

Meeting Notes

Evaluation of the MUN beneficial use in Agriculturally Dominated Water Bodies

September 26, 2014

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: Board Room

Attendees:

California Cotton Ginners and Growers Association – Casey Creamer *(by phone)*

California Farm Bureau – Kari Fisher *(by phone)*

California Rice Commission – Tim Johnson, Roberta Firoved

California Urban Water Agencies – Elaine Archibald

Central Valley Clean Water Association – Debbie Webster

Central Valley Water Board - Anne Littlejohn, Cindy Au Yeung, Jeanne Chilcott, Patrick Pulupa

City of Biggs – Brian Martin, Mark Sorensen *(by phone)*

City of Live Oak – Bill Lewis

Larry Walker and Associates –Tom Grovhoug

Nexgen Utility Management – Dan Rich

MLJ-LLC – Mike Johnson

Sacramento River Joint Source Water Protection Program – Bonny Starr (Starr Consulting)

San Joaquin County and Delta Water Quality Coalition – Mike Wackman

San Joaquin Tributary Authority – John Clancy *(by phone)*

State Water Resources Control Board – Diane Barclay

Robertson-Bryan Inc. – Michael Bryan

Tulare Lake Basin Water Storage District – Mike Nordstrom

Turlock Irrigation District – Debbie Liebersbach

Somach Simmons & Dunn – Michelle Williams

United States Environmental Protection Agency – Matt Mitchell

Meeting Summary

Project Updates – Activities over the last year

- Central Valley Water Board staff provided a summary of the information presented in the draft report for the 18-month water quality monitoring in the Sacramento Case Study. Main findings were as follows:

- Most exceedances were upstream and/or downstream of effluent
- Consistently elevated levels of:
 - Specific Conductivity
 - Total Dissolved Solids
 - Nitrate (as Nitrogen)

These concentrations were elevated at effluent but dissipated after first downstream site

- Consistently elevated levels of:
 - Total Aluminum
 - Total Iron
 - Total Manganese
 - Sodium

Dissolved forms of the Aluminum, Iron and Manganese did not exceed criteria

- Total and Dissolved Arsenic were elevated in Colusa and Live Oak study areas – related to ground water
- Trihalomethanes elevated at Willow’s effluent, but not downstream
- *E. coli* randomly exceeded criteria upstream and downstream

- Central Valley Water Board staff provided a summary of the information presented in the draft report for the June 2013 Synoptic Evaluation conducted in the Sacramento and San Joaquin River Basins. Main findings were as follows:
 - Most constituents were below evaluation criteria and/or reporting limit (258 out of 275)
 - Consistently elevated levels of:
 - Total Aluminum
 - Total Iron
 - Total Manganese
 Dissolved forms did not exceed criteria
 - Concentrations were higher in Ag drains than in main river stem sites
 - San Joaquin River Basin had more constituents than the Sacramento River Basin that exceeded evaluation criteria.
 - General stakeholder comments on the Synoptic Study results were as follows:
 - Concern that the bis (2-ethylhexyl) phthalate exceedance in the San Joaquin River is actually a common lab error.
 - Concern that selecting the Sacramento at Verona site as a downstream site included the Feather River water inflow and did not provide the best assessment of the influence of the Colusa Basin Drain and Sutter Bypass discharges on the main stem river.
- Central Valley Water Board staff has developed draft water body categorization reports in partnership with the four Sacramento POTWs and managing water agencies. A brief overview of the report structure and contents was provided.
- The decision was made to separate the project into two Basin Plan Amendments – one for the Sacramento POTWs Case Study effort and the other for the overall region-wide MUN evaluation process for Ag dominated surface water bodies. Draft staff reports are in development for both amendments, with the goal of bringing the Sacramento POTW amendment to the Board first in the spring of 2015 along with a workshop item for the larger amendment at the same time.
 - California Rice Coalition representative registered his concern at separating the project into two basin plan amendments since the first one now focuses on the POTW issues and no longer takes a holistic approach with agriculture.

- Central Valley Water Board legal counsel responded that, in general, a two-part process is a more successful approach to the Board if the first part is fairly direct and has a high likelihood for success and separating the project will not decrease the impetus to address agricultural concerns.
- San Luis Canal Company (SLCC) agreed to become a case study for the San Joaquin River Basin for the region-wide MUN evaluation process Basin Plan Amendment. Work on a San Joaquin case study was originally scheduled to begin in early 2014, but was delayed six months. Central Valley Water Board staff is working with SLCC staff to develop a water body categorization report for their water bodies.

