

**LATE REVISIONS TO
PROPOSED BASIN PLAN LANGUAGE, STAFF REPORT AND RESOLUTION**

**BASIN PLAN AMENDMENT TO ESTABLISH A REGION-WIDE MUNICIPAL AND
DOMESTIC SUPPLY (MUN) BENEFICIAL USE EVALUATION PROCESS IN
AGRICULTURALLY DOMINATED SURFACE WATER BODIES AND REMOVE THE
MUN BENEFICIAL USE FROM 231 CONSTRUCTED OR MODIFIED AG DRAINS IN
THE SAN LUIS CANAL COMPANY DISTRICT**

**Regional Water Quality Control Board, Central Valley Region
Board Meeting – 11 AUGUST 2017**

Proposed Basin Plan Language

**REVISIONS TO CHAPTER 4 (SACRAMENTO RIVER AND SAN JOAQUIN RIVER
BASIN PLAN) AND CHAPTER 4 (TULARE LAKE BASIN PLAN) – (Figure Y
Water Body Categorization (WBC) Flowchart), add footnote for two instances
of:**

Primary Purpose; Ag Drainage¹

¹ Designed or modified for the primary purpose of conveying or holding agricultural drainage waters

**REVISIONS TO CHAPTER 5 (SACRAMENTO RIVER AND SAN JOAQUIN RIVER
BASIN PLAN) AND CHAPTER 6 (TULARE LAKE BASIN PLAN) – (Paragraph 1
in section under heading “Municipal and Domestic Supply Beneficial Use
(MUN) in Agriculturally Dominated Water Bodies”)**

Water Bodies with MUN Beneficial Use De-designated or LMUN Beneficial Use Designated
As resources permit, Regional Water Board staff will work with other agencies and regional monitoring programs to monitor chemical constituents, pesticides, and radionuclides contained in the Title 22 of the California Code of Regulations, as well as relevant constituents associated with the narrative and site specific water quality objectives associated with MUN use, approximately every 3 to 5 years in major water bodies identified with existing or potential MUN use. The data gathered will support Watershed Sanitary Surveys (Cal. Code Regs, tit. 22, § 64665 et seq.) as well as the California Integrated Report (Clean Water Act Section 303(d)/305(b)).

Staff Report

REVISIONS TO SECTION 5.2 (Figure 5-1) add footnote for two instances of:

Primary Purpose; Ag Drainage¹

¹ Designed or modified for the primary purpose of conveying or holding agricultural drainage waters

REVISIONS TO SECTION 10.2.2.1 (following Item 1.c, Page 59) add:

d. Confirm that all C1 and M1 (constructed and modified Ag drain/combo) water bodies are designed or modified for the primary purpose of conveying or holding agricultural drainage waters.

REVISIONS TO SECTION 10.2.3.2 (Paragraph 1, Page 64) add:

If the EO approves the recommendations, a Notice of Tentative Approval (NOTA) will be sent out to a subscription email and postal mailing list of interested parties. The NOTA and supporting documentation will also be publicly posted on the Central Valley Water Board website and will be available for public comments for a minimum of 45 days.

REVISIONS TO SECTION 10.2.4.1 (Paragraph 1, Page 65)

Updates to the Reference Document will be bundled approximately every three years and prepared for Basin Plan Amendments by Central Valley Water Board staff. The Central Valley Water Board will consider adoption of Basin Plan Amendments containing water body category and MUN beneficial use designations from the Reference Document during a Triennial Review or other Public Hearing process. In conjunction with amending the Basin Plan to incorporate revised beneficial use designations, or in conjunction with other periodic reviews of the Basin Plans, the Board may develop additional guidance, as needed, for implementing the Region-wide MUN Evaluation Process.

REVISIONS TO SECTION 11.4.1.2 (Paragraph 2, Page 70)

Therefore, even if the MUN beneficial use is removed from a water body that receives NPDES discharges, the dischargers must demonstrate that any degradation would not result in exceedance of a water quality objective and that the degradation is ~~in the best interest of~~ consistent with the maximum benefit to the people of the state.

