

December 19, 2013
130283:BS:EC

Jeanne Chilcott
California Regional Water Quality Control Board
Central Valley Region
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Email: jchilcott@waterboards.ca.gov

Subject: Comments on CEQA Scoping for Development of Central Valley Wide Salt and Nitrate Management Plan for Incorporation into the Sacramento-San Joaquin and Tulare Lake Basin Plans

Dear Ms. Chilcott:

The purpose of this letter is to provide stakeholder input from the Sacramento River Source Water Protection Program (SRSWPP) on the CEQA scoping for the Central Valley Wide Salt and Nitrate Management Plan (SNMP), based on the Regional Board staff report and presentation. The SRSWPP seeks to maintain the high quality of the Sacramento River drinking water supply for the current and future generations. The stakeholder input provided in this letter also relates to protection of the high quality of the American River water supply. It is our responsibility as water utilities to ensure that our water is both healthful and free of any unpleasant taste, odor, or other aesthetic effects. Protecting the quality of the raw water supply is key to ensuring that treated water quality not only meets the primary and secondary drinking water standards, but moreover is the best quality that we can reasonably provide to protect public health.

We recognize the need for a comprehensive plan to address salt and nitrate management in the Central Valley, but we are concerned that some of the broader-scale components outlined in the Staff Report for the California Environmental Quality Act (CEQA) scoping may result in unintended consequences to the quality of the Sacramento River and American River surface water supplies that we use for our municipal drinking water supply. Although we do not currently have a direct concern with source water levels of salinity or nitrate in our surface water supplies, we are

providing general input related to our interest as a municipal surface water user for potential application of concepts developed during preparation of the Salt and Nitrate Management Plan to water quality management in the overall watershed.

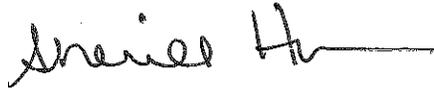
Source water protection is the first step in a "multi-barrier" approach to providing safe drinking water. This approach is acknowledged and supported in the Board's Central Valley Drinking Water Policy for Surface Waters of the Delta and its Upstream Tributaries (Drinking Water Policy). It is further stated that, "While source water protection is the first barrier, it is not intended to provide pristine water that does not require treatment but rather, to prevent source degradation from requiring additional treatment and placing more reliance on the treatment process. High quality source waters minimize public health risk if there is a breakdown in the treatment process." Drinking water treatment is constituent-specific and does have the potential for breakthrough. Even in cases where treatment is an option, treatment can be substantially more costly than source water protection. We rely on management programs, including the very important programs of the Board, as an essential part of the source water protection for the high quality of the Sacramento and American River watersheds. The Sacramento River watershed, including the American River watershed, is nearly 25,000 square miles and includes many types of activities and dischargers, most of which are regulated by permits from the Board. The Board, supported by other regulatory agencies, regulated communities, and educational organizations, has made substantial strides in implementing programs that are protective of the many beneficial uses of our State Waters, including drinking water. The Irrigated Lands Regulatory Program (ILRP) is an example of the progress in our region in protecting surface water quality.

Our key areas of interest on the SNMP CEQA Scoping Staff Report can be grouped into the following six categories, further discussed in the attachment to this email:

- provisions and clarifications for antidegradation evaluation
- applicability of beneficial use designations, including definition of any new designations
- applicability of water quality objectives, especially non-salinity secondary maximum contaminant levels (MCLs)
- water body categorizations
- variations in implementation plans, revisions to point of compliance
- consistency with the intents and requirements of other policies

We appreciate the opportunity to provide constructive input towards planning solutions for this complex issue. Please do not hesitate to contact me at 916-808-1455 or Elissa Callman at 916-808-1424 if you would like to discuss the above.

Sincerely,



Sherill Huun
Supervising Engineer

Cc: Joe Karkoski, CVRWQCB
Betty Yee, CVRWQCB
Dave Brent, City of Sacramento
Jim Peifer, City of Sacramento
Bill Busath, City of Sacramento
Michael Malone, City of Sacramento
Forrest Williams, Sacramento County Department of Water Resources
Dave Underwood, Sacramento County Department of Water Resources
Vicki Butler, Sacramento County Department of Water Resources
Dan Gwaltney, Sacramento County Department of Water Resources
Elissa Callman, City of Sacramento
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ATTACHMENT 1
SRSWPP INPUT ON CV-SALTS
SALT AND NITRATE MANAGEMENT PLAN
CEQA SCOPING STAFF REPORT
December 19, 2013

The Sacramento River Source Water Protection Program (SRWSPP) has been participating in the Regional Board's MUN De-Designation of Agriculturally-Dominated Water Bodies Program and provided information and input to that program that may be useful in several of the key elements of the CV-SALTS Salt and Nitrate Management Plan (SNMP). We hereby reference the handouts and materials provided by the SRSWPP as part of the August 14, 2013 coordination meeting with Board staff, SRSWPP and the California Urban Water Agencies, as well as the official input email submitted to the Regional Board on October 3, 2013.

