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The Metropolitan Water District
of Southern California
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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Daren E. Duff
Executive Secretary

January 19, 1994

To: Board of Directors (Water Problems Committee--Information)
From: General Manager
Subject: Status Report on Metropolitan Activities to Respond to
Federal Regulatory Proposals for the Bay/Delta Estuary

Report

Staff is involved in a coordinated effort with a coalition of major urban water agencies in Northern and Southern California (Coalition) to respond to the federal agency proposals announced on December 15, 1993 to protect the environmental resources of the San Francisco Bay/Delta Estuary. The proposals, if left unchanged, would result in significant water supply and economic impacts to existing water users. The U.S. Environmental Protection Agency (EPA) will be accepting written comments on its proposals until March 11, 1994, and is requesting comments on ways the proposed requirements can be modified to provide more flexibility to water project operations to minimize water supply impacts while maintaining the intended environmental benefits.

It is staff's objective to: (1) develop comments to respond to EPA's proposals, including revisions, that would allow more flexibility while providing equal environmental protection; (2) secure broad support for such changes; and (3) protect all legal options to contest EPA's authority under the Clean Water Act to set "water quality" standards that affect allocation of the State's water supplies.

The Coalition has developed draft revisions to the proposed protections which would significantly reduce the impact on water supplies, while providing equal environmental benefits. Even so, the amount of additional outflow necessary to provide this protection could be significant. Water supply impact studies of the revisions have not been completed. Coalition members believe that, in the near-term, any reductions in urban supply can be mitigated by water transfers. However, if the flexibility necessary to implement transfers is not provided by regulatory agencies, water supply impacts could be unmanageable. Furthermore, if progress is not made toward development of comprehensive lasting solutions to Delta

problems, then the environment and water supply reliability and quality will continue to decline.

The Coalition, working in cooperation with other urban agencies and agricultural and environmental interests, has developed a strategy for achieving Bay/Delta regulatory outcomes which are consistent with Metropolitan's objectives described above. As part of its strategy, the Coalition intends to utilize results of technical studies being conducted by the California Urban Water Agencies (CUWA) in coordination with the San Luis/Delta Mendota Water Authority. Many of the Coalition members are also members of CUWA and are financing these studies. The purpose of these studies is to evaluate the technical merits of the EPA proposals and to determine how they can be modified in a manner that would provide equal or better protection to the biological resources of the Bay/Delta with less impact to existing water users and the State's economy.

During December 1993, Coalition representatives met with federal agency representatives and legislative staff in Washington, D.C. to brief them on the urban positions regarding federal regulatory actions in the Bay/Delta. The briefing materials used in those meetings were provided to your Board at its December 1993 meeting. Follow-up meetings are being scheduled for early February in order to provide federal decision-makers with refined urban positions as technical studies are completed and written comments are developed.

Further, Coalition representatives are attempting to develop support within California for its positions on the federal proposals by scheduling meetings with agricultural and environmental interests to discuss technical findings and policy positions and explore possible agreement on positions. The Coalition representatives are also working closely with individual agency legislative representatives in Sacramento and are scheduling briefings with State legislators and staff, and State Administration representatives including State Water Resources Control Board members.

Finally, as part of its legal strategy, legal counsel representing individual agencies participating in the Coalition, are developing legal positions challenging EPA's authority to establish Bay/Delta standards and are preparing for possible lawsuits if such action is pursued. Legal counsel are also working closely with technical staff and consultants to develop written comments by March 11, 1994, in a form that will provide an effective administrative and legal record if legal action becomes necessary.

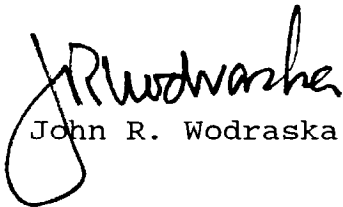
Staff will continue to keep your Board informed on the progress of the federal Bay/Delta regulatory process and will provide copies of the written comments when they are available.

Board Committee Assignments

This letter is referred to the Water Problems Committee for information because of its authority to make recommendations regarding policies of importing water required by the District, pursuant to Administrative Code Section 2481(a).

Recommendation

For information only.


John R. Wodraska

RDN:c1