

ITEM: 19

SUBJECT: Municipal and Domestic Supply Beneficial Use (MUN) in Agricultural Drains

BOARD ACTION: Informational Item

BACKGROUND: Water bodies in the Sacramento and San Joaquin River Basins are designated with a municipal and domestic supply (MUN) beneficial use through one of three ways:

1. The water body is specifically identified in Table II-1 of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan) to have MUN use;
2. The water body is not listed in Table II-1 but is a tributary to a water body with a MUN designation in Table II-1; or
3. The water body is not listed in Table II-1 and is designated MUN through the Central Valley Water Board's application of the State Water Board Resolution 88-63 (Sources of Drinking Water Policy).

Water bodies within the basin that do not have MUN use are specifically listed in Table II-1 of the Basin Plan and shown not to have the MUN use designation. Unless the MUN designation is specifically removed, water bodies designated with the MUN use must be protected with water quality objectives and/or criteria established to protect human health as the water is used for municipal or domestic water supply purposes.

The following is a list of municipal dischargers that discharge to constructed agricultural drains:

- City of Live Oaks*
- City of Willows*
- City of Colusa
- City of Biggs*
- City of Davis*
- City of Williams

The existing National Pollutant Discharge Elimination System (NPDES) permits for the municipal dischargers shown above with an asterisk (*), in error, do not identify the established MUN use for the receiving water(s). Consequently, the NPDES permits do not include effluent limitations to protect the MUN beneficial use. While these agricultural drains may qualify for an exception to the State Water Resources Control Board's Sources of Drinking Water Policy, the Basin Plan must be amended to remove the MUN beneficial use to those specific water bodies. Until the Basin Plan is amended however, NPDES permits for discharges into agricultural drains that have a MUN use designation must be amended to include requirements and effluent limitations to protect MUN.

All these dischargers have recently upgraded the treatment facilities to provide tertiary treatment to meet existing NPDES permit requirements. However, the dischargers were not aware that the upcoming permit

renewal that implement, or are proposed to implement, MUN-related requirements. Therefore, newly upgraded facilities cannot meet new effluent limitations for constituents such as aluminum, nitrate, trihalomethanes (THMs), arsenic, iron, manganese, and methylene blue active substances (MBAS).

The Board can not modify beneficial uses and water quality objectives through the permitting process. The Board may however provide time schedules in an NPDES permit or an enforcement order allowing time for either further upgrades or a basin planning remedy, which may include one of the following:

- De-designation of the MUN use on specifically identified water bodies;
- Use Modification to a Limited or Seasonal MUN Use; or
- Revision of water quality objectives.

Removing the MUN beneficial use in its entirety (full de-designation) will remove water quality objectives that address a larger list of constituents than just the constituents in which municipal dischargers have compliance-related concern. The Board may want to consider establishing a limited use and/or site-specific water quality objectives rather than removing the entire MUN to address specific constituents of concern for NPDES dischargers.

Adequate information and water quality and flow data have not yet been collected to proceed with any of the identified approaches. The type of information and analysis needed includes:

- Characterization and water quality data of the receiving waters,
- flow data of the receiving water(s),
- an antidegradation analysis, and
- corresponding CEQA documents.

The lack of Regional Board and discharger resources (especially small communities) needed to conduct these basin planning efforts is a concern.

Mgmt. Review _____
Legal Review _____

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