Action Items:

- *Stakeholders must submit their comments to draft documents by the end of October 2014 to Anne Littlejohn (anne.littlejohn@waterboards.ca.gov). All documents are available on the website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/mun_beneficial_use/index.shtml*
- *Central Valley Water Board staff will carefully review QA/QC documentation from the water quality laboratories to evaluate any potential laboratory errors.*

Review of the Sacramento POTW Basin Plan Amendment

- Central Valley Water Board Staff provided a walk-through of draft documents covering the following areas of the Sacramento POTW Basin Plan Amendment:
 - Project Alternatives
 - No Action
 - Utilize exception 2b of the Sources of Drinking Water Policy exceptions because all of the water bodies are constructed or modified agricultural drains
 - Site Specific Objectives (SSOs)
 - Beneficial Use designation components
 - Maintain MUN beneficial use or de-designate MUN beneficial use
 - Water Quality Objectives components

- Remove MUN water quality objectives through de-designation or create constituent-specific water quality objectives for each water body (SSOs)
 - Implementation components
 - If de-designating MUN, list water bodies in the Basin Plan (in an appendix) as meeting the Sources of Drinking Water exception.
 - Monitoring and Surveillance components
 - Three options were presented: 1) use existing monitoring programs (e.g. ILRP, SWAMP), use existing with an option of including other regional monitoring programs (Hybrid Approach), or create a new MUN-specific monitoring program.
 - Draft Language
 - Draft language was developed for the staff recommended alternative #2 - utilizing exception 2b from the Sources of Drinking Water Policy to de-designate MUN in the Sacramento POTW water bodies.
 - There was general stakeholder consensus that alternative #2 was the most appropriate alternative for the twelve Sacramento case study water bodies under consideration.
 - Suggestion was made to add “stakeholder resources” to selection criteria regarding the efficient use of water board resources.
- Discussion primarily focused on the pending Monitoring and Surveillance section of the draft staff report. Comments were as follows:
 - Concern that Irrigated Lands Regulatory Program coalition members are going to have increased monitoring requirements and subsequent increasing monitoring costs and/or be bound to maintain specific sites/constituents indefinitely.
 - Request to directly reference the specific monitoring language found in exception 2b of the Sources of Drinking Water Policy when setting up the monitoring program requirements.
 - Clarify specific monitoring sites, frequency, constituents and responsible parties.
 - A monitoring and surveillance program needs to consider where the monitoring and compliance points will be. Is the most relevant sampling site the end of drain or in the main stem?

- A discussion ensued on the use of a mixing zone between non-MUN discharges and MUN water bodies. Suggestion that the first site should include a good mixing zone between Ag discharges and main stem Sacramento River water.
- Concern that adopting a collaborative/regional approach is not as easy as it sounds – can lead to even more contracting, coordination, and costs.
- Suggestion that the entity requesting the de-designation of MUN should be the one to cover any additional monitoring costs.
- Monitoring should be focused on what questions need to be answered – examples included: What are the consequences of removing MUN use? What are the impacts of Ag drains on MUN water bodies? Will these non-MUN water bodies affect MUN water bodies over time? Once the questions are developed, a determination need to be made as to the type of data needed to answer those questions.
- How do we determine if the samples are adequate? Should there be an adaptive approach? What type of oversight and review is there?
- Will changes to the monitoring requirement guide other monitoring programs such as SWAMP and ILRP?
- We need enough language to specify things we want to avoid, like unnecessary monitoring.
- Suggestion to look at the monitoring requirements adopted by other regional boards with water bodies utilizing the exception 2b.
- Suggestion that Central Valley Water Board staff provide a concise summary of existing monitoring conducted in the Sacramento River by existing programs to identify any existing data gaps for the Sacramento POTW Basin Plan Amendment.
- Ensure that the MUN-related monitoring is conducted in perpetuity.

Action Items:

- *Stakeholders must submit their comments to draft documents and monitoring and surveillance issues by the end of October 2014 to Anne Littlejohn (anne.littlejohn@waterboards.ca.gov).*
- *Central Valley Water Board staff will continue to develop the Monitoring and Surveillance portion of the staff report with consideration given to comments provided during the*

meeting. Stakeholders will still be able to provide additional comments when a draft is made available.

- *Central Valley Water Board staff will develop a summary of existing monitoring by ILRP, SWAMP, NPDES, Municipal Water Quality Investigations, drinking water source monitoring and other relevant monitoring in the Sacramento River downstream of the Sutter Bypass and the Colusa Basin Drain.*

Review of the Region-wide MUN Evaluation Process Basin Plan Amendment

- Central Valley Water Board Staff provided a walk-through of draft documents covering the following areas of the Region-wide MUN Evaluation Process Basin Plan Amendment:
 - General Project Alternatives
 - No Action
 - Region-wide Water Body Categorization Framework
 - Basin-by-Basin Water Body Categorization Framework
 - Site Specific Objectives
 - Beneficial Use components
 - MUN
 - LIMITED MUN
 - De-designate MUN
 - Beneficial Use designation components
 - Different levels of MUN assigned to different categories of water bodies
 - Water Quality Objectives components
 - MUN – no change
 - LIMITED MUN - Narrative vs. Numeric objectives
 - No MUN – no associated water quality objectives
 - Implementation components
 - “As Needed” vs. Time schedule to categorize all Central Valley Ag dominated water bodies
 - Process (flowchart) to develop categories
 - Reporting by district/entity

