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December 18, 2013

Mr. Eric Oppenheimer
State Water Resources Control Board
eric.oppenheimer@waterboards.ca.gov

Dear Mr. Oppenheimer:

Subject: Groundwater Workplan Concept Paper

The Alameda County Water District (ACWD) thanks you for the opportunity to comment on the State Water Resources Control Board’s (State Board) Groundwater Workplan Concept Paper (Workplan). ACWD has reviewed the Workplan and would appreciate your consideration of the following comments:

1. Section 1, Managing California’s Groundwater – Regional Leadership, page 1: This section states, *“We envision a future where well-equipped local and regional groundwater management entities use monitoring information and thresholds to manage and maintain groundwater of sufficient quality at sustainable levels over the long-term; and where local and regional management efforts are backed-up by State support and oversight, where needed.”*

ACWD agrees with the concept of groundwater management being conducted at the local level and backed up by State support when necessary. This statement suggests that successful groundwater management at the local level is the State Board’s vision for the future. This section should acknowledge that there are local entities in California that are currently successfully managing their groundwater basins.

2. Section 3.1, Sustainable Thresholds, pages 3-4: Water Quality Objectives in Basin Plans and the Antidegradation Policy are identified in this section as the two main water quality thresholds overseen by the Water Boards. Even though these thresholds are protective of groundwater quality, in practice, these thresholds are sometimes circumvented through other policies and regulations. An example is the Low-Threat Underground Storage Tank Case Closure Policy (Low-Threat Policy). Depending on site conditions, this policy can allow floating product, 3,000 micrograms per liter (ug/l) of benzene, and/or 1,000 ug/l of methyl tert butyl ether (MTBE) to remain in groundwater at the time of case closure. For comparison, the Water Quality Objectives for benzene and MTBE for the San Francisco Bay Area are 1 ug/l and 5 ug/l, respectively.

Closing cases with elevated concentrations of petroleum hydrocarbons in groundwater will have an impact on water quality and groundwater resources for decades to centuries, and will result in a loss of storage capacity for groundwater basins state-wide. In addition, closing numerous sites with contaminants remaining in groundwater will also interfere with water utilities and groundwater management agencies ability to develop new groundwater resources (e.g., new water supply production wells), and given that all monitoring wells will have been destroyed, it will not be possible



to confirm when those sources will be available again unless new monitoring wells are installed. The State Board's Groundwater Workplan should evaluate the implementation of the Low-Threat Policy, and recommend how this policy can be revised to support established Water Quality Objectives in Basin Plans and the Antidegradation Policy, and to protect sensitive groundwater basins.

3. Section 3.1.1.2, Sustainable Thresholds, Potential Water Board Actions, page 4: This action item states, *"Incorporate into Basin Plans thresholds for salt and nutrients contained in Salt and Nutrient management Plans."*

In addition to incorporating thresholds for salt and nutrients into Basin Plans, ACWD recommends that water quality objectives for petroleum hydrocarbon constituents also be incorporated into Basins Plans for those constituents that are not currently listed [i.e., total petroleum hydrocarbons as gasoline (TPH-gas), total petroleum hydrocarbons as diesel (TPH-diesel), tert butyl alcohol (TBA), ethyl tert butyl ether (ETBE), tert amyl methyl ether (TAME), di-isopropyl ether (DIPE), ethanol (EtOH), and naphthalene. These compounds are especially critical since the Low-Threat Policy only requires consideration of compounds with water quality objectives currently adopted in Basin Plans, thereby allowing leaking underground fuel tank sites to be closed with elevated concentrations of petroleum hydrocarbons (that do not have water quality objectives) remaining in groundwater.

4. Section 3.1.2.2, Sustainable Thresholds, Potential Actions for Others, page 4: This action item states, *"The Legislature should require local groundwater management entities to establish thresholds for sustainable groundwater management in their local groundwater management plans and to report their progress."*

If the Legislature requires local groundwater management entities to establish thresholds for sustainable groundwater management, then the State Board and Regional Boards should support these thresholds and ensure that existing State Policies do not conflict with local groundwater protection efforts. This is often not the case at the numerous contaminated sites that the State Board is closing over the objections of the Regional Board, local oversight agencies, and groundwater management entities.

Any new requirements imposed by the State Board should take cost of implementation into consideration. The establishment of thresholds implies that additional monitoring would also be required to demonstrate compliance with the thresholds. The results of monitoring would then need to be reported in a format acceptable to the State Board. Therefore, the overall cost of implementing, complying, and reporting needs to be evaluated during the development of new requirements in legislation and regulations.

5. Section 3.2.1.1, Monitoring and Assessment, Potential Water Board Actions, page 5: This action item states, *"Add a basin assessment module to GeoTracker GAMA that provides publicly-accessible information on groundwater quality and is capable of analyzing trends in high-use basins."*

The basin assessment module should also integrate water quality data from cleanup sites, especially those sites that are closed by the State Board with elevated concentrations of contaminants remaining in groundwater. Wells monitored through the Groundwater Ambient Monitoring and Assessment Program (GAMA) are often sparse in coverage and sampled infrequently. Contaminants reported by cleanup sites represent existing impacts or potential threats to the local water quality and therefore

should be included in basin assessments. Currently only nitrate from cleanup sites are reported by GeoTracker GAMA.

6. Section 3.2.1.3, Monitoring and Assessment, Potential Water Board Actions, page 5: This action item states, *“Require groundwater level data coming to the State Water Board to be submitted directly to CASGEM.”*

The groundwater level data referred to in this item needs clarification. Groundwater level data currently being submitted to CASGEM have been collected according to procedures and monitoring plans reviewed and approved by the Department of Water Resources. Duplication or overlapping requirements from two different State agencies should be avoided. All data submitted to CASGEM should have the same data format, and also the same data quality as existing data in the system.

