

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 25-26 July 2013**

**Response to Written Comments for the
Drinking Water Policy for the Surface Waters of the
Sacramento-San Joaquin Delta and Upstream Tributaries**

At a public hearing scheduled for 25 and 26 July 2013, the Regional Water Quality Control Board, Central Valley Region (“Central Valley Water Board” or “Board”) will consider adoption of an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (“Basin Plan”) to establish a Drinking Water Policy (“Policy”) for the surface waters of the Sacramento-San Joaquin Delta and its upstream tributaries. This document contains responses to written comments received from interested parties regarding the draft Staff Report and Basin Plan Amendment. Written comments from interested parties were required by public notice to be received by the Central Valley Water Board by 15 May 2013 to receive full consideration. Comments were received from the US EPA, Stakeholder Workgroup Core Team Members, and the San Joaquin River Group Authority.

Written comments from the above interested parties are summarized below, followed by the responses of Central Valley Water Board staff. Based on the comments, Central Valley Water Board staff made some changes to the draft Staff Report and Basin Plan Amendment. Central Valley Water Board staff also made some changes to correct typographical errors and to improve clarity.

US EPA COMMENTS

US EPA and Central Valley Water Board staff held teleconferences prior to and after receipt of the US EPA comment letter and have agreed on language to address the comments received as reflected below.

US EPA Comment No. 1: US EPA wanted to ensure that Central Valley Water Board permitting staff had discretion in assessing reasonable potential for the new narrative objective for *Cryptosporidium* and *Giardia*.

RESPONSE: In consultation with US EPA and interested stakeholders, staff developed additional reasonable potential language that was acceptable to all parties. The new reasonable potential language has been included in the revised Basin Plan Amendment.

STAKEHOLDER WORKGROUP CORE TEAM MEMBERS COMMENTS

The stakeholder workgroup supports the draft Policy and had a few comments regarding consistency and clarity issues in an effort that the workgroup had been involved in for about a decade. The stakeholders and Central Valley Water Board staff discussed the comments during the April workgroup meeting and after the April Board Meeting. Central Valley Water Board staff support the suggested changes proposed by the stakeholder workgroup core team members.

Stakeholder Comments No. 1 and 2: The first couple of comments are to clarify the intent of the draft Policy and make the language more consistent with the overall effort.

Stakeholder Comments No. 3 and 4: Comments 3 and 4 provided clarity on the reasonable potential language in the draft Policy.

Stakeholder Comment 5: Comment 5 addressed the potential costs to agriculture from the Drinking Water Policy and includes information from the agricultural stakeholders on how to most appropriately estimate the potential costs.

RESPONSE: Staff included the recommended changes in the draft Staff Report and Basin Plan Amendment.

SAN JOAQUIN RIVER GROUP AUTHORITY COMMENTS

While the San Joaquin River Group Authority supported the approach of the draft Policy, it expressed concern that the draft Policy would widen the application of the existing Sources of Drinking Water Policy. Specifically, the San Joaquin River Group Authority was concerned about the application of the draft Policy to agricultural drains and canals in the San Joaquin River Basin and the potential economic consideration element of the draft Policy. Staff has discussed the comments and responses with the San Joaquin River Group Authority and understand they will not object to the adoption of the draft Policy.

San Joaquin River Group Authority Comment No. 1: The San Joaquin River Group Authority urges the Board and staff to modify the draft Drinking Water Policy to exclude “Ag water supply canals and Ag drains unless they are presently a source of municipal or domestic water supply.”

RESPONSE: The draft Policy includes a narrative objective for *Cryptosporidium* and *Giardia* with compliance to be assessed at public water system intakes. The focus of the objective and implementation element on public water system intakes is in keeping with the spirit of the San Joaquin River Group Authority’s comments. However, the draft Policy does not modify the MUN beneficial use nor does it amend the Sources of Drinking Water Policy. It would not be appropriate to exclude agricultural waterbodies from the draft Policy without justification and without undergoing the process of modifying the Sources of Drinking Water Policy. As the San Joaquin River Group Authority mentioned in its comment letter, there is another Board planning effort working on evaluating the appropriateness of the blanket MUN designation as mandated by the Sources of Drinking Water Policy. That planning effort is the appropriate venue to address potential changes to the Sources of Drinking Water Policy.

San Joaquin River Group Authority Comment No. 2: The San Joaquin River Group Authority’s primary concern with the draft Policy “is the requirement to monitor. The costs to conduct monitoring in all the canals and drains in the San Joaquin River Basin would be huge. These costs are not presented in Section 4.5.4 “Economic Considerations”.”

RESPONSE: The draft Policy supports a one-time special study to further characterize ambient background conditions, potential sources and fate and transport of *Cryptosporidium*. The draft Policy also includes a provision for the Board to consider requiring monitoring for organic carbon, salinity and nutrients when monitoring is conducted to evaluate the effectiveness of management practices for other constituents. Therefore, there will not be mandated monitoring for San Joaquin River Basin canals and drains.

San Joaquin River Group Authority Comment No. 3: The San Joaquin River Group Authority expressed concern that if the draft Policy is applied to irrigation canals and drains, this would seriously restrict use of recycled water and needs to be analyzed.

RESPONSE: The draft Policy does not impose any restrictions on the development or use of recycled water. The draft Policy includes a narrative objective for *Cryptosporidium* and *Giardia* and clarifies that the existing narrative water quality objective for chemical constituents includes drinking water chemical constituents of concern, such as organic carbon. The draft Policy includes an implementation element for the proposed narrative objective and supports a one-time special study for *Cryptosporidium*. The draft Policy also recognizes elements of the Basin Plan that apply to the protection of the MUN beneficial use the importance of a multi-barrier approach that includes source water protection, drinking water treatment, and protection of water quality in the drinking water distribution system and for drinking water systems to provide monitoring and public information for its customers. These elements will not impose restrictions on the development or use of recycled water.