We anticipate that the Regional Water Board will ensure that the requirements of the SNMP will meet all legal obligations to ultimately assess whether or not changes are resulting in any impacts to MUN designated supplies and will be able to implement actions to cease and reverse any identified impacts caused.

Provisions and Clarifications for Antidegradation Evaluation

State Board Resolution No. 68-16 is the Antidegradation Policy in California. It applies to high quality waters (such as the Sacramento and American Rivers) and requires that they be maintained to the maximum extent possible. It has been interpreted as allowing lowering water quality if that change is consistent with the maximum benefit to the people of California and will not unreasonably affect present and potential beneficial uses, and will not result in water quality lower than applicable standards. In addition, waste discharge requirements for proposed discharge must result in the best practicable treatment and control of discharge to assure no pollution or nuisance and the highest water quality consistent with the maximum benefit to the people of California. We request that this evaluation process specifically include cost impacts of advanced levels of drinking water treatment if changes to water quality objectives for existing MUN designated waters are proposed.

We understand that the AGUA decision may revise the interpretation and has highlighted the need to provide specific tools for the Regional Boards to conduct an appropriate analysis, consistent with the interpretation of the Antidegradation Policy in the AGUA decision. The State Board is expected to convene an Expert Panel to provide a more thorough analysis and long-term statewide recommendations regarding many of the issues implicated in agricultural orders, including indicators and methodologies for determining risk to surface and groundwater quality, targets for measuring reductions in risk, and the use of monitoring to evaluate practice effectiveness. We request that the SNMP include a reference to this effort and a specific means for re-opening and addressing the Antidegradation analysis with these new tools.

Applicability of Beneficial Use Designations, Including Definition of Any New Designations

A concern of the SRSWPP is that the changes to beneficial use designations, or associated water quality objectives, may cause or contribute to a degradation of the Sacramento or American River source water quality. If the Regional Board determines to include a reassessment of the applicability or definition of existing beneficial use designations, or definition of a new beneficial use category, we believe that process needs to include a broad evaluation including factors such as actual and potential users and consideration of impacts to downstream water quality for existing users.

As defined and supported by the Regional Board in the Drinking Water Policy for the Delta (Drinking Water Policy), the multi-barrier approach includes source water protection as part of providing safe water to the people of the State. A beneficial use definition based on assuming that water treatment removes all constituents to just meet the drinking water standards would essentially remove the first barrier. Degradation of source water quality could result in significant increases in the cost to treat the source water. Conventional filtration is effective at removing solids, microbials, and many other related constituents, but it is not identified by the Department of Public Health (DPH) as a best available technology for any of the regulated organic compounds and many other constituents with either a primary or secondary drinking water standard.

MUN beneficial use designations should not be defined based on water treatment requirements or capabilities. We do not believe that a narrative definition for the MUN beneficial use could be translated in any meaningful or consistent way by Board staff to assess if discharges are causing or contributing to an exceedence of a water quality objective in MUN designated water bodies. We are unaware of any other existing translation of narrative standards based on management practices of the impacted beneficial use (i.e. drinking water treatment). We have researched the requirements of three other western states (Colorado, Nevada, and Oregon), which have connected their MUN beneficial use descriptions to references to drinking water treatment. Although the definitions include those references, the numeric water quality objectives that actually apply to discharges to the MUN designated water bodies are set at or below the drinking water standards in those states. There is no attempt to narratively translate the drinking water standards to different limits in the discharge permits or omit those objectives.

Any process developed by the Regional Board for determining the Limited MUN beneficial use should include an assessment of any characteristics related to the definition. We recommend that the Board staff make certain that the definition for any new beneficial use category reflects the process used to obtain the use classification. Water bodies that contribute to, or are tributary to, downstream MUN designated water bodies should be protected in a manner that prevents degradation of those downstream supplies.

Applicability of Water Quality Objectives, Especially Non-Salinity Secondary MCLs

The SNMP may propose to include removal of secondary MCLs, including those not related to salinity or nitrate. We do not see why the non-salinity secondary MCLs should be addressed as part of a salinity and nitrate management plan and we request clarification from the Regional Board on why these are potentially being included in this plan. We would suggest that the non-salinity secondary MCLs not be included in the proposed SNMP. Conventional filtration has limited effectiveness at removal of many secondary MCL constituents, and the use of a narrative nuisance water quality objective may be difficult to implement and identify the causes of those types of impacts.

