



State Water Resources Control Board Resolution No. 88-63 states that:

"All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply and should be so designated by the Regional Boards with the exception of:

1. *Surface and ground waters where:*
 - a. *The total dissolved solids (TDS) exceed 3,000 mg/L (5,000 uS/cm, electrical conductivity) and it is not reasonably expected by Regional Boards to supply a public water system, or*
 - b. *There is contamination, either by natural processes or by human activity (unrelated to the specific pollution incident), that cannot reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices, or*
 - c. *The water source does not provide sufficient water to supply a single well capable of producing an average sustained yield of 200 gallons per day."*

RECOMMENDED CLARIFICATIONS to Implement Section 1 of Res. No. 88-63:

- I. A surface or ground water is probably not reasonably expected to supply a public water system when one or more of the following conditions is met:
 - A) There are no operational water supply intakes located in the water body and there are no approved plans to construct such an intake in the next five years.
 - B) Consistent with SWRCB Res. No. 2006-0008, ephemeral, intermittent, or low flows, together with hydrologic modifications prevent MUN from being attained due to low yield (ex: estimated 7Q10 < 200 gal./day).
 - C) Existing water rights in or below the relevant water body segment make it unlikely that new diversion permits would be issued.
 - D) Federal or state regulations and/or court decisions requiring minimum instream flows make new surface water diversion permits unlikely.
 - E) At least one of the factors identified in 40 CFR 131.10(g)(2) or(4) applies.
 - F) The water body is "under the influence of wastewater" and does not meet the minimum separation distance requirements of the CA Dept. of Public Health.

RECOMMENDED CLARIFICATIONS to Implement Section 1 of Res. No. 88-63 (continued):

- II. A surface or ground water is probably contaminated by natural processes or by human activity if one or more of the following conditions is met:
 - A) The California Department of Public Health has declared that the water body is an "extremely impaired source" and has recommended against using it as a drinking water supply. (Ex: Lower San Jacinto River per SWRCB Tech. Comm. WQ 85-1)
 - B) The release of treated sewage effluent make it unlikely that the water body will support an MUN use in the future.
 - C) The water body is on the 303(d) list because one or more pollutants exceed a Maximum Contaminant Level (MCL) or other primary drinking water standard specified by federal or state law.
 - D) At least one of the factors identified in 40 CFR 131.10(g)(1) or (3) applies.

- III. A surface or ground water probably cannot reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices when one or more of the following conditions is met:
 - A) Advanced treatment (beyond that required to comply with Title-22) is required to ensure that wastewater meets all applicable MCLs before it is discharged.
 - B) At least one of the factors identified in 40 CFR 131.10(g)(3) or (6) applies.

- IV. A surface or ground water probably can reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices when one or more of the following conditions is met:
 - A) There is sufficient reliable dilution available to ensure that water quality meets applicable MUN standards at the nearest water supply intake below the point of discharge.
 - B) Best economically achievable treatment practice is defined as functionally-equivalent to the level of pollutant control and reduction reliably attained by the top 15% of dischargers in the same or similar industry.
 - C) Potable water delivered to the service population meets applicable federal and state regulations using one or more of the following methods: well-head treatment, blending with other readily available supplies, traditional filtration and disinfection, alum addition or other common treatment practices (excluding reverse osmosis, microfiltration and activated carbon filtration) used by the water supply industry.

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2. Surface Waters Where:

- a. The water is in systems designed or modified to collect or treat municipal or industrial wastewaters, process waters, mining wastewaters, or storm water runoff, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards; or,*
- b. The water is in systems designed or modified for the primary purpose of conveying or holding agricultural drainage waters, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards.*

RECOMMENDED CLARIFICATIONS to Implement Section 2 of Res. No. 88-63:

