Board Hearing to Consider Adoption

Proposed Basin Plan Amendment to Establish a Region-wide Process for Evaluating the Municipal and Domestic Supply (MUN) Beneficial Use in Agriculturally Dominated Surface Water Bodies

Cindy Au Yeung
Environmental Scientist

Anne Littlejohn
Sr. Environmental Scientist

Past Board Meetings

April 2015 Board Meeting

- Adoption of Sacramento MUN BPA
- Overview of Region-wide MUN Evaluation BPA

July 2015 Board Workshop

- Limited MUN (LMUN) Beneficial Use

August 2016 Board Workshop

- Implementation and Key Issues

February 2017 Board Hearing

- **1st Hearing** of Proposed Amendments

Presentation Overview

I. Overview of Proposed Amendments

II. Public Comments and Responses

- Proposed Revisions

III. Staff Recommendation

Why Are We Here?

Goal

Consistent - Transparent – Streamlined

Process for appropriate application and level of protection of MUN in Ag dominated surface water bodies

Why Are We Here?

- Incorporation of the "*Sources of Drinking Water Policy*" into Basin Plans
  - Overly-conservative restrictions – Primary and Secondary MCLs
  - Limits water reuse and conservation

Why Are We Here?

- *Sources of Drinking Water Policy* Exception 2b
  - Convey or hold Ag Drainage
  - Monitoring to assure compliance
- Exceptions require a Basin Plan Amendment

- Typical Basin Plan Amendment Process =

  3-5 years
- 6,000+ Ag water bodies
- Need standardized process

Stakeholder Participation

Project Participants

- ✓ CV Water Board
- ✓ CV-SALTS
- ✓ Four POTWs
- ✓ California DFW
- ✓ CDFA
- ✓ Delta Stewardship Council
- ✓ US EPA
- ✓ State Board Basin Planning
- ✓ Division of Drinking Water
- ✓ Agriculture
- ✓ Water Supply
- ✓ Urban Water Users

