

Triennial Review

Sacramento and San Joaquin River Basins

Betty Yee, Senior Engineer
13 August 2009

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 1

Good afternoon Mr. Chairman and members of the Board.

My name is Betty Yee and I am a senior engineer from the Rancho Cordova Office.

Triennial Review Workshop

- Legal Basis
- Last Review and Status
- This Review and Comments
- Next Steps

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 2

For today's presentation, I'll go over what basin plans are and why we need to review them. Then I will discuss the priorities from our last triennial review and the status of those issues ... which will provide context for the current triennial review. Next, I'll summarize the comments we have received so that you can get an idea of the issues that will be considered in the development of the triennial review workplan. Then I'd like to describe the next steps that will lead to adoption of this triennial review.

Basin Plans

- California Water Code
 - Beneficial Uses
 - Water Quality Objectives
 - Implementation Program
- Clean Water Act
 - Water Quality Standards

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 3

State law (California Water Code) and federal law (Clean Water Act) provide the Regional Water Board with the authority and the direction to adopt regulations in the form of water quality control plans to implement these laws.

The California Water Code requires each regional water board to adopt a basin plan that identifies the beneficial uses for the waters within its jurisdiction, the water quality objectives to protect the uses, and an implementation program with monitoring to achieve the water quality objectives and protect the uses.

The Basin Plan's Beneficial Uses and Water Quality Objectives serve as the state's water quality standards under the Clean Water Act.

Thus, the basin plan provides the foundation for the Regional Board's regulatory activities and informs the public of regional water quality goals and requirements. While the Regional Water Board has authority to amend its basin plan, all amendments are conducted within the framework of federal and state laws and regulations.

Triennial Reviews

- Triennial Reviews
 - Identification of planning issues
 - Prioritization of planning issues
- Basin Plan Amendments

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 4

The California Water Code requires the periodic review of Basin Plans. The Clean Water Act requires states to review their water quality standards every three years.

The Triennial Review is the identification of the areas of the basin plan that need revision. The Board is assisted in identifying these areas by the public. Then the Board prioritizes the actions to address the areas of the basin plan that need revision. This review will satisfy both the state and federal requirements.

Basin plan amendments are not part of triennial reviews. Triennial review issues may lead to basin plan amendments after staff fully evaluate the issue.

Triennial Review Workplan

- Triennial Review Issues
 - Brief
 - Justifies issue
- Basin Plan Amendments
 - Studies – Scientific justification, environmental impacts
 - Federal and state laws and regulations

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 5

The description of the triennial review issues are brief and only meant to provide enough information to determine that the issue merits further attention. Issues need to undergo further evaluation and refinement to determine whether the issue may be addressed with current regulatory authorities and programs or whether a basin plan amendment is necessary and what the basin plan amendment would look like.

Basin Plan amendments require scientific justification and other technical information. This includes an analysis of environmental impacts of the proposed amendment, including any alternatives or mitigation measures to address the significant impacts and a description of any economic factors that the Board will need to consider. While the Board has very few legal constraints to adopting regulations that are more stringent than current regulations; federal and state laws, regulations and policies require more extensive scientific analysis to relax current regulations. Some of the current policies have scientific constraints on what the Board must consider in relaxing the regulations. For example, the State Sources of Drinking Water Policy specify the criteria that the Board may use to except waters from the MUN (municipal and domestic supply beneficial use) designation.

Last Triennial Review - Status

High Priority Issues:

1. Beneficial Use Designations
 - Old Alamo Creek
 - Sulphur Creek

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 6

At the last Triennial Review, the Board adopted ten high priority issues. They are not ranked in order of priority.

During this last Triennial Review period, for the first issue, the amendment dedesignating municipal and domestic supply (MUN), coldwater habitat (COLD), fish spawning (SPWN) and fish migration (MIGR) beneficial uses for Old Alamo Creek was approved and is now in effect. In addition, an amendment dedesignating the municipal and domestic supply (MUN) and consumption of organisms beneficial uses for Sulphur Creek was adopted and is currently waiting for final approval at EPA.

