

ITEM: 5

SUBJECT: Discussion of draft Basin Plan Amendments that would establish a water body categorization framework that the that the Board could utilize to determine the appropriate application of, and level of protection for, the Municipal and Domestic Supply (MUN) beneficial use in different types of agriculturally-dominated (Ag dominated) surface water bodies

BOARD ACTION: *Informational Item only.* Staff presentation and oral comments for consideration in development of proposed Basin Plan Amendment.

BACKGROUND: The Central Valley Water Board has incorporated the *Sources of Drinking Water Policy* into its Basin Plans, and has designated all surface and ground water bodies in the Central Valley region as supporting the MUN beneficial use unless a particular water body is specifically designated as not supporting the MUN beneficial use in the Basin Plans. Furthermore, the Basin Plans specify that water bodies supporting the MUN beneficial use must, at a minimum, meet the primary and secondary Maximum Contaminant Levels (MCLs) contained in Title 22 of the California Code of Regulations for chemical constituents, pesticides, and radionuclides. Though the *Sources of Drinking Water Policy* contains an exception for water bodies designed and/or modified to convey agricultural drainage, this exception is not self-implementing – the Board is required to protect the MUN beneficial use even in water bodies designed and/or modified to convey agricultural drainage unless and until a Basin Plan amendment is adopted that specifically de-designates the MUN use in such water bodies.

Over 6,500 Ag dominated water bodies exist in the Central Valley and include facilities constructed or modified to convey agricultural supply or drainage as well as natural channels that are dominated by agricultural flows during a majority of the irrigation season. Only a handful of these water bodies are listed in the Basin Plans. Therefore, the MUN beneficial use currently applies to all remaining ag dominated water bodies, which means that the Board would currently require discharges into these water bodies meet MCLs developed for the direct consumption of the water (e.g. from the tap). Implementing such requirements is overly protective in many circumstances and restricts the functionality of many designed systems and the ability to maximize limited water resources through reuse.

The draft Basin Plan Amendments would add a standardized region-wide process for evaluating and implementing the MUN beneficial use and associated water quality objectives in Ag dominated surface water bodies across the Central Valley. The process would have the effect of streamlining the MUN de-designation process and/or refining the designation of MUN and level of protection in appropriate situations.

The preferred alternative was developed through a stakeholder process and identifies different types of Ag dominated surface water bodies based on their inherent characteristics. The draft Basin Plan Amendments propose to utilize the *Sources of Drinking Water Policy* Exception 2b where appropriate to de-designate the MUN beneficial use from categories of Ag dominated surface water bodies that are designed or modified to convey or hold agricultural drainage waters. The draft Basin Plan Amendments would also establish a Limited Municipal and Domestic Supply (LMUN) beneficial use for other Ag

dominated water bodies that do not meet the Sources of Drinking Water Policy exceptions but that have inherent limiting conditions, such as low or intermittent flows and/or elevated natural background constituent concentrations.

Since development of the draft Basin Plan Amendments began in February 2012, numerous stakeholder meetings were held to discuss alternatives, technical issues, and preliminary draft Basin Plan Amendment language. The workshop materials include the draft Basin Plan Amendment language as well as an Executive Summary. The purpose of this workshop is to provide the Board with information regarding the draft Basin Plan Amendments and to receive comments.

ISSUES:

Issues identified by Board staff include:

- Relative benefits of naming every Ag dominated water body regardless of size versus incorporating smaller water bodies by reference.
- Appropriate level of public review and response to concerns within standardized process
- Adequacy of monitoring efforts to detect water quality changes and cumulative impacts, and ensure the protection of beneficial uses in downstream water bodies (i.e. those with existing or potential MUN uses including, but not limited to, the Sacramento, Feather and San Joaquin rivers and the Delta).

RECOMMENDATION N/A – Informational item only.

Mgmt. Review   JEC  

Legal Review   PEP  

17 August 2016

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