

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
October 7, 2022

ITEM: 4

SUBJECT: Public Hearing on Proposed Resolution No. R1-2022-0040 to consider adoption of the Policy Statement for Groundwater Protection in the North Coast Region. (*Chris Watt*)

BOARD ACTION: The Board will consider adoption of Proposed Resolution No. R1-2022-0040.

BACKGROUND: In 2004 and 2007, as part of a Triennial Review of the Water Quality Control Plan for the North Coast Region (Basin Plan), staff planned for a two-part Groundwater Protection Strategy, with the initial phase related to water quality objectives for groundwater. The second phase was anticipated to consist of an implementation approach to protect high groundwater quality and improve degraded groundwater quality throughout the region. This implementation approach was anticipated to take the form of a Basin Plan Amendment and/or a Policy Statement.

During adoption of the 2014 Triennial Review of the Basin Plan in March 2015, the Regional Water Board identified this second phase of the Groundwater Protection Strategy¹ as a priority project. In March 2015, the Regional Water Board also adopted a Basin Plan Amendment incorporating water quality objectives for groundwater. The 2018 Triennial Review retained the Groundwater Protection Strategy as a priority project to address potential impacts to the beneficial uses of groundwater from the discharge of waste by identifying management measures and monitoring program requirements to ensure that all land-based waste discharges are designed to protect applicable beneficial uses and meet water quality objectives set forth in the Basin Plan.

In April 2021, the Regional Water Board adopted Resolution No. R1-2021-0006 *Groundwater Basin Evaluation and Prioritization Results Supporting Salt and Nutrient Management Planning* which identified priority groundwater basins and provided direction to staff on salt and nutrient management planning. The aforementioned resolution also directed staff to proceed with developing a Policy Statement for Groundwater Protection in the North Coast Region, outlining a range of strategies to protect high groundwater quality and improve degraded groundwater quality within the region and to present the Policy Statement for Board consideration within the shortest

¹ Triennial Review Project No. 5 included the development of a groundwater protection policy, a policy to promote groundwater recharge, programmatic approach to managing salts and nutrients in groundwater, and the update of Table 2-1 of the Basin Plan to include beneficial uses for individual groundwater basins, where appropriate.

time practicable. Under Water Code section 13224, the Regional Water Board is authorized to issue policy statements relating to any water quality matter within its jurisdiction. A policy statement expresses in a resolution an opinion of the Regional Water Board without having direct regulatory effect.

DISCUSSION: The Proposed Resolution No. R1-2022-0040 identifies the relevant policies and regulations used by the Regional Water Board to protect and restore groundwater quality and describes the implementation challenges, limitations, and complexities in protecting groundwater quality.

The Proposed Policy Statement Resolution includes a position statement on groundwater protection in the North Coast Region: “The Regional Water Board is committed to protecting high-quality groundwater and restoring degraded groundwater to support all beneficial uses now and in the future especially given increasing reliance on groundwater in the North Coast Region. Groundwater supplies in the North Coast Region are used for: 1) drinking water, sanitation, and hygiene consistent with the Human Right to Water described in Regional Water Board Resolution No. R1-2019-0004; 2) agriculture and industries which are major economic drivers in the region, 3) Native American ceremonies and traditions; 4) aquaculture operations; and 5) replenishment of flows to streams (e.g. contribution to instream flows) to maintain beneficial uses of surface water, especially cold freshwater habitat, migration of aquatic specifics, wildlife habitat, and spawning, reproduction, and early development of fish.”

The proposed Policy Statement Resolution directs staff to use all existing authorities to protect high-quality groundwater, restore degraded groundwater, and to develop a Work Plan for implementation of actions to address implementation challenges, limitations and complexities including:

- a) Continue to advance internal guidance for prescribing Waste Discharge Requirements (WDRs).
- b) Refining the process of prioritizing and conducting reviews and preparing revisions to individual WDRs and the possible transition of individual WDRs to general WDRs.
- c) Identifying and implementing appropriate regulatory authorities to protect groundwater quality from discharges covered by statewide general permits and policies.
- d) Continue participating in State Water Board-led venues for the review/update of statewide general orders and policies with a focus on protecting groundwater quality.
- e) Providing compliance and technical assistance to Small and Disadvantaged Communities with wastewater collection and treatment facilities.
- f) Continue working with Local Agencies to develop effective Water Quality Assessment Programs for onsite wastewater treatment systems.
- g) Continue evaluating the need for groundwater monitoring in Monitoring and Reporting Programs for recycled water projects in priority groundwater basins which lack an approved Salt and Nutrient Management Plan.

- h) Continue working with the State Water Board to provide information where the implementation of Groundwater Sustainability Plans may impair, restore, and/or protect the quality of groundwater and surface waters.
- i) Continue engaging with local, regional, state, tribal, and federal agencies which influence the monitoring, protection, and restoration of groundwater quality.
- j) Prioritizing the development of a general WDR or waiver of WDRs for groundwater recharge projects using surface waters which provides groundwater quality protections while promoting groundwater recharge.
- k) Through the Triennial Review process, considering the need to amend the Basin Plan should existing authorities of the Regional Water Board be insufficient to protect high quality groundwater and restore degraded groundwater supplies.

RESPONSE TO COMMENTS: During the 30-day public comment period, staff received two comment letters from organizations and two from private citizens. Regional Water Board staff held tele-conferences and had email exchanges with several of the commenters. Through discussion with Mendocino County Farm Bureau staff the first paragraph following: "THEREFORE, BE IT RESOLVED THAT" was moved down to replace the first resolve (therefore numbering of the subsequent resolves were increased by one) and the word "beneficially" was added after the word "currently" in the paragraph beginning with, "Groundwater supplies in the North Coast Region are currently beneficially used for..." In general, comments can be grouped into the following categories: 1) general statements and/or acknowledgements; and 2) recommended changes to resolution wording. Staff prepared a written response to each timely comment which is included with the agenda materials. Though staff do not anticipate the Proposed Resolution will be contested, staff will provide a staff presentation to the Regional Water Board.

RECOMMENDATION: Adopt Resolution No. R1-2022-0040, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Resolution No. R1-2022-0040, redline-strikeout version
2. Response to Comments
3. Public Notice

Public Comments are provided to Board Members. The public may request email copies of public comments by contacting the lead staff person for this item at chris.watt@waterboards.ca.gov.