

**Secondary Maximum Contaminant Level (SMCL) Policy – Options/Alternatives**  
**August 10/11, 2016**

Key Elements in Draft Policy Document	Key Proposed Options or Alternatives	Executive Committee Decision
<ul style="list-style-type: none"> <li>Policy describes the problems with meeting SMCLs, but emphasis is on discharges to groundwater (rather than surface water) and salinity (rather than other SMCLs in Table 64449-A)</li> </ul>	<ul style="list-style-type: none"> <li>Modify policy to explain problems for discharges to surface water (e.g., which constituents and which facilities, their locations and waterbodies potentially impacted). Using existing data, characterize the quality of the potentially impacted waterbodies.</li> </ul>	
<ul style="list-style-type: none"> <li>Incorporate text from 22 CCR §64449 into Basin Plans that provides guidance on the application of “Recommended”, “Upper”, and “Short Term” consumer acceptance levels.</li> </ul>	<ul style="list-style-type: none"> <li>Establish a monitoring program for surface waters to characterize natural background and existing conditions</li> </ul>	
<ul style="list-style-type: none"> <li>Recommended Basin Plan language would continue to reference Tables 64449-A and 64449-B in 22 CCR</li> </ul>	<ul style="list-style-type: none"> <li>Also include relevant text from §64449.2 (Waivers for SMCL Compliance) and §64449.4 (Use of Sources that Exceed a Secondary MCL and Do Not Have a Waiver) in Basin Plans</li> </ul>	
<ul style="list-style-type: none"> <li>Incorporate text from Basin Plans that compliance is determined from a filtered water sample, but only for metals, color and turbidity</li> </ul>	<ul style="list-style-type: none"> <li>Establish guidelines in coordination with DDW to determine how decisions will be made to allow a discharge to have an effluent limit up to the “upper level” as provided for in Table 64449-B</li> </ul>	
<ul style="list-style-type: none"> <li>Policy references the development of Regional Board Guidance to support development of permit conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Include text from 22 CCR §64449 that states that the Short Term Level is used on a temporary <u>basis for existing dischargers pending construction of treatment facilities or development of new water sources.</u></li> </ul>	
<ul style="list-style-type: none"> <li>Recommended Basin Plan language would continue to reference Tables 64449-A and 64449-B in 22 CCR</li> </ul>	<ul style="list-style-type: none"> <li>Instead of just referencing the tables in the Basin Plans, include them.</li> </ul>	
<ul style="list-style-type: none"> <li>Incorporate text from Basin Plans that compliance is determined from a filtered water sample, but only for metals, color and turbidity</li> </ul>	<ul style="list-style-type: none"> <li>Instead of relying on a filtered water sample for determining compliance with selected SMCLs, use non-filtered samples for all SMCLs</li> </ul>	
<ul style="list-style-type: none"> <li>Policy references the development of Regional Board Guidance to support development of permit conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminate reference to Regional Board Guidance if it will not be available for evaluation under SNMP CEQA analysis</li> <li>Develop Regional Guidance as soon as possible</li> </ul>	

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<ul style="list-style-type: none"> <li>Policy allows the Board to take into consideration any dilution or other attenuation that may occur between the point of discharge and any intake to a downstream (surface water) or down-gradient (groundwater) water supply system</li> </ul>	<ul style="list-style-type: none"> <li>Point of compliance in a receiving water should be at the end of the mixing zone downstream of the point of discharge and not at the nearest downstream intake or down-gradient water supply system</li> </ul>	
	<ul style="list-style-type: none"> <li>Establish a trigger of 80% of the SMCL to provide a buffer. If the waterbody or groundwater basin reaches 80% of the MCL, a study will be conducted to evaluate actions to reduce the concentration of the constituent.</li> </ul>	
<ul style="list-style-type: none"> <li>Policy emphasis is on applicability to WDRs/Waivers</li> </ul>	<ul style="list-style-type: none"> <li>Revise policy to be clear that it is intended to apply to NPDES permits as well.</li> </ul>	
<ul style="list-style-type: none"> <li>Policy uses phrase “public water supplies”</li> </ul>	<ul style="list-style-type: none"> <li>Where policy states “public water supplies,” change to “community water system” to be consistent with 22 CCR which states that SMCLs apply specifically to community water systems</li> </ul>	
<ul style="list-style-type: none"> <li>Policy states that SMCLs are primarily intended to address aesthetic qualities, such as taste and odor, or minimize risk of corrosion of pipes; they are not intended to address human health concerns</li> </ul>	<ul style="list-style-type: none"> <li>Revise policy to state that SMCLs are primarily intended to protect public welfare by addressing qualities, such as taste and odor, which most consumers use as a basis for judging whether a drinking water supply is healthful. SMCLs also minimize corrosion of pipes and household appliances</li> </ul>	
<ul style="list-style-type: none"> <li>Policy includes site-specific factors relevant to salinity and downstream waters, including Bay Delta</li> </ul>	<ul style="list-style-type: none"> <li>Revise to remove such factors where mitigation for salinity in downstream waters may be required, e.g., to provide alternative drinking water for exceedances of SMCLs (e.g., communities have the ability to obtain waivers under 64449.2, for nine years; or are allowed to provide water that exceeds the secondary MCLs under 64449.4). Permit writer should also consider if SMCL waivers are in place.</li> </ul>	

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<ul style="list-style-type: none"> <li>Where waste discharges have the potential to affect source water quality in water supply intakes/wells located downstream/downgradient, the Board may require a discharger, or dischargers collectively if in an approved management zone or as part of general order, to develop a more detailed fate and transport analysis prior to authorizing a permit. The purpose of this analysis is to determine how the permitted discharge affects the concentration of constituents identified in 22 CCR Tables 64449-A and 64449-B at water supply intakes or water supply wells to ensure a safe drinking water supply for users.</li> </ul>	<ul style="list-style-type: none"> <li>Clarify language so that it is clear that such a study is required for dischargers to a surface water or groundwater</li> </ul>	