- V. A system that is designed or modified to collect or treat municipal or industrial wastewaters, process waters, mining wastewaters, or storm water runoff includes all man-made canals, channels, ditches and drains that were constructed or fortified for the primary purpose of conveying wastewater or storm water runoff in order to protect public health and safety.
- VI. A system that is designed for the primary purpose of conveying or holding agricultural drainage waters includes all man-made canals, channels, ditches, drains or ponds that meet the definitions and criteria set forth for "Category C" waters as established by the Central Valley Regional Water Quality Control Board in Resolution No. _____ adopted in September, 1992.
- VII. A system that is modified for the primary purpose of conveying or holding agricultural drainage waters includes all natural channels, washes, or creek beds that meet the definitions and criteria set forth for "Category B" waters as established by the Central Valley Regional Water Quality Control Board in Resolution No. _____ adopted in September, 1992.
- VIII. The Regional Board will require monitoring to assure that discharges into water bodies deemed to be exempt from the MUN designation do not cause or contribute to an exceedance of any other water quality standards that remain applicable to the water body.
- IX. The Regional Board will require monitoring to assure that discharges into water bodies deemed to be exempt from the MUN designation do not cause or contribute to an exceedance of water quality standards in MUN-designated water bodies downstream of the exempt segment provided that the determination be based primarily on water quality monitoring in the downstream segment.

State Water Resources Control Board Resolution No. 88-63 states that:

"4. Regional Board Authority to Amend Use Designations:

Any body of water which has a current specific designation previously assigned to it by a Regional Board in Water Quality Control Plans may retain that designation at the Regional Board's discretion. Where a body of water is not currently designated as MUN but, in the opinion of a Regional Board, is presently or potentially suitable for MUN, the Regional Board shall include MUN in the beneficial use designation.

The Regional Boards shall also assure that the beneficial uses of municipal and domestic supply are designated for protection wherever those uses are presently being attained, and assure that any changes in beneficial use designations for waters of the State are consistent with all applicable regulations adopted by the Environmental Protection Agency."

RECOMMENDED CLARIFICATIONS to Implement Section 4 of Res. No. 88-63:

- X. Where the Administrative Record reflects that the CV Regional Water Quality Control Board determined, based on sound scientific evidence, that a MUN use could not be attained and elected not to designate certain water bodies MUN, that decision should be documented by an appropriate footnote and reference in the Basin Plan. (Ex.: Tulare Lake groundwater basin?)

- XI. Where the CV Regional Water Quality Control Board has approved a site-specific determination that a given water body or segment meets the definitions and criteria established for Category B or Category C waters, that is sufficient to justify an exemption from MUN provided that there has been no substantial change in the factors and conditions that the Regional Board relied on to make the previous determination. Upon confirmation that a given water body or segment continues to meet the definitions and criteria established for Category B or Category C waters, the Regional Board shall resubmit the list of said water bodies together with the supporting documentation to the State Water Resources Control Board for review and approval.

- XII. U.S. EPA regulations governing the designation of beneficial uses do not apply to ground waters of the State.

RECOMMENDED CLARIFICATIONS to Implement Section 4 of Res. No. 88-63 (continued):

- XIII. MUN uses are "presently being attained" where such uses are occurring, where and when legally permitted to occur, in accordance with all of the following:
- A) A valid water rights permit authorized by the State Water Resources Control Board, and
 - B) A valid 404 permit issued by the U.S. Army Corps of Engineers, and
 - C) Compliance with health and safety regulations enacted by the CA Dept. of Public Health, and the CA Dept. of Water Resources, and
 - D) Conformance with ordinances enacted by legitimate local authorities, including special districts, governing the pumping, diversion and use of water, and
 - E) The water body is not presently included, nor does it meet the recommended requirements for inclusion, on the state's 303(d) list of impaired water bodies, and
 - F) The California Environmental Quality Act (CEQA).

OTHER RECOMMENDATIONS to Facilitate Implementation of 88-63:

- XIV. Surface waters should be re-segmented as appropriate in order to ensure that the MUN designation is applied accurately and precisely throughout the region.
- XV. Ground water basins should be more precisely defined, 3-dimensionally, in order to recognize differences in ambient water quality that may affect when and where a MUN use can occur.
- XVI. A historical MUN use may be de-designated if a reliable alternate source of water is provided to those persons that rely upon the historical source that is being recommended for de-designation.