Last Triennial Review - Status

High Priority Issues:

2. Effluent Dominated Water Bodies

- Old Alamo Creek
- pH and Turbidity
- Temperature in Deer Creek

In progress:

- New Alamo and Ulatis Creeks
- City of Colusa receiving waters
- Atwater Drain

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 7

For the second issue, in addition to the Old Alamo Creek amendment also falling under this issue, an amendment revising the pH and turbidity objectives was adopted and is now in effect and the temperature objectives for Deer Creek were approved by EPA and are now in effect.

Staff has started working on evaluations for New Alamo and Ulatis Creeks, receiving waters for the City of Colusa (unnamed ditch and Powell Slough), and Atwater Drain. Work on the receiving water for City of Colusa and on the Atwater Drain will include an evaluation of one or more beneficial uses.

Last Triennial Review - Status

High Priority Issues:

3. Agricultural Dominated Water Bodies
 - Staff met with stakeholders

For agricultural dominated water bodies, staff met with stakeholders but there has been no formal process to move forward with basin plan amendments. Stakeholders remain interested in the issue and continue to identify it as a high priority for the Board to consider.

Last Triennial Review - Status

High Priority Issues:

4. Salinity and Boron in the San Joaquin River

- Control Program for Salt and Boron

In Progress

- Upstream salt and boron objectives

For Issue No. 4, the control program to achieve the salt and boron objectives in the San Joaquin River at Vernalis was approved and is now in effect. Staff is now working on salt and boron issues in the San Joaquin River upstream of Vernalis.

Last Triennial Review - Status

High Priority Issues:

5. Dissolved Oxygen in the San Joaquin River
 - Control Program for Stockton Deep Water Ship Channel

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 10

Similarly for Issue No. 5, the control program to achieve dissolved oxygen objectives in the Stockton Deep Water Ship Channel was approved and is now in effect.

Last Triennial Review - Status

High Priority Issues:

6. Pesticide Control Efforts

- Diazinon and Chlorpyrifos In Delta and Delta tributaries

In Progress

- Central Valley pesticide control program

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 11

For the Pesticide issue, during this last Triennial Review period, four basin plan amendments were adopted and or went into effect to control diazinon and chlorpyrifos in the Delta, the San Joaquin River, the Sacramento River and the Feather River.

Staff is currently working on a pesticide control program for the Sacramento River and San Joaquin River Basins.

Last Triennial Review - Status

High Priority Issues:

7. Mercury Load Reduction Program

- Cache Creek

In Progress

- Methylmercury in the Delta

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 12

For Issue No. 7, mercury control program for the Cache Creek watershed was approved and is now in effect. Staff is working on a basin plan amendment to control methylmercury in the Delta.

Last Triennial Review - Status

High Priority Issues:

8. Drinking Water Policy

- Staff working with stakeholders

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 13

For the Drinking Water Policy, staff continued working with stakeholders to generate and compile data to support a policy.

Last Triennial Review - Status

High Priority Issues:

9. Temperature

- Staff met with stakeholders

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 14

For the temperature issue, staff met with stakeholders but there has been no formal process to move forward with basin plan amendments.

Last Triennial Review - Status

High Priority Issues:

10. Salt Management Policy

- Staff started working with stakeholders

And finally, last but not least is the salt management policy, now called the CV-SALTS initiative. During this triennial review period, staff started working with stakeholders to compile existing data and identify study needs to support this policy.

Last Triennial Review - Summary

- Progress on 8 issues
 - Amendments in 6 issues
- RB adopted 5 amendments
- 10 amendments became effective

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 16

Since the Board adopted the last triennial review workplan, progress has occurred in eight of the ten high priority issues. Amendments were either adopted and/or became effective to help address six of the high priority issues.

The Regional Board adopted five amendments since the last triennial review. There has been ten amendments that were fully approved and became effective since the last triennial review. Note that the discrepancy between the number adopted and the number that became effective was due to amendments which the Board had already adopted by the time it approved the last triennial review.