REVISIONS TO SECTION 11.5 (Paragraph 1, Page 71)

As resources permit, Central Valley Water Board staff will work with other agencies and regional monitoring programs to monitor chemical constituents, pesticides, and radionuclides contained in the Title 22 of the California Code of Regulations, as well as relevant constituents associated with the narrative and site specific water quality objectives associated with MUN use, approximately every 3 to 5 years in major water bodies identified with existing or potential MUN use. These water bodies include, but are not limited to the Sacramento River, Feather River, San Joaquin River and Delta. The data gathered will support Watershed Sanitary Surveys (Cal. Code Regs, tit. 22, § 64665 et seq.) as well as the California Integrated Report (Clean Water Act Section 303(d)/305(b)).

REVISIONS TO SECTION 12.4.1 (Paragraph 2, Page 86)

Storm water dischargers to these water bodies are not required to consider abatement measures nor has there been a need to include effluent limitations for these dischargers. Because the proposed Basin Plan Amendments are to de-designate MUN or refine to LMUN, there will be less need for abatement and effluent limitations for storm water dischargers.

REVISIONS TO SECTION 12.4.3 (Paragraph 1, Page 87)

The proposed Basin Plan Amendments de-designate the MUN beneficial use or refine to LMUN, where it is appropriate.

REVISIONS TO SECTION 13.2.4 (Paragraph 1, Page 109)

Potential outcomes include ~~de-designation~~ the removal of the MUN use or ~~de-designation of the MUN use~~, but replacing it with a refinement to the “Limited MUN” use.

REVISIONS TO SECTION 13.2.4.2.1 (Paragraph 1, Page 110)

If LMUN is adopted as a ~~replacement~~ refined MUN beneficial use, then existing monitoring programs may need to be modified because the Board would still be obligated to protect downstream MUN uses to the extent that a discharge has a reasonable potential to adversely affect those uses.

REVISIONS TO SECTION 13.2.4.2.2 (Paragraph 1, Page 110)

However, because the MUN use could be ~~replaced by~~ refined to LMUN (rather than de-designated) and the potential outcome of the LMUN designation could still be a requirement to implement additional treatment processes to reduce or eliminate identified impacts to downstream receiving waters, the potential exists for some regional economic impacts.

REVISIONS TO SECTION 13.2.4.3.1 (Paragraph 1, Page 111)

If LMUN is adopted as a ~~replacement~~ refined MUN beneficial use, then existing monitoring programs may include the use of numeric triggers specific to this use.

REVISIONS TO SECTION 13.2.4.3.2 (Paragraph 1, Page 111)

However, because the MUN use could be ~~replaced by~~ refined to LMUN (rather than de-designated) and the potential outcome of the LMUN designation could still be a requirement to implement stormwater BMPs to reduce or eliminate identified impact to downstream receiving waters, the potential exists for some regional economic impacts.

REVISIONS TO SECTION 13.2.4.4.1 (Paragraph 1, Page 112)

Should a finding be made that degradation is ~~in the best interest of~~ consistent with the maximum benefit to the people of the state, downstream water purveyors may need to adjust treatment processes which may in turn increase treatment costs.

REVISIONS TO SECTION 13.2.4.4.2 (Paragraph 1, Page 112)

Regional economic impacts would be dependent on degradation from baseline conditions resulting from new discharges or changes to existing discharges that are found to comply with state anti-degradation requirements and be ~~in the best interest of~~ consistent with the maximum benefit to the people of the state.

REVISIONS TO SECTION 13.2.5 (Paragraph 5, Page 113)

Should new discharges and/or changes to existing discharges result in water quality degradation that complies with the state antidegradation requirements and is found to be ~~in the best interest of~~ consistent with the maximum benefit to the people of the state, water purveyors may incur some costs if existing treatment processes need adjustment.

