

Meeting Notes

Evaluation of the MUN beneficial use in Agriculturally Dominated Water Bodies

May 28, 2013

9:00 AM -3:00 PM

Location: Central Valley Regional Water Quality Control Board Office, 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670: Training Room

Attendees:

California Cotton Ginners and Growers Association – Casey Creamer (*by phone*)

California Department of Fish and Game (Fresno) – Rachel McNeal (*by phone*)

California Rice Commission - Roberta Firoved, Tim Johnson

California Urban Water Agencies – Elaine Archibald

Central Valley Clean Water Association – Debbie Webster

Central Valley Water Board - Anne Littlejohn, Betty Yee, Calvin Yang, Jeanne Chilcott, Phil Woodward

City of Colusa – Jesse Cain

City of Live Oak – Bill Lewis

City of Willows – Skyler Lipski

Glenn Colusa Subwatershed Program – Larry Domenighini (*by phone*)

Delta Stewardship Council – Mark Bradley (*by phone*)

J.G. Boswell Company – Dennis Tristao (*by phone*)

Larry Walker and Associates – Betsy Elzufan, Tom Grovhoug

Northern California Water Association – Bruce Houdesheldt (*by phone*)

Metropolitan Water District – Lynda Smith

Sacramento River Joint Source Water Protection Program – Bonny Starr

San Joaquin River Group Authority – Dennis Westcot

San Joaquin Valley Drainage Authority – David Cory

Santa Clara Water District – Laura Young (*by phone*)

South San Joaquin Irrigation District – Jim Atherstone

State Water Resources Control Board – Diane Barclay

Sterling Caviar – Tom Henderson

Tulare Lake Drainage District – Mike Nordstrom

Turlock Irrigation District – Debbie Liebersbach

Meeting Summary

Brief update on Sacramento Case Study Monitoring

- Central Valley Water Board staff provided a brief review of the Sacramento Case Study monitoring summary provided to participants prior to the meeting. The summary contained water quality results for the monitoring conducted in the areas of Biggs, Colusa, Live Oak and Willows over the past year and included a summary of E. coli results.

Review Updated Alternatives – Beneficial Use Designation/Water Quality Objectives

- Central Valley Water Board staff initiated the discussion with Table 1 – Proposed MUN Beneficial Use Designation by category and Table 2 – Proposed Water Quality Objectives. Comments and concerns were as follows:
 - Need to clarify and define “Existing” use more clearly in both tables. Squirrel Creek was used as an example of some of the complexities that may exist.
 - Federal definition using the 1975 date vs. the “attained” state definition
 - What if a water body was used for MUN after 1975 but the use is no longer possible (e.g. hydro-modification since that time precludes use)?
 - Will water quality be considered?
 - The existing definition of MUN in the Basin Plans is too vague
 - “...but not limited to drinking water supply”
 - Use of Water Rights records to find “existing” MUN water bodies may not be the best tool.
 - Could Riparian Rights include the MUN use? Suggestion to check with the Water Rights Division at State Board to see if MUN use is specified.
 - What if an entity has a Water Right for MUN use but has not exercised that right – would the water body be reclassified as a “Potential” MUN?
 - Will illegal MUN use qualify a water body with an “Existing” use?
 - Need for narrative water quality objective for “Existing” use not clear

- Some water bodies like the Delta are used for MUN but require more than standard treatment
 - How is this addition of a narrative Water Quality objective helpful?
- Option of lessening or removing secondary Maximum Contaminant Levels (MCLs):
 - Water suppliers must report annually on the water quality of source water including the total levels of secondary MCLs.
 - Public perception of water quality goes down when secondary MCLs are not met, even if there is not a human health concern.
 - The Sacramento River at times does meet total concentrations of secondary MCLs – would reducing or removing these requirements affect the water quality in the future?
 - Crops like rice do not do well at the higher ranges of the conductivity secondary MCL range
 - Public health drinking water regulations recommend that the lower ranges of the secondary MCLs should be strived for.
 - Averages should be changed to yearly instead of monthly to better align with water supplier regulations.
 - Are the instantaneous concentrations necessary?
- Option of creating a “Potential” category:
 - Can there be a trigger if a “Potential” water body changes to have an “Existing” use? What type of process could be in place for this? Will permits be reopened to address this upgrade to “Existing” use? Can limits be built into the permit for both scenarios?
 - Uncertainty that potential use should be regulated differently from existing use.
 - Concern as to the cumulative effects of lowering the water quality objectives
- Option of creating a “Limited” category:
 - The definition should not include “enhanced coagulation” because this is already often used for many surface water supplies.
 - Add another option for “non-potable” supply
 - The concentration of metals in the supply water is a concern for rice production due to plant accumulation and marketing concerns. Suggestion was made to see which trace metals affect rice in comparison to the MUN MCLs.
 - Monitoring costs need to be equitable, especially if there is only a minimum benefit of using this category.

- Potential use of a water quality trigger rather than final numeric objectives
- Site-specific assessments may be needed to really evaluate the appropriate protection of these waters.
- The use of the name “Limited” is misleading as it sounds like the use is already in place. Consider the use of “Potential Limited”
- The category would be useful in terms of having the flexibility to handle ground water and storm water without worrying about meeting primary and secondary MCLs. (Note: beyond scope of this effort)
- Mixed opinions on whether or not having this category would turn these types of water bodies into “dumping” areas since districts have the ability to control what comes into their facilities? Is there a real threat that dischargers would change their discharge location? If so, would that be worse than land discharge, for example?