7. Section 3.2.1.4, Monitoring and Assessment, Potential Water Board Actions, page 5: This action item states, *“Require all groundwater quality data submitted pursuant to Water Board requirements to be in a format compatible with GeoTracker GAMA.”*

Again, the groundwater level data referred to in this item needs clarification. It is unclear if the State Board will be requiring additional groundwater level and water quality data from water agencies beyond what is being submitted currently to the Department of Water Resources. Duplication or overlapping requirements from two different State agencies should be avoided.

8. Section 3.2.2.2, Monitoring and Assessment, Potential Actions for Others, page 6: This action item states, *“The Legislature could expand the State Water Board’s Groundwater Recordation Program, which requires reporting of groundwater pumping, to basins subject to critical overdraft.”*

Most water agencies in California are not familiar with the Groundwater Recordation Program since it only applies to four counties. This program should be described in the workplan. In addition, any proposed legislation should clearly define the criteria for a groundwater basin to be incorporated into this program.

9. Section 3.2.2.6, Monitoring and Assessment, Potential Actions for Others, page 6: This action item states, *“The Legislature should enact legislation that establishes a framework of statutory authority for the Water Boards, in coordination with other State and local agencies to improve the coordination and cost effectiveness of groundwater quality monitoring and assessment, enhance the integration of monitoring data across departments and agencies, and increase public accessibility to monitoring data and assessment information.”*

Groundwater monitoring and assessment are typical elements of groundwater management plans established by local water agencies. The State agencies already have CASGEM, GAMA, and GeoTracker for groundwater data integration and sharing. It is unclear what additional authority the Water Board would be seeking in proposed legislation. The costs of any new requirements should be considered prior to developing proposed legislation.

10. Section 3.2.2.8, Monitoring and Assessment, Potential Actions for Others, page 6: This action item states, *“The Legislature should require property owners with either a private domestic well or other unregulated groundwater system (2-14 service connections) to sample their well and disclose its water quality as part of a point of sale inspection before property title transfer or purchase.”*

Private wells are not only a potential exposure pathway for groundwater contamination, but they are also a potential conduit for surface contamination to enter into the subsurface or for shallow groundwater contamination to migrate vertically into deeper drinking water aquifers. Proposed legislation should also require that all wells (e.g., monitoring, domestic, irrigation, inactive, abandoned) be disclosed and brought into compliance with the local well ordinance before a property title transfer or purchase.

11. Section 3.3, Governance and Management, page 6: This section states, *“In vulnerable and high-use basins, groundwater management is necessary to ensure that thresholds for water quality and quantity are not exceeded.”*

ACWD agrees that some groundwater basins, such as the Niles Cone Groundwater Basin, require a higher degree of protection because they are actively used and are more sensitive or vulnerable to groundwater quality degradation through either individual or cumulative effects. To this end, during the State Board’s development of the Low-Threat Policy, ACWD objected to the adoption of the Low-Threat Policy, and requested the State Board to modify the Low-Threat Policy to: (1) Provide an exemption for groundwater basins that are actively used as a drinking water supply and are vulnerable to contaminants; and (2) Address the cumulative impact on water quality and groundwater resources from closing numerous cases with elevated concentrations of petroleum hydrocarbons.

The State Board did not incorporate ACWD’s recommendation and adopted the Low-Threat Policy without providing any exemptions for sensitive groundwater basins. Therefore, ACWD recommends that the Low-Threat Policy reference cited under “Existing Governance and Management Activities” be identified as the following “Potential Options for New Water Board Actions”:

- 1) Evaluate the Low-Threat Policy, and recommend how this policy can be revised to provide an exemption for vulnerable or high-use groundwater basins.
- 2) Evaluate the cumulative impact on water quality and groundwater resources from closing numerous underground storage tank cases with elevated concentrations of petroleum hydrocarbons in sensitive groundwater basins.

12. Section 3.3.2.3, Governance and Management, Potential Recommendations to Others, page 8: This action item states, *“Enact legislation that would allow for the establishment of Active Management Areas with specific requirements governing the management of groundwater including withdrawal, use, storage, and monitoring/reporting.”*

The workplan should define the term “Active Management Area”, outline the process for creating an Active Management Area, and prohibit any overlap of areas with existing groundwater management authority.

13. Section 3.4, Funding, Potential Recommendations to Others, page 9: This action item states, *“Establish a funding source that also addresses liability for cleanup of contaminated sites where responsible parties are unavailable, unable, or unwilling to pay for cleanup.”*

ACWD supports the concept of a “Cleanup Fund” for contaminated sites caused by sources other than underground fuel tanks. This type of a fund is especially needed for dry cleaner sites where many significant releases have occurred, but the owners and operators are unable to pay for cleanup. If a

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new fund is created, the State Board should closely coordinate cleanup activities with local groundwater management agencies so that the funds are prioritized and used in vulnerable and high-use groundwater basins.

Many of the groundwater management and protection efforts discussed in the Workplan are currently being implemented by ACWD and other groundwater management agencies. ACWD would appreciate the support of the State Board in encouraging the management and protection of groundwater basins at a local level. Given the potentially significant cost impacts of proposed new programs and legislation in the Workplan Concept Paper, ACWD would like to be actively involved in the development of the Workplan.

Should you have any questions about our comments or need more information, please feel free to contact Steven Inn, Groundwater Resources Manager, at (510) 668-4441, or by e-mail at steven.inn@acwd.com.

We look forward to working with State Board staff in the development of the Groundwater Workplan. Thank you for your consideration of our comments.

Sincerely,



Robert Shaver
Assistant General Manager - Engineering

si/uf

cc: Steven Inn, ACWD