

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – CENTRAL VALLEY REGIONAL WATER BOARD  
AUGUST 18, 2015**

**ITEM 2**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS TO REMOVE THE MUNICIPAL AND DOMESTIC SUPPLY (MUN) BENEFICIAL USE IN TWELVE CONSTRUCTED AND/OR MODIFIED WATER BODIES IN THE SACRAMENTO RIVER BASIN

**DISCUSSION**

On April 16, 2015, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution R5-2015-0022](#) amending the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to remove the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed and/or modified water bodies in the Sacramento River Basin.

The twelve water bodies were constructed and/or modified to convey agricultural drainage and also receive treated municipal wastewater effluent from the cities of Biggs, Colusa, Live Oak or Willows under National Pollutant Discharge Elimination System (NPDES) permits. Flows from the receiving water bodies for the cities of Colusa and Willows (Ag Drain C (Logan Creek), New Ditch (2011), Powell Slough, and unnamed tributary) discharge in to the Colusa Basin Drain, while the receiving water bodies for the cities of Biggs and Live Oak (Cherokee Canal, East Interceptor Canal, Lateral 1, Lateral 2, Lateral K, Main Drainage Canal (C Main Drain), Wadsworth Canal, and Western Intercepting Canal) flow into the Sutter Bypass. The Colusa Basin Drain and the Sutter Bypass both discharge into the Sacramento River and neither water body is designated with the MUN beneficial use.

The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan) incorporates the *Sources of Drinking Water Policy* (State Water Board [Resolution No. 88-63](#)), which applies the MUN beneficial use to all surface and ground water bodies in the Sacramento and San Joaquin watersheds unless a water body is specifically listed in the Basin Plan as a water body that does not support the MUN beneficial use. The Basin Plan's list of water bodies that do not support the MUN beneficial use does not include the twelve water bodies named in the amendment, which means that the MUN beneficial use currently applies to these water bodies. The Basin Plan contains water quality objectives specifying 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.

The *Sources of Drinking Water Policy* contains exception criteria for water bodies designed and/or modified to convey agricultural drainage (Exception 2b). Utilizing this exception requires a Basin Plan Amendment to remove the MUN use. In addition, Exception 2b requires that discharges from dedesignated water bodies be monitored to assure compliance with all relevant

water quality objectives. This amendment relies on Exception 2b to dedesignate the MUN beneficial use from the twelve water bodies.

Stakeholder meetings were initiated by staff in early 2012 to gather pertinent information such as construction history, operational and monitoring activities, water quality, and flow characteristics for each of the twelve water bodies. Central Valley Water Board staff coordinated with a variety of stakeholders including representatives from U.S. EPA, State Water Resources Control Board (Division of Water Quality and Division of Drinking Water), California Fish and Wildlife, water supply agencies, irrigation districts, local cities, the agricultural community, and the Delta Stewardship Council. Staff also coordinated internally with the Irrigated Lands Regulatory Program (ILRP), the Surface Water Ambient Monitoring Program (SWAMP), and the NPDES program.

Information gathered during this three-year stakeholder process and through staff survey and monitoring efforts demonstrates that the MUN use has not occurred in the past, is not occurring presently, and is not expected to occur in the foreseeable future in these twelve water bodies. In addition, a review of the monitoring activities in the Colusa Basin Drain, Sutter Bypass and the main stem Sacramento River to the Delta documents the wide variety of water quality constituents currently monitored and evaluated for the protection of all applicable beneficial uses in these downstream water bodies. Monitoring programs in these areas include Central Valley Water Board programs like ILRP and SWAMP as well as other programs like the State Water Resources Control Board Division of Drinking Water's Source Water Monitoring Program and the Department of Water Resources' (DWR) Municipal Water Quality Investigations.

Two comment letters were submitted pertaining to this amendment and both were supportive of its adoption.

## **POLICY ISSUE**

Should the State Water Board approve the amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to remove the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed and/or modified water bodies in the Sacramento River Basin?

## **FISCAL IMPACT**

Central Valley Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

## **REGIONAL BOARD IMPACT**

Yes, approval of this resolution will amend the Central Valley Water Board's Water Quality Control Plan for the Sacramento River and San Joaquin River Basins.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under Central Valley Water Board Resolution R5-2015-0022.

2. Authorize the Executive Director or designee to submit the amendment adopted under Central Valley Water Board Resolution R5-2015-0022 as approved, and the administrative record for this action to the Office of Administrative Law and the U.S. Environmental Protection Agency for approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity and climate change, throughout California's water planning processes. In particular, approval of this item will assist in fulfilling Objective 4.3 to achieve near-term priority Basin Plan amendment needs by collaborating in third-party processes.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS TO REMOVE THE MUNICIPAL AND DOMESTIC SUPPLY (MUN) BENEFICIAL USE IN TWELVE CONSTRUCTED AND/OR MODIFIED WATER BODIES IN THE SACRAMENTO RIVER BASIN

### WHEREAS:

1. On April 15, 2015, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) adopted [Resolution No. R5-2015-0022](#), an amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan amendment) to remove the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed and/or modified water bodies in the Sacramento River Basin that receive treated municipal wastewater from the cities of Biggs, Colusa, Live Oak or Willows.
2. The Central Valley Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "*Amendments to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins to Remove the Municipal and Domestic Supply (MUN) Beneficial Use in Twelve Constructed and/or Modified Water bodies in the Sacramento River Basin That Receive Treated Municipal Wastewater from the Cities of Biggs, Colusa, Live Oak or Willows Final Staff Report, April 2015*" and the responses to comments complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documentation for the Basin Plan amendment and concurs with the Central Valley Water Board's findings and determinations.
3. The Central Valley Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Central Valley Water Board found the Basin Plan amendment is consistent with the Sources of Drinking Water Policy ([State Water Board Resolution No. 88-63](#)) and exceptions contained therein.
5. The Central Valley Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40C.F.R. § 131.12).

# DRAFT

6. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives, and section 13141, which requires an estimate of the total cost of the implementation of an agricultural water quality control program, along with an identification of potential sources of financing, and section 13241, which requires consideration of specific factors in adopting new water quality objectives.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The water quality standards applicable to waters of the United States must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Central Valley Water Board Resolution No. R5-2015-0022.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Central Valley Water Board Resolution No. R5-2015-0022 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the amendment.

## CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 18, 2015.

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Jeanine Townsend  
Clerk to the Board