

January 19, 2006

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
February 1, 2006

ITEM 4

SUBJECT

CONSIDERATION OF A REVISION TO THE SOURCES OF DRINKING WATER POLICY
TO ESTABLISH A SITE-SPECIFIC EXCEPTION FOR OLD ALAMO CREEK

DISCUSSION

The State Water Resources Control Board (State Water Board) adopted the Sources of Drinking Water Policy (Policy) in 1988 in [Resolution No. 88-63](#).

In 2002, the State Water Board reviewed waste discharge requirements for the City of Vacaville's Easterly Wastewater Treatment Plant on the State Water Board's own motion and adopted Water Quality Order 2002-0015 (Vacaville Order). Vacaville discharges treated effluent from the Easterly plant to Old Alamo Creek. In the Vacaville Order, the State Water Board concluded that drinking water supply (MUN) is not an existing beneficial use for Old Alamo Creek.

The State Water Board committed to consider a site-specific exception from the Policy for Old Alamo Creek if the Central Valley Regional Water Quality Control Board (Central Valley Water Board) amended its Water Quality Control Plan (Basin Plan) to dedesignate MUN as a beneficial use for the creek.

On April 28, 2005, the Central Valley Water Board adopted Resolution No. R5-2005-0053, which amended its Basin Plan to dedesignate the MUN use for Old Alamo Creek.

The Central Valley Water Board's Final Staff Report (April 2005) for the amendment indicates that ephemeral, intermittent, or low flows together with hydrologic modifications prevent MUN from being attained in Old Alamo Creek. Further, releasing additional treated sewage effluent from Vacaville's treatment plant will not allow MUN to be attained. The State Department of Health Services classifies Old Alamo Creek as an extremely impaired source for drinking water supply. Both quality concerns and the public's general unwillingness to accept the use of effluent for direct potable supply make it unlikely that the creek will support MUN in the future. Should it be appropriate in the future, the MUN beneficial use can be designated again for Old Alamo Creek.

The Policy states that all State waters are considered suitable or potentially suitable for MUN with certain exceptions such as contamination that cannot reasonably be treated for domestic use; total dissolved solids exceeding 3,000 milligrams per liter and not reasonably expected to supply a public water system; insufficient water to supply a single well capable of producing average, sustained yield of 200 gallons per day; water in a system designed or modified for

municipal or industrial wastewaters or storm water runoff; or water in an agricultural drainage water system. The State Water Board concluded in the Vacaville Order that none of the existing Policy's exceptions specifically applied to Old Alamo Creek.

Nevertheless, a site-specific exception to the Policy is appropriate because MUN is not an existing use for the creek nor can this use be feasibly attained in the future. Although the Policy's exceptions do not specifically apply, the circumstances for Old Alamo Creek are similar to the bases for several exceptions in the Policy (e.g., the exceptions for modified channels and for sources with low yield).

The State Water Board finds that the action under consideration is not a "project" within the meaning of Public Resources Code section 21065, in that it has no potential to result in either a direct or reasonably foreseeable indirect change to the physical environment, and, therefore, this action is exempt from the requirements of the California Environmental Quality Act.

POLICY ISSUE

Adoption of this site-specific exception to the Policy will fulfill the State Water Board's obligation to adopt an exception for Old Alamo Creek under State Water Board Water Quality Order No. 2002-0015.

FISCAL IMPACT

Central Valley Water Board and State Water Board staff work associated with or resulting from this action can be accommodated within budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, Central Valley Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to State Water Board Resolution No. 88-63.
2. Authorizes the Executive Director to submit the amendment and the administrative record for this action to the Office of Administrative Law and the U.S. Environmental Protection Agency for approval.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO.

REVISION TO SOURCES OF DRINKING WATER POLICY TO ESTABLISH A SITE-SPECIFIC EXCEPTION FOR OLD ALAMO CREEK

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the Sources of Drinking Water Policy (Policy) in 1988 in Resolution No. 88-63.
2. In 2002, the State Water Board reviewed waste discharge requirements for the City of Vacaville's Easterly Wastewater Treatment Plant on the State Water Board's own motion and adopted Water Quality Order 2002-0015 (Vacaville Order). Vacaville discharges treated effluent from the Easterly plant to Old Alamo Creek. In the Vacaville Order, the State Water Board concluded that drinking water supply (MUN) is not an existing beneficial use for Old Alamo Creek and that it probably cannot be feasibly attained in the future. The State Water Board committed to consider a site-specific exception from State Water Board Resolution No. 88-63 (Source of Drinking Water Policy) for the creek if the Central Valley Regional Water Quality Control Board (Central Valley Water Board) amended its Water Quality Control Plan (Basin Plan) to dedesignate MUN as a beneficial use for the creek.
3. On April 28, 2005, the Central Valley Water Board adopted Resolution No. R5-2005-0053, which amended its Basin Plan to dedesignate the MUN use for Old Alamo Creek.
4. The Central Valley Water Board's Final Staff Report (April 2005) for the amendment indicates that ephemeral, intermittent, or low flows together with hydrologic modifications prevent MUN from being attained in Old Alamo Creek. Further, releasing additional treated sewage effluent from Vacaville's treatment plant will not allow MUN to be attained. The State Department of Health Services classifies Old Alamo Creek as an extremely impaired source for drinking water supply. Both quality concerns and the public's general unwillingness to accept the use of effluent for direct potable supply make it unlikely that the creek will support MUN in the future.
5. The Policy states that all State waters are considered suitable or potentially suitable for MUN with certain exceptions. The State Water Board concluded in the Vacaville Order that none of the Policy's exceptions specifically applied to Old Alamo Creek.
6. Nevertheless, a site-specific exception to the Policy is appropriate because MUN is not an existing use for the creek nor can this use be feasibly attained in the future. Although the Policy's exceptions do not specifically apply, the circumstances for Old Alamo Creek are

similar to the bases for several exceptions in the Policy (e.g., the exceptions for modified channels and for sources with low yield).

7. On January 18, 2006, the State Water Board held a public hearing on the proposed revision to the Policy.
8. The State Water Board found that the action under consideration is not a “project” within the meaning of Public Resources Code section 21065, in that it has no potential to result in either a direct or reasonably foreseeable indirect change to the physical environment, and, therefore, this action is exempt from the requirements of the California Environmental Quality Act.

THEREFORE BE IT RESOLVED THAT:

The State Water Board revises the Policy as indicated in the attached copy of the Policy.

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on February 1, 2006.

Selica Potter
Acting Clerk to the Board