

Meeting Notes

Evaluation of the MUN beneficial use in Agriculturally Dominated Water Bodies

August 19, 2013

9:00 AM -3:00 PM

Location: Central Valley Regional Water Quality Control Board Office, 11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670: Training Room

Attendees:

Baker Manock & Jensen – Loren Harlow

California Department of Fish and Game (Fresno) – Rachel McNeal (*by phone*)

California Rice Commission - Roberta Firoved, Tim Johnson

California Urban Water Agencies – Elaine Archibald

Central Valley Clean Water Association – Debbie Webster

Central Valley Water Board - Anne Littlejohn, Betty Yee, Jeanne Chilcott, Phil Woodward

City of Biggs – Orin Bennett

City of Live Oak – Bill Lewis

Delta Stewardship Council – Mark Bradley (*by phone*)

J.G. Boswell Company – Dennis Tristao

Larry Walker and Associates – Betsy Elzufan, Tom Grovhoug

Northern California Water Association – Bruce Houdesheldt

Sacramento River Joint Source Water Protection Program – Bonny Starr (*by phone*), Elissa Callman (*by phone*)

San Joaquin Valley Drainage Authority – David Cory

South San Joaquin Irrigation District – Jim Atherstone

State Water Resources Control Board – Diane Barclay

Tulare Lake Basin Water Storage District – Mike Nordstrom

Turlock Irrigation District – Debbie Liebersbach (*by phone*)

Western Plant Health Association – Rachel Kubiak

Meeting Summary

Brief update on Sacramento Case Study Monitoring

- Central Valley Water Board staff provided a brief review of the Sacramento Case Study monitoring summary provided to participants prior to the meeting. The summary contained water quality results for the monitoring conducted in the areas of Biggs, Colusa, Live Oak and Willows over the past year and included a summary of E. coli results.

Review Updated Alternatives – Beneficial Use Designation/Water Quality Objectives

- Central Valley Water Board staff initiated the discussion with Table 1 – Proposed MUN Beneficial Use Designation by category and Table 2 – Proposed Water Quality Objectives. The most significant change since the last meeting to the proposed categories and objectives is the more focused evaluation of only the Ag Dominated Surface Water body categories. This change reflects both stakeholder comments and internal legal discussions emphasizing the importance of keeping the project alternatives within the bounds set by the initial CEQA scoping—*review of appropriate MUN designation and protection in agriculturally dominated surface water bodies*. Thus, Table 2 lists only the refined “Limited” MUN category for Ag Dominated Surface Water Bodies and no longer includes refined definitions for existing and potential use as neither of those uses had been proposed for the categories of water bodies being considered. Any future evaluation of the existing/potential MUN beneficial use and its associated water quality objectives in non-Ag dominated water bodies is anticipated to occur as part the larger region-wide CV-SALTS initiative.

Comments and concerns were as follows:

- Concern over excluding Ag dominated water bodies that DID have an existing use from further evaluation through this process. An Ag drain being used for MUN use may still need further evaluation of the appropriate water quality objectives if it doesn't currently meet the current "existing" standards. An option suggested was to be able to utilize the "limited" designation while ensuring that the current conditions (potentially requiring treatment) are maintained but not required to be improved. A request was made to Debbie Webster (CVCWA) for an example of this situation for further review.
- General concern over bullet two of Table 1 stipulating that the designation process is for water bodies where the MUN use is "not being attained". Although the language directly references the Sources of Drinking Water Policy (Resolution 88-63, section 4), the concern was that use of the word "attained" still would involve the evaluation of water quality and not just the present MUN use. Requests were made to further clarify this bullet point to make it clear that the definition focuses on physical use and not water quality.
- Review of Table 2's definition, qualifications and water quality objectives for the Limited MUN use:
 - The draft table has a narrative for the Limited MUN beneficial use that protects downstream uses but no water quality objectives for the actual water body itself.
 - There may be an opportunity to further characterize these water bodies (especially the constructed Ag supply water bodies) such that it may not be appropriate for any MUN use to be designated where there is no opportunity to utilize the system for MUN due to activities and characteristics such as maintenance, access and supply variability. Several water district representatives from the San Joaquin River Basin agreed to follow up on this concept and provide potential language.
 - Concern over the definition using only "extended" treatment. All water treatment should be considered.

- Concern that a definition is not really needed or should remain within the scope of Ag dominated water bodies outlined in Flow Chart 1.
- Suggestion to add the “treatment” language into the narrative objective itself instead of the definition.
- Suggestion that specific wording is added to make it clear in the future that the water quality does not need to meet the water quality objectives of the “existing” MUN use.

Action Items (by September 6th):

- *Central Valley Water Board staff will clarify language and intent of bullet two in the Table 1 document.*
- *Debbie Webster will provide an example of an Ag Drain currently being used for MUN use*
- *San Joaquin water district representatives (Debbie Liebersbach, Dennis Westcot -San Joaquin Group Authority, Jim Atherstone) will propose modifications to the process of characterizing supply channels for the designation of the Limited MUN or no MUN use*
- *David Cory, Debbie Webster and/or any other participants will provide suggested language for the definition, qualifications and narrative water quality objective for the Limited MUN beneficial use category*

Continue Discussion on Implementation

- Central Valley Water Board staff provided an updated straw-man (example) Implementation proposal reviewed at the previous stakeholder meeting in May. The most significant change was the application of a Reference document designed to store water body categorical information temporarily until water bodies can be formally adopted into the Basin Plan through a Basin Planning Amendment process (e.g. like the Triennial Review). The Reference document can also serve as a tool to develop interim permit limits for a given Ag dominated surface water body until the water body is formally adopted into the Basin Plan. Comments and feedback on the example proposal included:
 - Changes to Flow Chart 1 Water Body Categorization

