



July 21, 2014

National Marine Fisheries Service
Attention: Ryan Wulff
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Dear Mr. Wulff:

Re: Bay Delta Conservation Plan Draft EIR/EIS

The City of Tracy (Tracy) appreciates the opportunity to comment on the subject document. Tracy is a city with a population of 83,000 and is located within the boundaries of the Delta. Tracy is concerned about the impacts of the Bay Delta Conservation Plan (BDCP) on the city's ability to discharge treated wastewater effluent into Old River and the mitigation of any impacts.

Tracy's wastewater is regulated through the National Pollutant Discharge Elimination System (NPDES) permit. Tracy provides tertiary level of treatment to its wastewater effluent and the treated wastewater meets the numeric standards for drinking water when it is discharged into the Delta. The proposed project, with its physical changes in pumping location within the Delta, will change river flow patterns within the Delta.

The Draft EIR/EIS does not contain detailed analysis to determine the impacts on Tracy regarding:

- Changes in flow in Old River
- Changes in water temperature in Old River
- Changes in salinity in Old River

Changes in flow in Old River - The flow in Old River is extremely important to Tracy as many regulated constituents in the NPDES permit allow for dilution. Changes in the flow equate to changes in the concentration of regulated constituents. Based upon the information provided in the Draft EIR/EIS, it is not possible for Tracy to determine the change in flow in Old River and the effects on Tracy's regulated NPDES constituents in its wastewater discharge.

Changes in water temperature in Old River - The changes in flow patterns within the Delta will affect the water temperature in Old River. With decreased flows in the southern Delta water temperatures would likely tend to increase. Tracy is regulated in its NPDES permit regarding temperature. The Draft EIR/EIS does not contain information for Tracy to determine the change in water temperatures in Old River and the effects on Tracy's wastewater discharge.

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Changes in salinity in Old River - The change in the diversion point for the California Department of Resources and the US Bureau of Reclamation pumping plants from the southern Delta to more northerly locations as proposed by the BDCP has unknown effects on salinity in the southern Delta. Tracy is regulated in its NPDES permit regarding salinity. The Draft EIR/EIS does not contain information for Tracy to determine the changes in salinity in Old River and the effects on Tracy's wastewater discharge.

Stormwater Management - The City's stormwater discharges are also regulated under the NPDES Phase II Municipal Separate Storm Sewer System (MS4) permit. The proposed project targets urban runoff through Conservation Measure 19 (urban stormwater treatment) which would have significant impacts on our municipal stormwater program. We believe that CM19 has inaccuracies regarding urban runoff contaminants and water quality regulations, all without any demonstrated benefit to the covered species. This section intends to decrease urban runoff contaminant discharges to help other beneficial uses however there is no technical analysis to demonstrate that potential benefit. While we agree that continued efforts to reduce urban runoff contamination are important, we believe it is not realistic to assume that reduction of just one source could make measurable differences in downstream water quality.

The NPDES Phase II MS4 permit recommends using a regional approach to implement cost effective strategies to reduce contaminants in the Delta. This project does not address other stakeholder discharges nor does it align with said permit requirements. As described in the BDCP, CM19 would be costly to an already over-burdened municipal budget and would require monitoring and assessments for effectiveness of only one source to impacts on water quality. Further, the BDCPs evaluation of water quality impacts in its Effects Analysis is insufficient and lacks clear methods and summaries of effects. Justification for CM19 through evaluation has not been sufficiently provided in the BDCP.

The impacts on Tracy from the BDCP need to be evaluated and mitigated. The BDCP should wholly mitigate impacts to affected local agencies caused by the BDCP, including providing funding for the mitigations. The project should not be allowed to proceed with unmitigated impacts on Delta communities. Further, Tracy requests that CM19 be removed because it has not been sufficiently justified and contains inaccuracies which without extensive analysis and inclusion of other contributors cannot fully impact the water quality in the Delta as laid out in the BDCP.

Very truly yours,



Steven G. Bayley
Project Specialist