

Executive Officer's Summary Report
9:00 a.m. April 29, 2010
Ukiah Valley Conference Center
200 South School Street
Ukiah, California

ITEM: 7

SUBJECT: Update on Addressing the State Recycled Water Policy and Updating Regional Groundwater and Surface Water Protection Under a Proposed Basin Plan Amendment to the *Water Quality Control Plan for the North Coast Region*.

DISCUSSION

At the December 2009 North Coast Regional Water Quality Control Board (Regional Water Board) meeting, Jonathon Bishop, Chief Deputy Director of the State Water Resources Control Board (State Water Board), gave the Regional Water Board an update on their recently adopted *Recycled Water Policy*. Following the December State Water Board presentation, staff received direction from the Regional Water Board to come back in April 2010 to give the Regional Water Board an update on how the requirements of the *Recycled Water Policy* will be addressed.

The purpose of the *Recycled Water Policy* is to increase the use of recycled water from municipal wastewater sources. The Policy also:

- Provides direction to the Regional Water Boards, proponents of recycled water projects, and the public regarding the appropriate criteria to be used by the State Water Board and the Regional Water Boards in issuing permits for recycled water projects.
- Describes permitting criteria that are intended to streamline the permitting of the vast majority of recycled water projects.
- Reserves to the Regional Water Boards sufficient authority and flexibility to address site-specific conditions.

The *Policy* requires several tasks to be completed by the regional water boards including; encouraging and streamlining the permitting process for recycled water projects and recycled water groundwater recharge projects, and developing regional salt and nutrient management plans for all groundwater basins in the state within the next five years. The requirement to complete groundwater salt and nutrient management plans is the main requirement of the *Policy*. The plans are intended to

provide holistic, watershed-based control of these constituents by managing all sources of salts and nutrients as necessary to protect groundwater quality. The North Coast Region has sixty-two (62) identified groundwater basins in the region and only one of these has a sponsor for developing a salt and nutrient management plan (Santa Rosa plains groundwater basin). Most of the groundwater basins have limited waste discharges at this time, limited data available to identify groundwater degradation, and have no broad-based groundwater stakeholder groups at this time.

Regional Water Board staff has begun developing a scope of work for a *Basin Plan Amendment to Strengthen Regional Groundwater and Surface Water Protection* (proposed Amendment) that is intended to update several sections of the Basin Plan to more fully and efficiently protect groundwater and surface water quality in the North Coast Region. Staff plans to utilize this amendment to address the salt and nutrient plan requirements of the *Recycled Water Policy*. By addressing most of the groundwater salt and nutrient planning requirements in a region-wide approach as opposed to sixty-two individual ground water basin plans, we will reduce the impact on local stakeholders and will streamline the implementation of the goals established by the Policy. The background on this Basin Plan Amendment is provided below.

BACKGROUND

In 2004, the Regional Water Board concurred with staff's recommendation to "Consider a Policy Describing Implementation of a Narrative Water Quality Objective for Surface and Groundwater" (Priority 11) and add an "Update of the Water Quality Objectives for Groundwater" (Priority 13). Due to other higher priority planning activities, no work was undertaken on these two planning tasks during the 2004 to 2007 planning period. The need to develop a formal policy that clearly describes the process the Regional Water Board uses to translate narrative water quality objectives into numeric limits and update the groundwater objectives was re-affirmed during the last Triennial Review in 2007, when the Regional Water Board concurred with staff's recommendation to combine these two tasks into one work product and assigned it as a high priority planning task (rank 6 of 29). This planning task was described as "*Adopt Narrative Objective for Groundwater – Surface Water Policy (including update of groundwater objectives and implementation language)*" in the 2007 Triennial Review Staff Report (June 2007).

