

BEFORE THE
STATE WATER RESOURCES CONTROL BOARD
STATE OF CALIFORNIA

In re Petition of Southern California)	CLOSING BRIEF OF THE
Water Company to Revise the)	CALIFORNIA REGIONAL
Declaration of Fully Appropriated Stream)	WATER QUALITY CONTROL
Systems Regarding the American River,)	BOARD, CENTRAL VALLEY
<u>Sacramento County</u>)	REGION

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I. INTRODUCTION

Pursuant to the procedural schedule established by Hearing Officer Silva in the matter of the Petition of Southern California Water Company (SCWC) to Revise the Declaration of Fully Appropriated Stream Systems Regarding the American River, Sacramento County (Petition), the California Regional Water Quality Control Board for the Central Valley Region (Regional Board) submits its closing brief. The Regional Board appreciates the opportunity to have participated in this proceeding.

II. DISCUSSION

The Regional Board's interest in this Petition stems from the Regional Board's involvement, over the past decades, in remediating groundwater pollution at and around the Aerojet-General Corporation (Aerojet) property in the proximity of the American River. The Regional Board is charged by law with the mission and responsibility of protecting water quality, and, in turn, improving the environment and safeguarding public health. The Regional Board has been and continues to be very concerned with the impact of the various contaminant plumes in the Aerojet area on the availability of water supplies to the local community in which SCWC and other water purveyors, including Participants California American Water Company (Cal-Am) and Sacramento County Water Agency (County), operate.

It is undisputed that many drinking water wells in the Rancho Cordova area either have been shut down or are threatened by contamination. The Regional Board is actively involved in the pursuit of water supply replacement measures to provide temporary and final replacement for those lost supplies, and to provide replacement

supplies in the event additional wells are shutdown in the future. One of these temporary replacement measures involves the construction of new water supply wells. However, the Regional Board remains concerned that new supply wells may not be the long-term solution due to the existing contamination and the limited available sustainable yield of the groundwater basin.

SCWC states that its application "will request a right to appropriate only those flows discharged by Aerojet. That is, the amount of SCWC's appropriation will be tied directly to the amount of water discharged by Aerojet. While Aerojet is currently authorized to discharge as much as 3500 gpm, this quantity may be increased in the future, and such additional discharges would also be subject to appropriation by SCWC." SCWC Petition, p. 5.

At the time of the hearing in this matter, Aerojet was permitted under a National Pollution Discharge Elimination System (NPDES) permit to discharge up to 3450 gallons per minute (gpm) of treated groundwater from its American River Study Areas Groundwater Extraction and Treatment (GET) System to the American river. At the time of the hearing, Aerojet also was permitted under the terms of a governing Partial Consent Decree to discharge to land approximately 3600 gpm of treated groundwater extracted from the GET E/F facility. A tentative revised NPDES permit to instead allow up to 6000 gpm of treated groundwater from the GET E/F facility to be discharged to the American River was made an exhibit to this proceeding (SCWC Exh. 25). Since the hearings on the Petition were concluded, the Regional Board, on July 19, 2002, in fact adopted a revised NPDES permit (No. CA0083861) to allow this GET E/F discharge.

The March 6, 2002 Notice of Hearing states that: "This hearing will address water discharged under NPDES Permit No. CA0083861 and foreseeable revisions to the same NPDES permit only (hereinafter referred to as 'treated groundwater discharged into the American River')." Notice, p. 3. While the Regional Board recognizes that the record in this matter has closed, the Regional Board wishes to point out that the revised NPDES permit adopted by the Regional Board on July 19, 2002 permits Aerojet to discharge treated groundwater in the same manner and in the same quantities as contemplated in the tentative revised permit. Thus, while the revised NPDES permit continues to authorize the above-described discharge in the American River Study Areas GET System, it also allows Aerojet to discharge 6000 gpm from Aerojet's GET E/F System to Buffalo Creek and/or (Alder Creek) Lake Natoma.

The revised NPDES permit differs from the tentative permit (SCWC Exh. 25), however, because it includes a requirement that Aerojet prepare two separate technical reports evaluating (1) the effects of groundwater extraction and discharge on the sustainable yield of the groundwater basin in the area and (2) the viability of potential options for reuse of the treated water that Aerojet discharges pursuant to this permit. The permit also differs from the tentative revised permit in SCWC Exh. 25 in that it sets forth the Regional Board's positions that treated groundwater should be reused where feasible and that the highest priority for the reuse of discharged water is as replacement water for lost drinking water supplies. The Regional Board is prepared to provide a copy of the recently adopted permit to the Hearing Officer and to parties to this proceeding if the Hearing Officer believes it would be useful to do so.

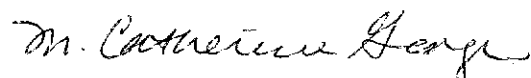
III. CONCLUSION

None of the testimony offered during the hearings in this matter has caused the Regional Board to alter its previously articulated position that if the State Board grants the Petition and determines that water from the American River may be available for appropriation, the highest priority for use of the discharged water is as replacement water for drinking supplies for affected communities, whether served by SCWC or another water purveyor. It remains the case that one possible means for Aerojet to meet its water replacement obligations under documents governing cleanup at and around its property is to use the water it extracts and treats to provide affected water purveyors with replacement drinking water supplies. If this discharged water can be made available for this purpose, there would be no net loss of water from the groundwater basin and the impacts caused by groundwater cleanup would be reduced. At least in the short term, it is not clear to the Regional Board what other viable sources of replacement water exist.

Finally, if, as a result of this proceeding, the State Board ultimately determines that the water Aerojet discharges is available for appropriation, the Regional Board continues to urge the State Board to consider whether affected water purveyors other than SCWC also may be entitled to claim a portion of the water discharged to surface water by Aerojet under its NPDES permit.

August 5, 2002

Respectfully submitted,



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