Current Triennial Review

- Solicitation of comments for the triennial review
- Workshop (13 August 2009)
- Response to Comments and Workplan
- Public Review
- Hearing (tentatively February 2010)

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 17

For the current triennial review process, we solicited comments from the public with a postal mailout to 2173 entities, and an email to 1144 entities. The solicitation was also published in the five largest newspapers covering this basin planning area.

Today's workshop is an opportunity for the public to make verbal comments before the Board. **And for those in the audience that will be commenting verbally, I would appreciate written comments, if you haven't already submitted them.** Responses to comments are not provided at this time.

Today's workshop is also the opportunity for Board members to comment on the identified issues and to identify other issues that should be considered.

Following today's workshop, staff will review and respond to all public comments and prepare a tentative list of the identified issues. A work plan will be prepared which proposes actions for each issue and the resources needed to perform those actions. These actions may, or may not, lead to revisions of the Basin Plan's water quality standards.

This list of identified problems and proposed actions constitute the Triennial Review workplan. While not required, the Workplan, and our response to comments will be made available for additional public comments before being presented to the Board.

Staff will modify the workplan as necessary and respond to any new comments prior to Board approval of the workplan. The Triennial Review is tentatively scheduled to be presented to the Board for approval during its February 2010 meeting.

Comments

- California Farm Bureau Federation
- Central Valley Clean Water Association
- Department of Fish and Game, Region 4
- Downey Brand, on behalf of the City of Tracy
- US EPA
- Jo Anne Kipps
- Nevada County Sanitation District No. 1
- Pacific Gas and Electric Company
- Sacramento Regional County Sanitation District
- O'Laughlin & Parris LLP on behalf of the San Joaquin River Group Authority
- South Delta Water Agency

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 18

The Regional Board received 11 comment letters providing recommendations and issues that should be addressed in the basin plan.

These comments were included in your agenda package so I will not read this list here.

Late Comments

- California Urban Water Agency

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 19

The Regional Board received one late comment letter from the California Urban Water Agency. This letter has been just given to you as a late revision.

Potential Issues – 303(d)

- Issues identified during the development of the 303(d) list
 - City of Roseville – Pleasant Grove Creek, COLD
 - Contra Costa Clean Water Program – Lower Kellogg Creek, COLD
 - East San Joaquin Water Quality Coalition and the San Joaquin County Delta and Water Quality Coalition – Tributary Statement
 - Madera County – Fresno River above Hensley Reservoir, COLD
 - Stockton East Water District – Old Calaveras River channel, COLD

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 20

In addition to the comment letters submitted in response to the solicitation for triennial review issues, basin planning comments that were received during the process of developing the Clean Water Act sections 305(b) and 303(d) Integrated Report will be included in the record for this triennial review.

In their comments on the draft 303(d) list, the City of Roseville, the Contra Costa Clean Water Program, the East San Joaquin Water Quality Coalition, the San Joaquin County Delta and Water Quality Coalition, Madera County and the Stockton East Water District brought up beneficial use issues. These letters were provided to the Board when the draft integrated report was brought to the Board in June and were not included in this agenda package.

Comment Topics

- Concurrence on Previous High Priority Issues
 - Beneficial Use Dedications
 - Effluent Dominated Water Bodies
 - Agricultural Dominated Water Bodies
 - Salt Management Policy
 - Temperature Objectives

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 21

I would like to summarize the issues brought up in comments submitted in response to our triennial review solicitation. I want to let the Board know that the comments submitted in response to this triennial review solicitation were particularly detailed and helpful.

For this workshop, staff have not prepared responses. The following slides describe issues that commenters would like the Board to address.

Many of the comments supported keeping five of the ten previous high priority issues as a high priority. The five issues that commenters supported was working on beneficial use dedesignations, effluent dominated water bodies, agricultural dominated water bodies, the salt management policy and water quality objectives for temperature.

