

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION NO. R5-2004-0091

**IN SUPPORT OF DEVELOPING A
DRINKING WATER POLICY
FOR THE
SACRAMENTO-SAN JOAQUIN DELTA AND UPSTREAM TRIBUTARIES**

WHEREAS:

1. Surface waters of the Central Valley Region provide drinking water supply for more than 65 percent of California's population.
2. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta. It is a cooperative effort of more than 20 state and federal agencies including the Central Valley Regional Water Quality Control Board, the State Water Resource Control Board, the U.S. Environmental Protection Agency, the California Department of Health Services, the California Resources Agencies, and the U.S. Department of the Interior.
3. The CALFED Bay-Delta Program addresses water quality problems in the Sacramento-San Joaquin Delta in the Central Valley Region, and has identified the following drinking water quality concern:

Source water from the Bay-Delta poses treatment challenges and public health concerns for the 22 million Californians who drink the water.
[CALFED Bay-Delta Program Water Quality Program Plan, July 2000, pgs. 3-4]

4. CALFED Agencies have identified a general target of continuously improving Delta water quality for all uses, including in-Delta environmental and agricultural uses and, for the drinking water quality program, CALFED Agencies have developed a specific goal based upon extensive stakeholder and agency involvement:

CALFED Agencies' target for providing safe, reliable, and affordable drinking water in a cost-effective way, is to achieve either: (a) average concentrations at Clifton Court Forebay and other southern and central Delta drinking water intakes of 50 µg/L bromide and 3.0 mg/L total organic carbon, or (b) an equivalent level of public health protection using a cost-effective combination of alternative source waters, source

control and treatment technologies. [CALFED Bay-Delta Program Record of Decision, August 28, 2000, pg. 66]

The Bay-Delta Public Advisory Committee Drinking Water Subcommittee has developed a conceptual framework to achieve the CALFED goal of an equivalent level of public health protection, and source water quality improvement in the Bay-Delta watershed is a component of the framework.

5. In August 2000, CALFED issued a Record of Decision in the Bay-Delta Program that specifically mentions the need for a drinking water policy for the Delta and its upstream tributaries, and that states, in part that:

CVRWQCB, with support from the CALFED Agencies and DHS, will establish a comprehensive State drinking water policy for Delta and upstream tributaries by the end of 2004. [CALFED Bay-Delta Program Record of Decision, August 28, 2000, pg 67]

6. The Regional Board is a signatory to the Implementation Memorandum of Understanding for the CALFED Drinking Water Quality Program, executed on May 22, 2002, which states that:

CVRWQCB, in consultation with DHS, SWRCB, and USEPA, will have primary responsibility for development of a State drinking water policy for the Delta and its tributaries.

7. The CALFED Record of Decision designates other specific actions to improve drinking water quality including:

- address drainage problems in the San Joaquin Valley,
- implement source controls in the Delta and its tributaries,
- invest in water treatment technologies,
- relocate drinking water intakes,
- implement water quality blending and exchange programs,
- implement conveyance and operations improvements, and
- investigate additional storage capacity.

8. The State Water Resources Control Board (State Board) set water quality objectives for salinity for municipal and industrial beneficial uses in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, adopted in May 1995.

9. The State Board's "Sources of Drinking Water" Policy (Resolution 88-63) designates the MUN beneficial use for all surface and ground waters except for those: 1) with total dissolved solids exceeding 3,000 mg/L, 2) with contamination that cannot reasonably be treated for domestic use, 3) where there is insufficient