REVISIONS TO SECTION 14 (Reference 3, Page 114)

Central Valley Water Board. (1992). ~~Inland~~ Inland Surface Water Plan Staff Report.

REVISIONS TO APPENDIX A, SECTION A.1 (following Table 1, Page 120) add:

Additional notes:

REVISIONS TO APPENDIX J (following last bullet under “Verification of Water body Category designation” heading, Page 319) add:

Confirm all C1 and M1 water bodies—primary purpose of conveying or holding agricultural drainage waters.

REVISIONS TO APPENDIX L, SECTION VII.B (Paragraph 1, Page 339)

The removal of MUN as a designated beneficial use, or ~~replacement with~~ the refinement to LMUN, where applicable, of Ag dominated surface water bodies and closed controlled recirculating systems in the Sacramento River, San Joaquin River and Tulare Lake basins is an action related to defining applicable water quality standards and, thus, would not conflict with any applicable plan, policy, or regulation related to greenhouse gas emissions.

REVISIONS TO APPENDIX L, SECTION VIII.B (Paragraph 1, Page 341)

Discharges to the Ag dominated surface water bodies and closed controlled recirculating systems with the MUN beneficial use removed or refined with LMUN would still be regulated

to achieve water quality objectives/criteria for the remaining beneficial uses of the water bodies, as well as downstream water bodies, including MUN where applicable

REVISIONS TO APPENDIX L, SECTION IX.F (Paragraph 1, Page 343)

Removal of MUN as a designated use of Ag dominated surface water bodies and closed controlled recirculating systems, ~~and replacement or refinement to~~ with LMUN where applicable, would result in modifications to waste discharge requirements (WDRs) for POTW, agricultural, and storm water discharges to these water bodies, because ~~the Ag dominated water bodies and closed controlled recirculating systems with the MUN use removed~~ these water bodies would no longer have to comply with drinking water MCLs or CTR criteria for the protection of human health for the consumption of drinking water and organisms (where applicable).

REVISIONS TO APPENDIX L, SECTION XVIII.B (Paragraph 1, Page 354)

Discharges that result in degradation to baseline water quality would need to comply with the state anti-degradation policy and ~~be found to be in the best interest of~~ consistent with the maximum benefit to the people of the state.

Resolution

REVISIONS TO RESOLUTION FINDING NO.12 (Page 2)

The completed evaluation finds that the 231 constructed and modified Ag dominated surface water bodies within the SLCC service area meet the Sources of Drinking Water Policy Exception 2b, which applies to water bodies that have been designed or modified for the primary purpose of conveying ~~to convey~~ agricultural drainage, provided that discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Board.

REVISIONS TO RESOLUTION FINDING NO.14 (Page 3)

Central Valley Water Board staff has prepared proposed Amendments to standardize a process to evaluate appropriate designations and level of protection of the MUN beneficial use in Ag dominated water bodies, utilizing information gained during the de-designation of 12 constructed or modified Ag drains in the Sacramento River Basin that met the Sources of Drinking Water Policy Exception 2b and the characterization study in the SLCC service area.

REVISIONS TO RESOLUTION FINDING NO.24 (Page 4)

The proposed Amendments will establish a reference document that will catalogue the ~~Executive Officer's Board's~~ initial approvals/determinations regarding MUN beneficial use de-designations and/or LMUN beneficial use refinements. In regulating discharges to water bodies that are listed in the reference document, the Board may establish interim permit limits, initially valid for up to 5 years, that implement the beneficial use de-designation or refinement before the relevant Basin

Plan is amended to incorporate the waterbody's revised beneficial use designation(s). These interim permit limits may be extended by up to 3 years upon the Executive Officer's approval.

**NEW RESOLUTION FINDING FOLLOWING RESOLUTION FINDING NO.24
(Page 4)**

25. In conjunction with amending the Basin Plan to incorporate revised beneficial use designations, or in conjunction with other periodic reviews of the Basin Plans, the Board may develop additional guidance, as needed, for implementing the Region-wide MUN Evaluation Process established by this Resolution.