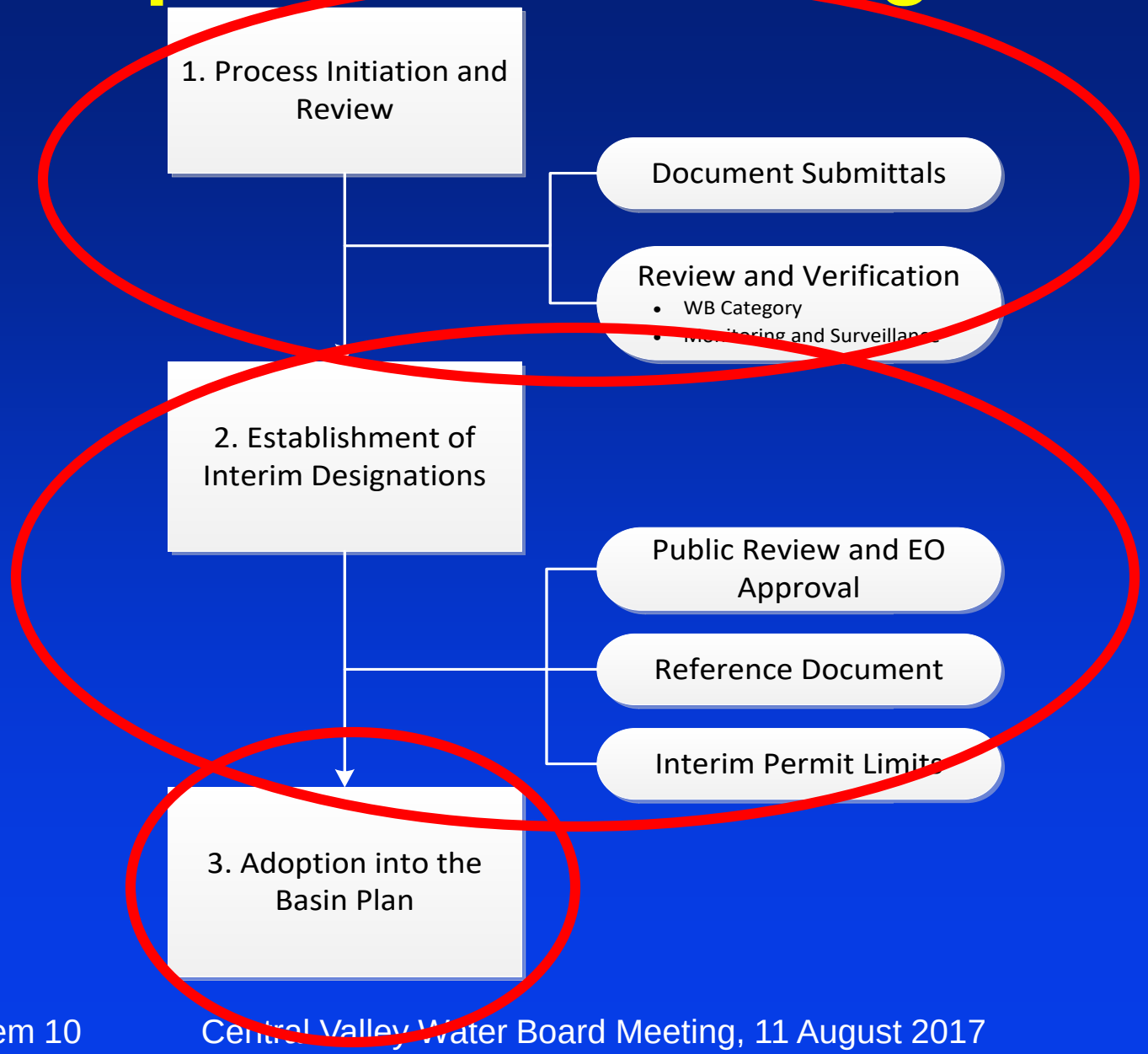
Stakeholder Meetings

- ✓ Quarterly 2012 – 2013; 2015
- ✓ Sept. 2014

Overview of Proposed Amendments

- Establish a Standardized Region-wide Evaluation Process
  - Water Body Categorization
  - Appropriate MUN and associated WQOs
    - Development of Limited MUN (LMUN)
  - Implementation
  - Monitoring/Surveillance

Implementation Program



Monitoring and Surveillance

- Requirements
  - Sources of Drinking Water Policy
  - State Antidegradation Policy
- Assessment
  - Comprehensive Monitoring Reference Guides

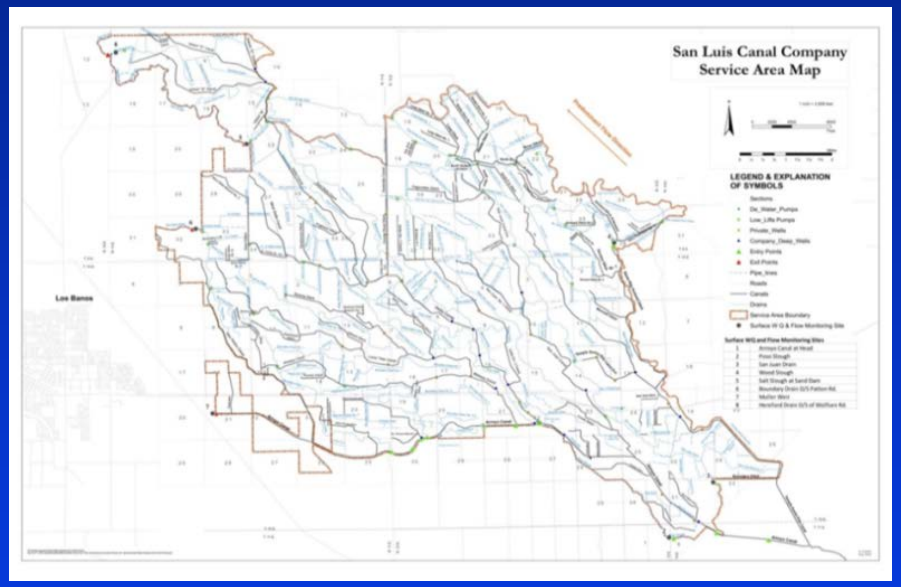
Monitoring and Surveillance

- Case-By-Case Monitoring Program Options
  - Interim monitoring recommendations
  - No unreasonable impacts downstream
- Monitoring Duration
- Discharger Responsibility
  - New or changing discharges
- Water Board Commitment
  - Coordination to augment data

