

ITEM: 12

SUBJECT: Proposed Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Remove the Municipal and Domestic Supply (MUN) Beneficial Use in Twelve Constructed and/or Modified Water Bodies in the Sacramento River Basin

BOARD ACTION: *Consideration of Approval of Environmental Document and Adoption of Proposed Basin Plan Amendment*

BACKGROUND: Staff has developed a proposed Basin Plan Amendment (Amendment) that would dedesignate the Municipal and Domestic Supply (MUN) beneficial use in twelve surface water bodies in the Sacramento River Basin based on an exception in State Water Board Resolution 88-63 (*Sources of Drinking Water Policy*). The twelve water bodies proposed for MUN dedesignation are: Ag Drain C (Logan Creek), Cherokee Canal, East Interceptor Canal, Lateral 1, Lateral 2, Lateral K, Main Drainage Canal (C Main Drain), New Ditch (2011), Powell Slough, unnamed tributary, Wadsworth Canal, and Western Intercepting Canal. These water bodies were constructed and/or modified to convey agricultural drainage and also receive effluent from the cities of Biggs, Colusa, Live Oak or Willows under National Pollutant Discharge Elimination System (NPDES) permits.

The receiving water bodies for the cities of Colusa and Willows are part of the Colusa Basin Watershed, while the receiving water bodies for the cities of Biggs and Live Oak are part of watersheds that eventually flow into the Sutter Bypass. The Colusa Basin Drain and the Sutter Bypass both discharge into the Sacramento River. MUN is not a designated beneficial use of either the Colusa Basin Drain or the Sutter Bypass.

The *Sources of Drinking Water Policy* has been incorporated into the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan). As incorporated, the MUN beneficial use applies to all surface and ground water bodies in the Sacramento and San Joaquin watersheds unless a water body is specifically listed in the Basin Plan as a water body that does not support the MUN beneficial use. The Basin Plan's list of water bodies that do not support the MUN beneficial use does not include the twelve water bodies named in the Amendment, which means that the MUN beneficial use currently applies to these water bodies. However, the *Sources of Drinking Water Policy* allows the Board to dedesignate the MUN beneficial use from water bodies that have been designed or modified to convey agricultural drainage through the adoption of a Basin Plan amendment. This Amendment proposes to rely on this *Sources of Drinking Water Policy* exception to dedesignate the MUN beneficial use from the twelve water bodies.

Information gathered during a three-year stakeholder process and through staff survey and monitoring efforts demonstrates that the MUN use has not occurred in the past, is not occurring presently, and is not expected to occur in the foreseeable future in these twelve water bodies. This Amendment proposes to remove the MUN beneficial use designation from these twelve water bodies, and the accompanying Staff Report provides the rationale behind each part of the Amendment, along with alternatives that the Board staff considered during

the course of developing the Amendment. Furthermore, the Amendment would specify how the Board would monitor the watershed to demonstrate that the dedesignation does not result in noncompliance with relevant water quality objectives.

Numerous stakeholder meetings were held since February 2012 to discuss alternatives and specific language for the Amendment. The proposed Amendment and a supporting Staff Report were released for public review and comment on 5 January 2015. The deadline for written comments was 20 February 2015. A Board Hearing was conducted on 6 February 2015 to receive comments on the proposed Amendment and the Board will consider adoption of the proposed Basin Plan Amendment at the April Board Meeting. Agenda materials include a final Staff Report, draft Resolution for adopting the proposed Amendment, and responses to public comments received within the comment period.

ISSUES:

Five comment letters were received within the comment period. The letters mostly addressed clarification issues associated with the proposed Amendment and Staff Report. Overall broad issues included:

- Concerns that MUN dedesignation could cause water quality impacts in the Sacramento River related to drinking water constituents of concern. Clarification was requested on how existing regulatory processes (e.g. Reasonable Potential Analyses for point source discharges and Irrigated Lands Regulatory Program requirements) would ensure the protection of downstream source water quality.
- Concerns with the adequacy of current monitoring programs to detect water quality changes and ensure protection of MUN source water in the Sacramento River.
- Request that Board staff expand upon and clarify portions of the Staff Report related to potential impacts from the adoption of the Amendment.

None of the comments letters received recommended against the dedesignation of MUN from the 12 water bodies. Board staff made minor changes in the Staff Report in response to the comments received.

RECOMMENDATION Adopt the proposed Basin Plan Amendment and approve the environmental document.

Mgmt. Review JEC
Legal Review PEP
16/17 April 2015
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