Suggestions for Beneficial Use Issue

- Subcategorize current water body reaches
- New beneficial use to represent the transition between WARM and COLD
- Compile a list of water bodies falling under exceptions in the *Sources of Drinking Water Policy*

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 22

I want to also point out that some comments included specific recommendations for how to address the beneficial use issue.

Specific comments recommended dividing the current water body reaches into smaller segments, developing a new beneficial use to represent the transitional zone between WARM and COLD beneficial use zones, and compiling a list of water bodies that fall under the exceptions in the State Board's Sources of Drinking Water Policy for (1) systems designed or modified to collect or treat municipal or industrial wastewaters, and stormwater, and (2) water in systems designed or modified for agricultural drainage waters.

Comment Topics

- Beneficial Uses
 - Tributary Rule
 - Process for De-Designating Beneficial Uses
 - Grassland wetland water supply channels

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 23

We received comments requesting a re-evaluation of the tributary rule, development of an efficient process to de-designate beneficial uses and recreational beneficial uses for the Grasslands wetland water supply channels.

Comment Topics

- Water Quality Objectives
 - Secondary MCLs
 - EC
 - DO
 - TMDL constituents (i.e. methylmercury)
 - OC Pesticides
 - Pentachlorophenol
 - Selenium
 - Drinking Water Constituents
 - Bacteria
 - Flow

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 24

Commenters asked us to evaluate the need for or to re-evaluate our current water quality objectives for the following constituents:

Secondary drinking water standards

Electrical conductivity

Dissolved oxygen

Constituents for which we are developing total maximum daily loads, such as methylmercury

Organochlorine pesticides

Pentachlorophenol

Selenium

Constituents of concern to drinking water purveyors

Bacteria, and

Flow

Comment Topics

- Implementation
 - Three Species Chronic Test
 - 2006 Bay Delta Plan
 - Guidelines for the *Land Disposal of Stillage Waste from Wineries*
 - Federal and state anti-degradation

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 25

Commenters asked for guidance on interpreting three species chronic test, an implementation program for municipal dischargers to comply with water quality standards in the Bay Delta Plan, evaluation of the Winery Waste Guidelines, and reaffirmation of the federal and state anti-degradation laws and regulations.

Comment Topics

- References to the Bay-Delta Plan should not include the year
- Define “potential” uses
- Define “natural receiving water temperature”

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 26

There was also a request to include clarifying language in the basin plan in regards to referencing the State Water Board’s Bay Delta Plan and to include definitions for the term “potential” uses and the term “natural receiving water temperature”

Comment Topics

- Prioritization Comments
 - Drinking Water Policy
 - Pesticide Control Program
 - Groundwater

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 27

There were also comments on the priority that the Board should assign to issues. Commenters requested that the topics on the previous slides be a high priority.

There were comments that the development of the drinking water policy should remain a high priority and there were comments that this policy should be a lower priority than the high priority issues.

The pesticide control program was previously a high priority. We received comments that this should remain a high priority and comments that it should have a lower priority.

The issue on groundwater surveys and control policies was previously a medium priority and we received a comment that it should be addressed after the high priority issues are addressed.

Next Steps

- Response to Comments
- Workplan
 - Prioritized Issues
 - Resource Needs
- Public Comment
- Hearing

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 28

After this workshop, staff will respond to the comments that were received and develop the workplan. The issues will be prioritized as high, medium or low based on need and urgency. The highest priority issues will be those water quality concerns for which there is a need to develop adequate tools and are issues currently causing problems or have a short timeline associated with them so they have urgency.

The issues must be prioritized because of insufficient resources to address all issues. The workplan will include estimates of resource needs in order to address each issue.

The draft workplan and response to comments will be released for public comment prior to bringing these items to the Board for adoption.

As I mentioned before, the hearing is tentatively scheduled for February.

Questions and Discussion

Agenda Item #15

Central Valley Water Board Meeting of 13 August 2009

Slide 29

This concludes staff presentation.

I will be happy to answer any questions.

At this time, it would be helpful for the Board to provide comments on the various topics that have been brought up as well as identify new ones.