SLCC Case Study

Applied evaluation process to San Luis Canal Company

- De-designate MUN in 231 constructed or modified Ag dominated water bodies

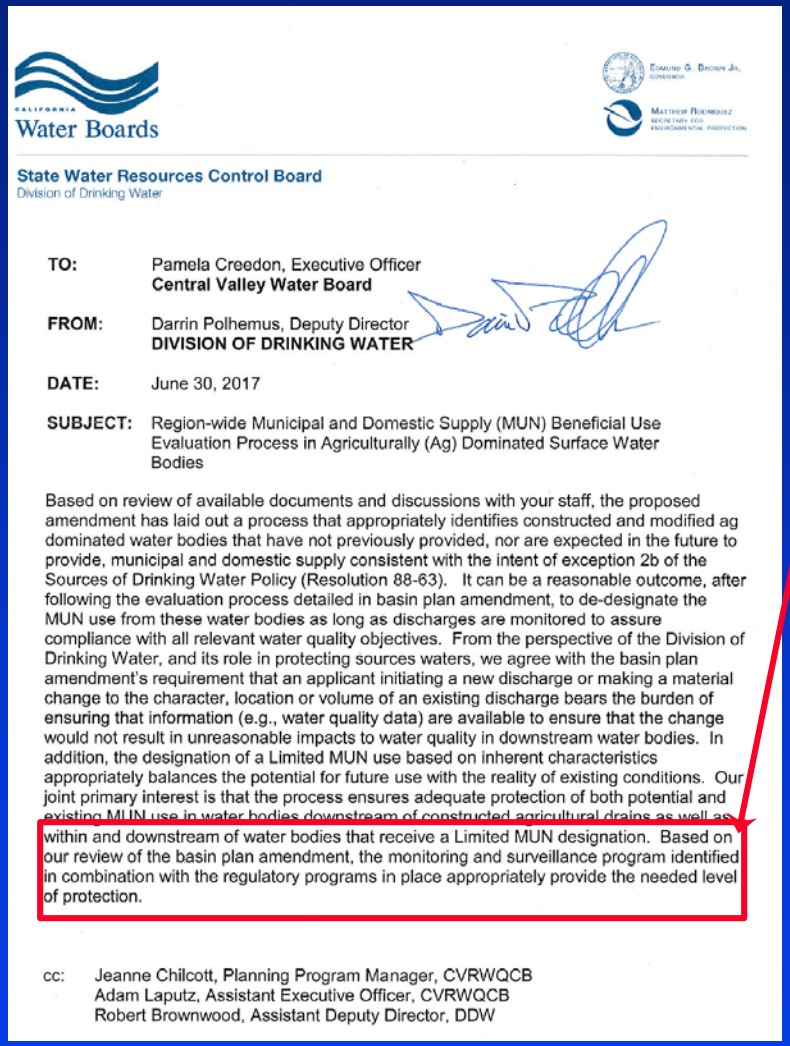


Public Comments

February 23, 2017 Board Hearing

- Public Oral Comments
  - Sacramento River Source Water Protection Program and City of Sacramento Department of Utilities
  - San Joaquin River Group Authority
  - Central Valley Clean Water Association
  - California Association of Sanitation Agencies
  - Turlock Irrigation District
  - Valley Water Management Company
  - San Joaquin Valley Drainage Authority/ Western San Joaquin River Watershed Coalition/ San Luis Canal Company
  - California Independent Petroleum Association
  - California Rice Commission
- Board Member Comment to Staff
  - Input from DDW

DDW Memo



Water Boards

State Water Resources Control Board
Division of Drinking Water

TO: Pamela Creedon, Executive Officer
Central Valley Water Board

FROM: Darrin Polhemus, Deputy Director
DIVISION OF DRINKING WATER

DATE: June 30, 2017

SUBJECT: Region-wide Municipal and Domestic Supply (MUN) Beneficial Use Evaluation Process in Agriculturally (Ag) Dominated Surface Water Bodies

Based on review of available documents and discussions with your staff, the proposed amendment has laid out a process that appropriately identifies constructed and modified ag dominated water bodies that have not previously provided, nor are expected in the future to provide, municipal and domestic supply consistent with the intent of exception 2b of the Sources of Drinking Water Policy (Resolution 88-63). It can be a reasonable outcome, after following the evaluation process detailed in basin plan amendment, to de-designate the MUN use from these water bodies as long as discharges are monitored to assure compliance with all relevant water quality objectives. From the perspective of the Division of Drinking Water, and its role in protecting sources waters, we agree with the basin plan amendment's requirement that an applicant initiating a new discharge or making a material change to the character, location or volume of an existing discharge bears the burden of ensuring that information (e.g., water quality data) are available to ensure that the change would not result in unreasonable impacts to water quality in downstream water bodies. In addition, the designation of a Limited MUN use based on inherent characteristics appropriately balances the potential for future use with the reality of existing conditions. Our joint primary interest is that the process ensures adequate protection of both potential and existing MUN use in water bodies downstream of constructed agricultural drains as well as within and downstream of water bodies that receive a Limited MUN designation. Based on our review of the basin plan amendment, the monitoring and surveillance program identified in combination with the regulatory programs in place appropriately provide the needed level of protection.

cc: Jeanne Chilcott, Planning Program Manager, CVRWQCB
Adam Laputz, Assistant Executive Officer, CVRWQCB
Robert Brownwood, Assistant Deputy Director, DDW

"Based on our review of the basin plan amendment, the monitoring and surveillance program identified in combination with the regulatory programs in place appropriately provide the needed level of protection"