The Porter-Cologne Water Quality Control Act (Porter-Cologne) requires that water quality objectives adopted into regional water quality control plans ensure the reasonable protection of past, present and probable future beneficial uses of water and the prevention of nuisance. Protection of groundwater and surface water beneficial uses in the Region is accomplished using a variety of regulatory tools and other non-regulatory approaches. Section 4 of the Basin Plan contains a number of action plans and policies adopted by the Regional Water Board to ensure that established water quality objectives are achieved and beneficial uses of water are protected from various categories of land use activities. The existing action plans are primarily focused on protecting surface water resources and needs a more comprehensive description of

measures to protect the Region's ground water resources. The Regional Water Board and staff have identified several inadequacies in the existing Basin Plan in terms of fully protecting groundwater and surface water resources and clearly describing the program (or process) that the Regional Water Board takes in fully protecting past, present and probable future beneficial uses of groundwater (and surface) water as part of its regulatory mission. In addition, several regional water boards have updated their Basin Plans to include more up-to-date policies and water quality objectives that would also be useful in protecting water quality in the North Coast Region.

In addition to updating water quality objectives, creating a groundwater narrative objective for toxicity, and adopting a policy for the application of narrative water quality objectives, staff is proposing to address the main requirement of the Recycled Water Policy by incorporating appropriate language into the new groundwater action plan to the Basin Plan. Since the North Coast Region contains 62 separate groundwater basins, it would be a huge task to require local stakeholders to develop individual management plans for each basin. Therefore, staff's proposal is to deal with most of the elements of a salt/nutrient management plan on a regionwide basis. Specifically, staff will identify needs and responsibility for groundwater monitoring, set broad goals to maximize water recycling and groundwater recharge, and identify typical sources of salts/nutrients along with control strategies. This will not fully meet all of the requirements of the *Recycled Water Policy*. However, staff believes that it will effectively address the State Water Board's intent for the requirement to develop individual salt and nutrient management plans for all groundwater basins in the region.

The new groundwater action plan, one piece of the proposed Amendment, would incorporate and update all existing plans and policies that address ground water into one comprehensive action plan. It is expected that the action plan will include generic elements specified in the *Recycled Water Policy* including the following:

- groundwater monitoring criteria;
- discussion on chemicals of emerging concern (CEC);
- water recycling and storm water recharge use goals and objectives;
- pollutant source identification;
- implementation measures to manage salt and nutrient loading by identifying best management practices (BMPs)
- monitoring programs to ensure that all land disposal projects are designed to protect applicable water quality standards (i.e. beneficial uses and water quality objectives).

Tentative Scope of Work for the Proposed Basin Plan Amendment

Staff is considering the following proposed revisions to the Basin Plan in the draft scope of work, including changes to: Section 3 - Water Quality Objectives and Section 4 - Implementation Plans, including:

1. Amend Section 3- Water Quality Objectives, by:
 - a. adding a new narrative toxicity objective for groundwaters to Section 3 of the Basin Plan, *Water Quality Objectives for Groundwaters*.
 - b. replacing the existing Table 3-2 (Inorganic Organic and Fluoride Concentrations Not to be Exceeded in *Domestic or Municipal Supply*) with a revised Table 3-2 and/or a Policy Specifying the Process for Interpreting Surface and Groundwater Narrative Water Quality Objectives.
 - c. updating the four existing water quality general objectives for groundwaters including: taste and odor, bacteria, radioactivity and chemical constituents (Basin Plan page 3-11.00).
2. Amend Section 4 – Implementation Plans, by:
 - a. deleting the existing “Action Plan for Accidental Spills and Contingencies (Order No. 74-151).
 - b. adding a *Policy for the Application of Narrative Water Quality Objectives* that will be used in establishing numeric values to support/protect narrative water quality objectives.
 - c. adding a new Action Plan to prevent water quality impacts to groundwater from the discharge of wastewater and/or process waste/wastewater and recycled water to land. This Action Plan would address the requirements of the Recycled Water Policy.

STAFF RECOMMENDATION:

This is an informational item only; therefore, no formal Regional Water Board Action is required at this time. However, staff is interested in receiving concurrence from the Regional Water Board regarding moving forward on the amendment and notifying the SWRCB of our intended approach to using the amendment to meet the intent, but not the letter, of the *Recycling Water Policy*.