

Proposed Modifications to the Basin Plans to Incorporate a Secondary Maximum Contaminant Level Policy

CHAPTER 3 WATER QUALITY OBJECTIVES

The following edits are proposed for the Sacramento River and San Joaquin River Basin Plan's *Chapter 3 Water Quality Objectives* in the sections indicated below. Note that these changes are also proposed for the Tulare Lake Basin Plan.

WATER QUALITY OBJECTIVES FOR INLAND SURFACE WATERS

Chemical Constituents

Waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses...

At a minimum, surface water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) specified in the following provisions of Title 22 of the California Code of Regulations (Title 22), which are incorporated by reference into this plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, and Table 64444-A (Organic Chemicals) of Section 64444., and Tables 64449-A (Secondary Maximum Contaminant levels Consumer Acceptance Limits) and 64449-B (Secondary Maximum Contaminant Levels Ranges) and of Section 64449. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. ~~At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/l. The Regional Water Board acknowledges that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters under specific circumstances. To protect all beneficial uses the Regional Water Board may apply limits more stringent than MCLs.~~

In addition, for surface waters designated MUN the concentration of chemical constituents shall not exceed the “maximum contaminant level” specified in Title 22, Table 64449-A or the “Upper” level specified in Table 64449-B, unless otherwise authorized by the Regional Water Board in accordance with the provisions of Title 22, section 64449 et seq. Constituent concentrations ranging to the “Upper” level in Table 64449-B are acceptable if it is neither reasonable nor feasible to provide more suitable waters; in addition, constituents ranging to the “Short Term” level in Table 64449-B may be authorized on a temporary basis consistent with the provisions of section 64449(d)(3). This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. In cases where the surface water natural background concentration of a particular chemical constituent exceeds the maximum contaminant level specified in Table 64449-A or “Upper” level specified in

Table 64449-B, the surface water shall not exceed that natural background concentration due to controllable anthropogenic sources, unless the Regional Board authorizes it consistent with State Antidegradation Policy.

At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/l. The Regional Water Board acknowledges that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters under specific circumstances. To protect all beneficial uses the Regional Water Board may apply limits more stringent than MCLs. The provisions of this section do not supersede or modify any of the requirements imposed by the California Toxics Rule (CTR) or the related State Implementation Plan (SIP).

WATER QUALITY OBJECTIVES FOR GROUNDWATERS

Chemical Constituents

Ground waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.

At a minimum, ground waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) specified in the following provisions of Title 22 of the California Code of Regulations (Title 22), which are incorporated by reference into this plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of §Section 64431, and Table 64444-A (Organic Chemicals) of §Section 64444. , and ~~Tables 64449-A (Secondary Maximum Contaminant levels Consumer Acceptance Limits) and 64449-B (Secondary Maximum Contaminant Levels Ranges) of Section 64449.~~ This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. ~~At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/l. To protect all beneficial uses the Regional Water Board may apply limits more stringent than MCLs.~~

In addition, for ground waters designated MUN, concentration of chemical constituents shall not exceed the “maximum contaminant level” specified in Title 22, Table 64449-A or the “Upper” level specified in Table 64449-B unless otherwise authorized by the Regional Water Board in accordance with the provisions of Title 22, section 64449 *et seq.* Constituent concentrations ranging to the “Upper” level in Table 64449-B are acceptable if it is neither reasonable nor feasible to provide more suitable waters; in addition, constituents ranging to the “Short Term” level in Table 64449-B may be authorized on a temporary basis consistent with the provisions of section 64449(d)(3). This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. In cases where the natural background concentration of a particular chemical constituent exceeds the maximum contaminant level specified in Table 64449-A or “Upper” level specified in Table 64449-B, the

ground water shall not exceed that natural background concentration due to controllable anthropogenic sources, unless the Regional Board authorizes it consistent with State Antidegradation Policy.

At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/l. To protect all beneficial uses the Regional Water Board may apply limits more stringent than MCLs.

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CHAPTER 4 IMPLEMENTATION

The following paragraphs are proposed for addition to the Sacramento River and San Joaquin River Basin Plan's *Chapter 4 Implementation* at a location in the Chapter to be determined. Note that these changes are also proposed for the Tulare Lake Basin Plan.