Public Written Comments

- Comment Period: **23 January – 24 March 2017**
  - San Joaquin Tributaries Authority
  - California Rice Commission
  - California Safflower Growers Association
  - Sac. River Source Water Protection Program
  - SF Baykeeper, CSPA, PAN-North America, EJCW
  - Valley Water Management Company
  - California Urban Water Agencies
  - Turlock Irrigation District
  - Central Valley Clean Water Association
  - US Environmental Protection Agency
  - Group of 15 coalitions/growers in the Central Valley

Response to Comments Document

Main Document

- Section 1 – Broad issues
- Section 2 – Oral comments
- Section 3 – Written comments
- Section 4 – DDW Memo evaluating proposed amendments

Appendix A

- Additional responses to inserted comments by the Sacramento River Source Water Protection Program on draft Staff Report

Public Comments

Broad Issues

1. Adequacy of monitoring and surveillance program in protecting downstream beneficial uses
2. Cumulative impacts and long term protection
3. Consistency with *Sources of Drinking Water Policy*
4. Application and protection of the LMUN beneficial use

Broad Issue #1
Adequacy of Proposed Monitoring and Surveillance Program

Comments:

Process is insufficient to ensure adequate monitoring of discharges from de-designated or LMUN water bodies

Response:

- Case-by-case monitoring assessments & recommendations
  - Comprehensive Monitoring Guides
  - Evaluation of constituents of concern & data gaps
- Title 22 source water monitoring every 3-5 years

Broad Issue #2
Cumulative Impacts and Long Term Protection of Downstream MUN Water Bodies

Comments:

Insufficient review of potential cumulative impacts to downstream MUN water bodies and no long term protection

Response:

Clarification added to Staff Report.

- Ag management practice improvements have not been driven by MUN designations in ag drains & supply channels
- No significant change to water quality expected
- Antidegradation analyses will continue to be required

Broad Issue #3
Consistency with the *Sources of Drinking Water Policy*

Comments:

Inconsistent with the *Sources of Drinking Water Policy* (Resolution 88-63)

- Exception 2b is applied to water bodies that hold a combination of Ag supply and drainage
- Water bodies that do not meet the exceptions are designated LMUN

Response:

- Exception 2b – primary purpose of conveying/holding Ag drainage
- Board is not removing the MUN use, but recognizes that LMUN is a limited potential MUN source.

Broad Issue #4
Application and Protection of the LMUN Beneficial Use

Comments:

The LMUN definition is too vague and water quality objective is not protective of the water body and downstream beneficial uses

Response:

- Limited potential as a source of MUN
- Water quality and downstream beneficial uses will be protected consistent with the *State Antidegradation Policy*
  - requires specific findings before any degradation is allowed

General Comment
No Peer Review

Comments:

Do not agree with the rationale for no peer review. Important to obtain peer review including DDW and OEHHA.

Response:

- Process does not contain new science
- Relies on policy determinations, existing information and language in current policies.
- DDW memo

Specific Comments that Led to a Change in the Staff Report

Comments:

Amend Ag Drainage definition: Water leaving an agricultural field either from irrigation practices or **precipitation**.

Response:

Staff agrees that consistency is important between related programs

- Definition changed to include “precipitation”
- Clarification added on “primary purpose”

Specific Comments that Led to a Change in the Staff Report

Comments:

Staff Report does not include “use and value” determination (US EPA)

Response:

- Considerations already required by state laws and regulations
- Clarification added to draft Staff Report
  - Laws, Regulations, and Policies Section
  - Beneficial Uses Section

Specific Comments that Led to a Change in the Staff Report

Comments:

Economic evaluation lacks consideration and analysis of drinking water treatment and residual management costs for downstream utilities

Response:

- Additional Section to discuss potential impacts to Utilities and Service Systems
- Revisions to the Environmental Checklist to acknowledge water purveyors may incur additional costs, but less than significant impact

Summary
Revisions since February Hearing

- Staff Report
  - Clarifications
- Basin Plan Language
  - Addition of agricultural drainage definition
  - Water Body Categorization Flow Chart
  - Clarification MUN Narrative Objectives
- Late Revisions
  - Basin Plan Language – additional clarifications
  - Staff Report – consistency and clarifications
  - Resolution – clarification and new finding (Board guidance)

Next Steps & Timeline

Regional Board Hearing to consider Adoption	Today
State Board Hearing Review/Approval	TBD (December 2017)
OAL & US EPA Review/Approval	TBD (June 2018)

Staff Recommendation

Adopt Resolution that:

- Approves the Staff Report and its supporting environmental documentation with revisions
- Adopts the Basin Plan Amendment into the Basin Plans

Questions?