Action Items:

- *Stakeholders will further consider proposed options and provide feedback to Central Valley Water Board staff prior to the next stakeholder meeting.*
- *Rice coalition representatives will research and report back to Central Valley Water Board staff which metals and concentrations need to be considered for protection of rice crops.*
- *Central Valley Water Board staff discuss with DPH concerns with monthly, annual, instantaneous measurements.*
- *Central Valley Water Board staff discuss with Water Rights specifics contained within permits.*

Initiate Discussion on Implementation

- Central Valley Water Board staff used a straw-man (example) Implementation proposal to initiate discussion on the steps needed to implement the Basin Plan amendment. Comments and feedback included:
 - Use of Water Rights to find water bodies with “existing” MUN use
 - Not the best tool and may be too complicated. Just ask the district manager/operator the question in the survey – is there or isn’t there MUN use in the water body? If yes, how is the water conveyed?
 - The California Department of Public Health has a listing of large water supply systems and county health departments have listings of smaller systems.
 - Use of original Inland Surface Water Plan reports – are they easily available?
 - Water body listings and summary reports are available in electronic format. However, original reports are hard copy and not as easily accessible.

- Categorization process could be “harder to chase” for smaller entities such as small community surface water system providers. Need to consider all water users in the area under consideration and be sure that the public notification process is effective and that a website be available listing areas under review.
- Water body verification may be difficult and resources intensive
 - Accessibility – is there public access to verify a specific water body?
 - Does the Central Valley Water Board have the staff and resources to do this type of verification?
 - Dependent on timing of submittals and level of required review. Likely possible to verify all claimed ag dominated natural and modified channels and spot check 10% of constructed water bodies.
 - What does it mean to do a site survey?
 - Typically aerially in remote locations with ground-truthing in coordination with local agency—depending on the claim and concerns.
- Use of a Reference Document to list water bodies and categories
 - General consensus was that a Reference Document could be very useful to avoid going through a Basin Plan Amendment process every time an update is needed.
 - Potential needs to be reviewed by Central Valley Water Board legal staff
 - What type of public review process would be needed for updating a Reference document? Could we use any permit process as well as the Triennial Review?
- Use of a Compliance Time Schedule
 - A compliance schedule may be effective in pooling resources for a concentrated effort to categorize a certain area and to provide better notification to the public.
 - If a Reference Document is not a legal option, Central Valley Water Board staff would prefer a Time Compliance Schedule to ensure that as many water bodies as possible can be updated with each Basin Plan Amendment process.
- Categorizing on an “as needed” basis
 - This would give the flexibility for interested parties to opt in or opt out of the process. Those water bodies that are not listed would fall into the “Potential” category.
 - Can water bodies remain in the Unclassified box and be easily changed to another MUN level after categorization or would an onerous de-designation process be necessary?

- Categorizing on an “as needed” basis would ensure that the higher priority water bodies are taken care of first (those that are in permits for example) and not overtax resources by requiring time be spent on thousands of water bodies that are not currently an issue. “When it matters”
 - Use of some type of refined “Tributary” rule
 - Is there a mechanism where we can focus on an area and then use a modified tributary rule?
 - Using two different processes could be too confusing
 - May be helpful in reducing the resources needed to name and categorize every individual water body.
 - Need to distinguish between how supply and drains flow because supply water bodies may not have a downstream water body or “tributary”.
 - How would the monitoring requirement from the Sources of Drinking Water Policy be fulfilled if utilizing tributary approach?
 - Operation Plans for Ag Recirculating Systems
 - There is no currently required document that such systems could utilize across the region to satisfy this requirement. The Tulare Lake Basin had a Department of Water Resources study completed in the 1980s that showed their system had 98% efficiency.
 - No such plan was known to be done for rice, but the Rice Coalition representatives will look at previously approved processes used when rice production was under a closed recirculating system.
 - Grassland Area Drainers did operate under District “Drainage Operation Plans” during the early phases of the selenium control program.
 - Tulare Lake District representatives will consider what type of information they would expect to see in an Operations Plan for their system
 - Preference for such a plan to only need an Executive Officer approval over a Board Approval
 - Likely more palatable if requirements for such a plan identified as part of the basin plan amendment.

Action Items:

- *Stakeholders will further consider implementation options and provide feedback to Central Valley Water Board staff.*
- *Rice coalition representatives will work with Central Valley Water Board staff potential refined tributary rule and options to consider for monitoring and surveillance.*

- *Tulare Lake District representatives will consider options for an Operations Plan and work with Central Valley Water Board staff to develop a draft template. Staff will provide Grassland Drainage Operation Plan templates as an initial strawman.*
- *Central Valley Water Board staff will meet with their legal counsel to review options for a using a Reference Document in lieu of updating the Basin Plan each time a water body is categorized.*
- *Central Valley Water Board staff will provide original report templates for categorizing water bodies, requested from districts in 1992.*

Project Schedule and Future Meetings

- July 2013
 - Continue Implementation Discussion, including Monitoring and Surveillance. Discuss other policy issues (e.g. drought, maintenance, maximize recycling, etc.)
- September 2013
 - Identify preferred project alternative. This is a shift back in the schedule of 1-2 months to ensure that topics aforementioned are adequately discussed. There was concern that this delay could affect the Time Compliance Schedules of the Sacramento POTWs.

Action Items:

- *Central Valley Water Board staff will send out a Meet-o-Matic to assist with scheduling the next meeting in July.*
- *Central Valley Water Board staff will provide meeting material to participants approximately 1-2 weeks prior to next scheduled meeting.*