- water supply, 4) in systems designed for wastewater collection or conveying or holding agricultural drainage, or 5) regulated as a geothermal energy producing source. Resolution 88-63 addresses only *designation* of water as drinking water sources; it does not establish objectives for constituents that threaten source waters designated MUN.
10. The Regional Board has authority to formulate and adopt water quality control plans, establish water quality objectives, and develop implementation plans under California Water Code §13240, §13241, and §13242. Water quality objectives are defined under State law as “the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.” (Water Code §13050(h)). Water code §13000 states that “activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those water and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.”
 11. The Regional Board’s Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) includes narrative objectives for chemical constituents, taste and odor, sediment, suspended material, and toxicity, and numeric objectives for chemical constituents and salinity. The Basin Plan incorporates the primary and secondary maximum contaminant levels (MCLs) specified in Title 22 of the California Code of Regulations for waters designated MUN.
 12. Although the Basin Plan addresses many constituents that threaten drinking water source waters, the Regional Board 1998 and 2002 Triennial Reviews of the Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins identified development of a policy for maintaining water quality for drinking water as high priority.
 13. The Regional Board has designated the drinking water beneficial use (MUN) for most waters in the Central Valley (there are over 60 waterbodies listed in Basin Plan Table II-1 with MUN as an existing or potential beneficial use) and the Tributary Rule¹ applies the MUN designation to most undesignated water bodies in the Region.

¹ "The beneficial uses of any specifically identified water body generally apply to its tributary streams." (1998 Basin Plan, Central Valley Region, pg II-2.00)

THEREFORE BE IT RESOLVED, that the Central Valley Regional Water Quality Control Board:

1. Recognizes that meeting the goal of clean, safe drinking water requires a multi-barrier approach² consisting of protecting source water, appropriately treating raw water, and ensuring safe distribution of treated water to consumers' taps.
2. Recognizes the need for clear guidance and a focused drinking water policy in order to ensure reasonable protection for Central Valley source water.
3. Acknowledges that the January 14, 2003 Work Plan "Development of Drinking Water Policy: Central Valley Region Basin Plan" is the means to develop a comprehensive drinking water policy.
4. Acknowledges that not all drinking water constituents of concern are known or can be immediately addressed due to data, economic, or technical constraints.
5. Supports implementation of CALFED Record of Decision water quality actions to the extent possible while the drinking water policy is under development, consistent with the CALFED Bay-Delta Program's approach to balanced implementation of all Program elements.
6. Supports cooperative efforts to develop resource and funding commitments that will ensure protection of water quality in the Delta and upstream tributaries.
7. Supports coordination of drinking water policy development with State and Regional Board plans and programs and with related programs at other agencies.
8. Considers a drinking water policy as a priority for funding (including grant funding) and Regional Board staff resource allocation.
9. Shall seek to ensure that the development of a Central Valley drinking water policy occurs in an inclusive, open process with active collaboration and coordination among stakeholders and regulatory agencies, consistent with existing State Board plans and the Regional Board's authority under the California Water Code.
10. Shall seek to ensure that the development of a Central Valley drinking water policy is based on the best available science, cost-effectiveness, and feasibility of implementation.

² EPA's Office of Groundwater and Drinking Water advocates a multi-barrier approach to drinking water assessment and protection. A multiple barrier approach includes the protection of drinking water at its source, adequate treatment, and ensuring safe distribution system of treated water to consumers' taps. "Source water protection is the critical initial component in the Safe Drinking Water Act multiple barrier protective scheme." (USEPA memo on Source Water Protection and Assessment from Assistant Administrator Tracy Mehan to Regional Administrators, February 8, 2003)

11. Shall seek to ensure that an implementation plan, when developed, is consistent with the requirements of the Basin Planning process, will set forth the means by which proposed water quality objectives will be achieved, and will include an assessment of the ability to control sources of key drinking water constituents while maintaining a healthy, viable ecosystem.
12. Shall seek to determine what actions are necessary to provide improved protections of source water quality for drinking water beneficial uses in the Central Valley, with the goal of completing the policy development and all actions deemed necessary, potentially including a Basin Plan Amendment, by 2009.

I, THOMAS R. PINKOS, Executive Office, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 9 July 2004.

Original Signed by
THOMAS R. PINKOS, Executive Officer