



DEPARTMENT
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Anne Littlejohn
Central Valley Regional Water Quality Control Board
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Subject: Comments on the CEQA Scoping for Evaluation of the Municipal and Domestic Supply Beneficial Use in Agriculturally Dominated Water Bodies

Dear Ms. Littlejohn:

This letter provides comments from the Sacramento River Source Water Protection Program on the California Environmental Quality Act (CEQA) Scoping for Evaluation of the Municipal and Domestic Supply Beneficial Use (MUN) in Agriculturally Dominated Water Bodies. The City of Sacramento and Sacramento County Department of Water Resources sponsor the Sacramento River Source Water Protection Program. This program is coordinated with other agencies that draw their drinking water from the River, including the City of West Sacramento and East Bay Municipal Utility District (EBMUD). The Sacramento River Source Water Protection Program seeks to preserve and protect the source water quality of the Sacramento River drinking water supply for current and future generations.

As municipal water suppliers using the Sacramento River we believe we have a significant interest in the proposed Basin Plan amendment scope. We respectfully request to be added to the list of stakeholders in the continued development of this policy. We also believe that stakeholder participation for the MUN de-designation should include the US EPA Region 9 and California Department of Public Health drinking water programs, as well as other potentially impacted downstream water agencies.

The Central Valley watershed provides drinking water for more than half the population of the State of California. Seemingly small impacts to a large number of water bodies in the Sacramento and San Joaquin river watersheds could result in cumulatively considerable changes to source water pollutant loading. Agriculturally dominated water bodies can contribute large amounts of water to the main stem of the Sacramento River, and these can be sources of organic carbon, pathogens, and pesticides, which are some of the constituents of interest to the local Sacramento River water utilities. The four proposed case study areas included in this



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project are not likely to result in significant impacts to the Sacramento River source water quality. However, if this effort results in a broader de-designation process for agriculturally dominated water bodies for MUN and all beneficial uses, then this would be a major process with significant implications for cumulative water quality impacts to the Sacramento River.

While we support the efforts of Water Board staff to streamline regulation, clarify existing policy, and provide reasonable and protective programs for municipal compliance with discharge requirements, we have the following concerns regarding the CEQA scoping information provided for comment:

- A de-designation framework could conflict with other policies currently existing or in development at the Water Board, such as the Drinking Water Policy, the Irrigated Lands Regulatory Program, Total Maximum Daily Loads, and the Rice Pesticides Program. We request that the Water Board specifically and thoroughly evaluate the implications of individual and cumulative de-designation on these programs.
- As the Water Board notes, the MUN beneficial use is specifically protected by the Sources of Drinking Water Policy (Resolution 88-63). This requires a complete analysis prior to de-designation and implementation of a monitoring program to ensure that downstream water bodies continue to be protected. We request that the Water Board ensure that all de-designations of MUN beneficial use are completely evaluated and assessed, including; detailed monitoring requirements for all applicable listed Title 22 constituents, regulatory controls to assess the impacts, and a mechanism for response and action if impacts are detected subsequent to de-designation. Any water quality monitoring program would need to be designed to be able to identify the cause of potential water quality deterioration in downstream water bodies. Also, the special requirements for MUN de-designation (downstream monitoring requirements) do not currently fully protect the MUN beneficial use for all drinking water regulated constituents, such as microbial constituents and organic carbon and by-products.
- The regulation of drinking water constituents can change periodically at both the federal and state level. We request that the Water Board regularly review any de-designation monitoring program to identify any newly regulated drinking water constituents or revised drinking water standards.
- The Central Valley is a large and variable area that represents many types of water bodies. We acknowledge the potential benefit of a "template" process in streamlining effective regulation. However, we are concerned that the narrow focus of the four archetypes or case studies will not adequately protect MUN or other future beneficial use de-designations and impacts from other sources. We request that the Water Board consider expanding the archetypes to include other types of dischargers in more varied geographic conditions.
- We agree with the Water Board's assessment that "more data needs to be collected before determining if a basin plan amendment is needed. The data needs noted include: characterization of the receiving waters, water quality data for the effluent and all receiving waters, flow data for all of the receiving waters, an anti-degradation analysis, and an environmental analysis." Because of the site-specific nature of the impacts of removing the MUN designation, we request that these studies be conducted for each

individual water body proposed for de-designation and that downstream impacts be specifically addressed.

- We request a description from the Water Board on the specific differences between the individual Basin Plan Amendment process and the potential development of a “template” process for de-designation in the next phase of the larger effort. We are specifically interested in any differences in technical evaluations and the opportunity for public review and input. We hope that any de-designation of the MUN beneficial use, however streamlined, would allow for the same level of public input as an individual Basin Plan Amendment.

We do not have a preferred alternative at this time, but we request that the Water Board examine an additional alternative that would provide limited exceptions for site-specific water quality standards based on the MUN beneficial use (e.g., conductivity, iron), rather than removal of the MUN use entirely, to specific categories of agriculturally dominated water bodies.

The proposed alternatives should include the following specific considerations in order to comprehensively and clearly analyze de-designation impacts to drinking water protection:

- Develop maps or lists which identify other water bodies in the Central Valley, in addition to the four archetypes, which may have the MUN beneficial use de-designated under each alternative in order to quantitatively compare the impacts. If a template will be developed for other beneficial uses or dischargers, then that should be prepared and presented as well.
- Determinations of natural waterways, constructed waterways, and converted waterways needs to be very clear if the intent is to use water body categorizations.
- Definitions and categories need to consider variations over time, such as seasonal effects, range of conditions over wet and dry years, variations in agricultural operations, and potential for changes due to climate change.
- Determination of the application of the tributary rule to the various types of water bodies if intending to use that application.
- A quantitative cumulative impact analysis of the impacts on drinking water quality, specifically examining the fraction of flow, under all seasons and flow conditions including low flow periods, that would be from non-MUN designated waters under each alternative. Cumulative analysis will assist with identifying the available dilution of water flows not meeting MUN water quality criteria.
- Specify monitoring requirements for MUN de-designation, including a constituent list and frequency, as well as the process for analysis and response. We would also suggest that the list include constituents that will be included in the Drinking Water Policy currently under development, such as total organic carbon, *Giardia*, *Cryptosporidium*, or bacterial surrogates. This will be a necessary component to understand the potential cost of the alternatives.

We seek to work cooperatively with the Water Board and the other stakeholders to help ensure a process that reasonably protects Sacramento River source water quality. If you have any questions on the above, please do not hesitate to contact Elissa Callman at (916) 808-1424. Thank you for the opportunity to provide our comments on the CEQA scoping.

Sincerely,



Sherill Huun
Supervising Engineer

cc:

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