properly evaluate the economic impact of the proposed flow restrictions on the District's customers, many of whom live in disadvantaged communities, are senior, or are otherwise very low and low income. Cost burdens forced upon these populations for the development of alternate water sources, loss of surface water sources, including without limitation, the loss of jobs will have a significant impact on these groups in particular, and the District's service area and the county more generally.

The District's customers rely on surface water from the South Fork of the Stanislaus River for approximately 97% of the local water supply. The District delivers approximately 3% of its potable water from ground wells. The local geology of fractured rock does not lend itself to the development of a long term, stable or safe source of water in place of surface water. Residents and businesses in Tuolumne County suffered significant loss of several hundred ground wells as a result of the recent drought's effect on the region's fractured rock geology. The SED does not adequately analyze additional groundwater development in a comprehensive way, either locally, upstream of the rim dams, or more generally downstream of the rim dams. The SED speaks in vague generalities about replacing surface water with "new" groundwater sources and over relies on this notional reference as if it would be an effective, environmentally sensitive alternative to the reduced surface water supplies imposed by the BDP. All of this culminates in a failure of the SED to properly analyze the environmental effects of increasing ground water development and reliance within the Plan Area.³ What's more, the proposed decision presupposes that the vast unknown environmental effects of that decision can, or will, be adequately addressed in future phases, which is inconsistent with law and the establishment of good public policy. A failure to comprehensively analyze the implications of the entire project proposal, upstream, as well as, downstream, is also inconsistent with the State's declaration that there is a basic human right to water. AB 685 declares that "... every human being has the right to

² TUD serves the substantial majority of county residents and businesses with treated and raw water, including large disadvantaged community (DAC) populations. The economic profile of the TUD service population is consistent with that of Tuolumne County, generally.

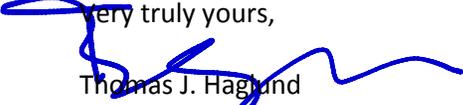
³ Plan Area includes those areas more particularly described in Chapter 1, §1.2 of the Bay-Delta Plan and Draft Revised SED, page 1-1 & 1-2.

safe, clean, *affordable*, and *accessible* water.” Neither the provisions of WQCP, or the SED, specifically address this issue in a comprehensive, or otherwise adequate manner such that the cumulative effects of an implemented plan can be recognized, or analyzed, let alone mitigated.

The SED does not adequately examine non-flow alternatives for protection of fish, instead relying almost exclusively on flows. The WQCB and the SED both fail to adequately consider ecosystem changes and their associated causes that have significantly contributed to the problems experienced by native fish species in the Delta.⁴ The lack of such analysis is inconsistent with the environmental document’s requirement to adequately analyze alternatives, including the scientific bases thereof. The District objects to the proposed unimpaired flow regimen proposed for the Stanislaus and Tuolumne rivers. The proposals commit to a course of action without answering, or analyzing, the question of how upstream environmental impacts will be appropriately addressed. Instead such issues will be *deferred* to other of the plan’s phases, though the die will have already been cast. The proposal ignores critical scientific findings that are contrary to the state’s own desires threatening continued environmental injury under the state’s scheme. This approach frustrates the public interests of upstream communities served by the District by failing to adequately conduct a legally required comprehensive environmental review prior to taking action(s) that stand to impose significant environmental harm.

The District appreciates the opportunity to provide its comments to the Board. We recommend that the Board delay any decision relative to the WQCP and SED until all relevant scientific evidence can be comported and a defensible environmental review developed.

Very truly yours,



Thomas J. Haglund
General Manager

⁴ See, Delta Independent Science Board report entitled *Flows and Fishes in the Sacramento – San Joaquin Delta*, page 6 and generally.