- Follow-up by staff
 - Monitoring/Surveillance components
 - Use existing programs
 - Hybrid approach using regional monitoring programs
 - New MUN monitoring program
- Comments from stakeholder were as follows:
 - General consensus that the Region-wide Water Body Categorization Framework remained the preferred alternative.
 - Suggestion that “stakeholder resources” be added to the project alternative selection criteria regarding the efficient use of water board resources.
 - Questions regarding whether or not subsurface drainage and storm water drainage (when the drain is constructed to protect agriculture) would be considered as “Ag drainage” for C1, M1 and B1 water body categories.
 - Concern that a LIMITED MUN would not have as stringent monitoring requirements because it lacks the monitoring requirement seen in exception 2b of the Sources of Drinking Water Policy.
 - Could a LIMITED MUN water body even be permitted by the Division of Drinking Water should the need to provide MUN water come up in the future?
 - Concern that a narrative objective for LIMITED MUN, while more flexible, would be hard to regulate with. Narrative objectives can be subject to different interpretations.
 - Implementing the MUN evaluation process on an “as needed” basis may create agricultural areas that have both MUN and non-MUN water bodies – will this be more difficult for ILRP to regulate?
 - Monitoring concerns mirrored those brought up for the Sacramento POTW Basin Plan Amendment. Additional comments regarded managing a region-wide process, creating consistency across basins and ensuring ongoing water quality data evaluations.
- Additional considerations
 - Tulare Lake Basin

- Currently there is no MUN-related case study for the Tulare Lake Basin. The lake floor provides a good example of an Ag recirculation system, but the valley floor water bodies are not designated MUN.
 - Inclusion of the Tulare Lake will require amendments to two basin plans (Tulare Lake Basin Plan and the Sacramento River/San Joaquin River Basin Plan)
 - Central Valley Water Board staff will continue to include the Tulare Lake Basin in the project, recognizing that it may be more difficult to incorporate the MUN evaluation process to a basin with no case study.
- Supply Canals
 - The San Joaquin Tributary Authority submitted an additional water body categorization flow chart in October 2013 for supply channels. The flow chart included a category that de-designates specific types of supply channels that have no water rights for MUN. There is no exception in the Sources of Drinking Water Policy for supply-only channels which makes the feasibility of MUN de-designation less certain. Stakeholder feedback was as follows:
 - De-designating MUN from supply channels provides very little flexibility for MUN use in the future. The last 25 years in California and the current drought conditions show that water management can change significantly.
 - A LIMITED MUN beneficial use water quality objective should be crafted to protect the use and management of the supply channel for the its intended purpose while not limiting it from being used for MUN in the future.
 - Could a seasonal LIMITED MUN be used to provide more flexibility for different times of the year when uses are in place?

Action Items:

- *Stakeholders can submit their comments on the MUN Process Basin Plan draft project alternatives and components to Anne Littlejohn (anne.littlejohn@waterboards.ca.gov).*
- *Debbie Webster agreed to review POTWs in the Tulare Basin and send potential case study candidates to Anne Littlejohn.*

- *Central Valley Water Board staff will check with the Division of Drinking Water regarding any permitting restrictions that may result if a LIMITED MUN is designated.*

Project Schedule and Future Meetings

The Board Meeting schedule for 2015 had not been approved so dates provided at the meeting were still tentative. The meeting schedule subsequently approved at the October Board Meeting points to a February 2015 Board hearing and an April 2015 Board adoption meeting for the POTW amendment

- Sacramento POTW Basin Plan Amendment
 - Comments due by end of October 2014
 - Completed DRAFT Staff Report and response to comments – December 2014
 - Stakeholder meeting January 2015
 - Regional Board Meeting for a hearing – **Feb 2015 (in Rancho Cordova)**
 - Regional Board Meeting for adoption – **April 2015 (in Fresno)**
- Region-wide MUN Process Basin Plan Amendment
 - DRAFT Staff Report - available sections for public review in February 2014
 - Stakeholder meeting to review items – March 2015
 - Regional Board Workshop– **April 2015 (in Fresno)**

Action Items:

- *Central Valley Water Board staff will provide updates to the project timeline as needed via Lyris emails and website updates.*
- *Anne Littlejohn will send out a Meet-o-Matic meeting poll for a January 2014 stakeholder meeting.*
- *Meeting notes will be posted to the website*