- Uncertainty over using the USGS Maps as a starting point. Concern that the USGS maps will show constructed water bodies as natural water bodies. Suggestion that the first question on whether or not a water body is natural should be with the district. Another suggestion to consider looking at a NHD layer for metadata on the water body.
 - Concern that the flow of questions regarding whether or not a water body is natural may place constructed water bodies into the natural or modified category because they may share some of the same characteristics (e.g. riparian zone).
 - Suggestion to have a question at the top portion of the flowchart on whether or not the hydrology is dependent on Ag activities
 - Suggestion to change wording of “extensively realigned and reconstructed” such that a water body could qualify in the “modified” category if the natural headwaters had been diverted.
 - General consensus that a Reference Document would be preferable to individual Basin Plan Amendments for every water body that goes through the process.
 - Concern over placing a specific time frame for interim permits – this puts deadlines on updating the Reference Document that may not be feasible for the Central Valley Water Board staff to meet. Suggestion to change the wording to say that the interim periods will be in effect until which time the Basin Plan can be amended to incorporate the Reference Document.
- Central Valley Water Board staff provided an updated reporting template that would be required for entities wishing to categorize their Ag dominated water bodies. The template was built off of the original Inland Surface Water Plan 1992 reporting template and was primarily modified to address any potential MUN use. An example report from a fictional water district was also reviewed. Comments were as follows:
 - Concern that the information requested is not enough as compared to the amount of information requested by other existing program (e.g. ILRP). Will the information be robust enough to provide enough justification for the water body categorization?

- Concern that the template does not make it clear which questions are required to have answers and which ones are optional.
- Concern over the need for water quality data – how much, for how far back, for which constituents, etc. Can the data be referenced (e.g. a link to ILRP’s website for data at a given monitoring station?)
 - Central Valley Water Board staff explained that water quality was important to compare to case studies, understand the potential impacts downstream and to groundwater (anti-degradation), and to ensure that the monitoring and surveillance will be sufficient.
 - May be able to refer to the ILRP monitoring and only specifically note monitoring conducted at sites being utilized as representing the area under consideration and identify any required management plans
- Suggestion that the template’s questions need to better reflect to the questions on Flowchart 1.
- Central Valley Water Board staff provided a document containing potential criteria and a reporting outline for a closed recirculating system. Comments were as follows:
 - Concern over the question of public access. Is it necessary? What is required – posted signs, fences, etc.?
 - Question as to why it would require private ownership. Local districts may be considered publically owned, but may have closed recirculating systems. Suggestion to remove this question and instead focus on whether or not the system is isolated from natural water bodies.
 - Suggestion that a question be included to ensure that there is no existing MUN use.
 - Suggestion that we consider systems not only for Ag production, but wetlands as well.
 - Suggestion that we require a flood control and emergency control plan to qualify.
 - What type of storm event and emergency situations need to be considered? (e.g. 25 year storm event?)
 - Concern over the need for water quality information

- Central Valley Water Board explained that it was necessary to understand potential ground water impacts
- Question was posed to attendees regarding the need for developing language for a “seasonally” closed recirculating system
 - Rice coalition representatives did indicate that this might be something the industry would consider doing in the future

Action Items:

- *Central Valley Water Board staff will update the questions in Flowchart 1 to reflect comments provided.*
- *Central Valley Water Board staff will follow up on the requirements for interim permit limits.*
- *Central Valley Water Board staff will review the reporting template to reflect questions in Flowchart 1 and will consult with other internal programs to ensure that the appropriate information is being requested.*
- *Central Valley Water Board staff will update the Closed Recirculating System document to address the comments and suggestions provided.*

Initiate Discussion on Monitoring/Surveillance

- Central Valley Water Board staff provided an informational document containing the Monitoring and Surveillance information such as the legal requirements, potential alternatives and program information for existing programs (Irrigated Lands Regulatory Program, National Pollutant Discharge Elimination). Comments were as follows:
 - General consensus that a regionalized approach is preferable. Sentinel stations could be used to reflect the water quality in a given watershed. But what type of follow-up action would be needed when objectives are not met?
 - Who would be paying for the monitoring?
 - Who would oversee the program and be responsible for data analysis and review?
 - Where would the compliance points be downstream? Would mixing zones be allowed?

- How would we separate agricultural influences from other influences?
- Are we monitoring for only MUN constituents? What is required to be monitored? At what frequency?
- How do we adequately measure cumulative impacts?
- How can we use existing programs like the Irrigated Lands Regulatory Program? Would we need to add more monitoring into the existing program?
- How will the monitoring and surveillance program address different regional areas with different hydrology and flow patterns?

Action Items:

- *Central Valley Water Board staff will compile existing monitoring information and detailed maps to better characterize the existing monitoring in the different basins of the Central Valley and schedule a focused, face-to-face meeting to discuss current monitoring activities and potential options.*

Project Schedule and Future Meetings

- 12 September 2013, 9 a.m. until 12 p.m.
- To allow focused discussion on Monitoring and Surveillance. Identify *preferred project alternative*.
- Select consultant to conduct environmental and economic review.
- *Note: Continued discussion has caused a shift back in the schedule of approximately 3 months to ensure that topics aforementioned are adequately discussed. Currently still anticipate bringing basin plan amendment for Board consideration in December 2014.*

Action Items:

- *Central Valley Water Board staff will provide meeting material to participants approximately 1 week prior to next scheduled meeting.*
- *Selection of CEQA consultant.*