Secondary Maximum Contaminant Level

For the chemical constituents identified in section 64449 (Table B) of Title 22 of the California Code of Regulations (Title 22), the water quality objectives shall be set as described in Chapter III-3.0 of this water quality control plan. Lower concentrations of these chemical constituents are desirable for promoting greater consumer confidence and acceptance of water supplied by community water systems, and, where it is reasonable and feasible to do so, WDRs should consider the “Recommended” values in section 64449 (Table B). These “Recommended” concentrations are not water quality objectives per se but should be considered water resource management goals similar to other public policy goals established by the Regional Water Board and State Water Board to encourage meeting the best possible water quality while allowing greater water conservation, increased use of recycled water, more stormwater harvesting, additional groundwater recharge and storage, better drought protection, and allowing agricultural and wastewater dischargers to continue to discharge to groundwater basins and surface water bodies.

To implement the SMCLs in the Chemical Constituents section of the surface water and groundwater quality objectives, the Regional Water Board shall consider, as appropriate, a number of site-specific factors when developing WDRs, including, but not limited to:

- The availability of assimilative capacity in the receiving water and compliance with the antidegradation and mixing zone policies where those policies apply;
- Naturally occurring background concentrations;
- Background concentrations due to prior anthropogenic activities where it is not feasible or practicable to remediate the effect of these past discharges;
- The net effect of discharges that improve receiving water quality;
- The presence or absence of other mineral (e.g., anion-cation balance) that may mitigate or aggravate aesthetic acceptability;
- The application of appropriate long-term averaging periods to evaluate compliance with WDR monitoring requirements for the parameters identified in section 64449 (Table B);
- The potential impact on downstream beneficial uses (MUN-designated surface water and groundwater), including potential to impact water quality at the nearest downstream intakes for a community water system;
- Evaluation of downstream or down-gradient community water system(s) to determine if a waiver under Title 22, section 64449.2 has been obtained or if the provisions of Title 22, section 64449.4 are being met.

- The practicality and feasibility of achieving compliance with the SMCLs at the point-of-discharge (including consideration of source control and pollution prevention programs, treatment alternatives, the cost for achieving compliance, the availability of alternative water supplies for drinking water, ability to pay, and other economic factors including the cost of non-compliance);
- The ability of drinking water treatment processes to remove contaminants and the potential effect on drinking water treatment costs for downstream and down-gradient community water systems;
- Consideration of other regional salinity management requirements, including the ability to meet existing downstream salinity-related water quality objectives in the SRSJR and TLB Basin Plans and Bay Delta Plan¹ and policies, recommendations or regulations resulting from implementation of the CV-SALTS Salinity Management Strategy (see SNMP Attachment A-3);
- Potential for the permitted discharge to affect the concentration of constituents identified in Tables 64449-A and 64449-B at downstream and downgradient community water systems to ensure a safe drinking water supply for users.
- Need for additional monitoring to track the net effect of permitted discharges at locations upgradient of downgradient well locations where groundwater is extracted for water supply and to determine the need for additional management requirements to protect the supply.
- The State Water Board's Recycled Water Policy and the Central Valley SNMP's goals to increase the use of recycled water, increase stormwater use, and increase water conservation as mechanisms to increase drought protection.
- The long-term cumulative and collective impact of all discharges to the same receiving water.
- Modeling and any reduction in contaminants due to factors such as dilution and soil adsorption; and
- Other environmental considerations including, but not limited to: habitat preservation, support for recreational uses.

Compliance with any chemical constituent in Tables 64449-A of 64449-B shall be determined from the annual average of sample results based on the techniques in (a) and (b) below.

- Compliance with the chemical constituent water quality objective may be determined using tests other than for "total", such as methods using variations of filtered samples, where such methods have been analyzed for their appropriateness, for the following constituents identified in Title 22, section 64449 (Table A): Aluminum, Color, Copper, Iron, Manganese, Silver, Turbidity and Zinc.
- Compliance with the chemical constituent water quality objective shall be determined from an unfiltered water sample for the following constituents

¹ Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, State Water Board, December 13, 2006.

identified in Title 22, section 64449 (Table A): Foaming Agents (MBAs), Methyl-tert-Butyl Ether (MTBE), Odor-Threshold and Thiobencarb.

- (c) For receiving waters that have been deemed exempt from surface water filtration requirements, compliance with chemical constituent water quality objectives for all parameters identified in section 64449, Tables A and B, shall be determined using an unfiltered water sample.²

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² USEPA. *National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule*. 71 Federal Register: 654-786. January 5, 2006.