The Sacramento River is currently the highest quality water supply for a large portion of California, including local and Southern California users. The source water supply currently meets many of the water quality objectives related to the MUN beneficial use as designated in the Basin Plan. These objectives are based on the primary and secondary drinking water standards set by the DPH, which the water utilities are required to comply with. There are several key regulated water quality constituents which were not specifically included in the Basin Plan, so they were addressed as part of the Drinking Water Policy; organic carbon, *Giardia*, and *Cryptosporidium*.

Existing watershed and discharger management programs have been very successful at minimizing the persistent detection of many constituents of concern in our source water and preventing increasing trends for most regulated drinking water constituents, including both primary and secondary regulated constituents. Increasing concentrations in the source water of any other DPH regulated constituents, or presence of newly regulated constituents in the future, could result in risk to public health in the case of primary regulated constituents, taste and odor impacts in the case of secondary regulated constituents, loss of consumer confidence, or redirected costs to our water treatment and residual management systems.

We believe that any new beneficial use categories for drinking water will need to have numeric, as well as narrative water quality objectives in order to assess impacts to the use and prevent variable interpretations of a general narrative. We anticipate that the Board will provide guidance on how any narrative objectives would be applied, evaluated, and acted upon.

We understand that for a new Limited MUN beneficial use there may be a desire to define new water quality objectives, higher than the existing MUN water quality objectives. However, this process needs to be considered carefully to determine how to define those alternative numeric objectives (e.g., trigger levels calculated after applying minimum rates of reduction through conventional treatment, performance standards developed to protect downstream uses through a site-specific load allocation-type analysis, etc.). It needs to continue to include the primary and secondary drinking water standards identified in the Basin Plan, as well as reflect the Drinking Water Policy. If the Board determines to go through this process, we expect that they would engage the

California Department of Public Health (DPH) and a broad-scale water utility group to participate in the development of any alternative numeric objectives.

Water Body Categorizations/Classifications

If the Regional Board determines to categorize/classify water bodies in order to more broadly apply beneficial uses, and associated water quality objectives, then we request that Board staff develop clear and specific processes for such categorizations.

We believe that the process needs to include a certification step to ensure that all information used to support categorizations is validated. Since water bodies have the potential to be engineered and managed in the Central Valley and may change in the future, we believe that these categorizations would need to be periodically reviewed and updated to ensure that appropriate uses are associated with them.

Variations in Implementation Plans, Revisions to Point of Compliance

The SRWSPP has submitted detailed comments to the MUN De-Designation Program to provide input and support our suggestions on the monitoring/surveillance requirements of that program, and hereby reference those comments dated October 3, 2013. We support the Regional Board developing clarifications for compliance evaluations to ensure consistency in implementation. Since this will be a permanent change in the management structure, it is critical that the program be designed for adaptive management and response action if issues are identified.

We understand from the Sources of Drinking Water Policy that monitoring to support de-designations through that program must be conducted in the discharge of the de-designated water body. We would support a monitoring location upstream of the current MUN users, where the de-designated discharge comes into the downstream MUN water body. We also are open to the use of "sentinel" monitoring sites when there are a group of de-designated water bodies in a geographic region. We do not believe that the point of compliance should be moved downstream to the location of an existing user (i.e. an existing drinking water intake). Identification of degradation of water quality at upstream locations serves as an early indicator of potential treatment concerns and can be evaluated to identify the potential causes. Upstream monitoring closer to the source should be more effective in identifying and addressing a water quality problem if it occurs. We understand that this is the approach utilized in the Irrigated Lands Regulatory Program (ILRP).

We would like to note that neither the Surface Water Ambient Monitoring Program (SWAMP) nor the ILRP monitoring currently includes the constituents, frequency, and locations that could be required as part of an overall MUN designation program, so these programs would need to be modified if they will be solely used to provide monitoring for this effort. The ILRP monitoring programs are designed to provide representative monitoring information, to evaluate water quality and to inform each coalition ILRP group on whether additional management practices may be needed for

their specific activities. The monitoring programs were not designed to provide sufficient monitoring data to ensure that de-designation of water bodies or changes in water quality objectives are not causing or contributing to degradation.

Consistency with the Intents and Requirements of Other Policies

We look forward to the continued review of the specific requirements of the de-designation allowed by Section 2 of the Sources of Drinking Water Policy. We believe that developing a process for identifying "relevant" water quality objectives will be necessary due to the variability in the water bodies and their potential discharge characteristics, both current and future (i.e. agriculture waters, wastewater, stormwater, industrial waters).

Any modifications to the Tributary Rule must be consistent with the ruling from USEPA in May 2000 when they disapproved State Board Resolution 95-12. The proposed change included deletion of the footnote to Table II-1 (Tributary Rule) and replacement with a statement that the designations would be set by staff judgment for unidentified water bodies in specific orders.