

## **MUN in Surface Water Archetype CEQA White Paper**

Background: CV-SALTS and the Central Valley Water Board (CVWB) initiated a joint effort to evaluate the appropriate MUN beneficial use and level of protection (“MUN evaluation”) in agriculturally-dominated (Ag-dominated) waterbodies within an approximately 400 square mile area of the Sacramento Valley (“Sacramento Archetype”). The study area includes the receiving waters (which include Ag-dominated waterbodies) for discharges from four POTWs for the Cities of Biggs, Colusa, Live Oak, and Willows. The original purpose of this activity was (1) to determine whether this work can establish a template for evaluating appropriate application of MUN and level of protection in Ag-dominated waterbodies throughout the entire Central Valley (CV); and (2) to provide the foundation for evaluating appropriate application of other beneficial uses to Ag-dominated water bodies. The existing project combines and leverages the resources from the CVWB, four POTWs, and CV-SALTS.

Potential Project Expansion: While an important outcome from the Sacramento Archetype would be a template for future MUN evaluations for Ag-dominated waterbodies in other CV areas, the CVWB has indicated that the value of this template could be enhanced by testing its use in other areas of the CV, especially through successful completion of the CEQA process in additional settings. For example, The CEQA process for the template currently under development in the Sacramento Archetype will consider area-specific environmental issues and most likely involve stakeholders specific to the local area. The extent to which the findings from the CEQA checklist evaluation applied to the Sacramento Archetype could be cross-applied to other areas of the CV is unclear. Accordingly, CVWB has recommended that the Sacramento Archetype Workplan be expanded to include up to three additional archetype projects. The presumption is that the completion of additional templates with associated CEQA processes would expand the types of issues evaluated, which increases the robustness of the templates for future application throughout the CV. Preliminarily, it has been recommended that archetypes be identified in the following three areas:

- Tulare Region (provide a closed-basin example)
- East San Joaquin River (SJR) Watershed
- West San Joaquin River (SJR) Watershed

Questions for Evaluation: Given the above as background, two key issues associated with project costs and schedules emerge, specifically:

1. Should CV-SALTS continue to implement the Sacramento Archetype as originally planned or, if funds can be identified, support an expansion of the Workplan to include the up to three additional archetypes?
2. What are options and implications (i.e., cost and schedule) for combining the MUN Ag-dominated archetype(s) CEQA and Basin Plan Amendment (BPA) processes (“CEQA/BPA Process”) with other planned CV-SALTS CEQA/BPA processes?

For the purposes of this discussion, “CEQA/BPA Process” is defined broadly to include both CEQA-specific requirements (e.g., scoping, problem statement, alternatives development/analysis, and

Supplemental Environmental Document (SED) preparation) and BPA activities (e.g., 13241 economics analysis, Staff Report, BPA amendment text, peer review, administrative records/process, etc.).

*Question 1 - Original vs. Expanded Project:* Three issues were considered as part of the analysis of this question: (1) expected costs; (2) pros and cons of an expanded project; and (3) potential beneficiaries associated with an expanded project.

Table 1 provides the estimated costs of the original vs. expanded projects. The cost for the existing Sacramento Archetype provides the baseline budget request (request for \$200K budget to support CEQA and BPA activities<sup>1</sup>). Table 1 shows the estimated incremental cost of \$150K for up to three additional archetypes or approximately \$50K each<sup>2</sup>.

**Table 1. Cost Estimate for CEQA/BPA Process for Archetypes**

CEQA/BPA Task	Sacramento Archetype	Three Additional Archetypes	Cost Basis for Additional Archetypes
Project Management	\$20,000	\$10,000	Additional coordination costs with proponents; project management
Problem Statement; CEQA Scoping	\$10,000	\$10,000	Basic scoping information can be cross-applied; funds to describe three additional areas
Regulatory Alternatives Development	\$20,000	\$15,000	No action alternative cross-applied; additional funds cover alternatives development for additional areas
Supplemental Environmental Document	\$30,000	\$20,000	Framework of document and baseline information can be cross applied; additional funds cover analyses and documentation for additional areas
13241 Economics Analysis	\$35,000	\$30,000	
13242 Surveillance Plan	\$20,000	\$10,000	
Staff Report	\$35,000	\$30,000	
Basin Plan Revision	\$10,000	\$5,000	Minimal budget needed per additional area to make changes to Basin Plan
Peer Review	\$10,000	\$10,000	Additional costs for review/response to peer review comments
Administrative Procedures	\$10,000	\$10,000	Additional administrative costs to prepare record
	\$200,000	\$150,000	

<sup>1</sup> This is believed to be a good estimate based on key assumption – CEQA finding is negative declaration.

<sup>2</sup> Note that the MUN POTW Archetype Workplan included in the March 27 TAC agenda requests an additional \$80,000 to provide technical support to develop technical information for these additional archetypes. This is above and beyond the estimated costs above to support CEQA/BPA Process.

The assumptions associated with these cost estimates include:

- SED finding will be the same regardless of the archetype location, i.e., a Negative Declaration finding.
- Up front stakeholder outreach will be ongoing as part of the archetype development process. This should minimize potential for significant concerns to be raised during CEQA process (concerns that result in need for more extensive CEQA documentation requirements)
- Template built for Sacramento archetype (and for that matter each added archetype) creates cost savings that reduce costs for each additional archetype. For example, once one cumulative analysis and one 13241 economics analysis is completed for the Sacramento archetype the methods developed can be easily cross applied to the other archetypes.
- Addition of Tulare, East and West SJR archetypes requires only two (or maybe just one?) additional scoping meetings rather than three.
- One Staff Report is prepared for all archetypes – each archetype would be a separate chapter. Baseline documentation regarding BPA purpose, associated regulatory issues, stakeholder process, etc., can be common to all archetypes
- One BPA administrative process for the entire project rather than one for each archetype. This will reduce the number of CVWB briefings.

The following text summarizes the pros and cons associated with funding the additional archetype work. This is followed by information regarding potential beneficiaries of the additional work.

#### Pros

- Broadens basis of applicability of the original template
- Increases MUN issue exposure to more stakeholders, more regulatory scenarios, potential types of environmental questions requiring CEQA evaluation
- Potential for four broad-based geographic successes vs. one localized success increases likelihood of future successes across CV
- Increased number of BPA success stories has potential to reduce costs for future MUN-related BPAs.

#### Cons

- Expanded Workplan is beyond the original purpose of the CV-SALTS MUN archetypes. Each archetype (Sacramento and Tulare) was originally selected to be representative of a surface water (Sacramento) and groundwater (Tulare) MUN situation. The technical aspects of a surface water archetype should generally be able to be cross applied from one location to another, i.e., no new significant technical issues should arise (however, the CEQA issues to be evaluated and potential stakeholders could vary somewhat).
- Increased costs to CV-SALTS budget, without identified additional stakeholder funding, a topic to be discussed by CVSC.
- Will likely temporarily slow down overall schedule for Sacramento Archetype BPA while additional technical information is gathered.

- Increased stakeholder exposure at the outset increases potential for coordinated negative response (if any were to develop).

### Potential Beneficiaries

- *Selected Dischargers* (potential proponents) – There is opportunity to solve known, specific beneficial use issues now vs. later. Given the upcoming series of planned BPAs (archetypes and SNMP), obtaining access to CVWB staff time to process additional requests for modification to MUN uses in Ag-dominated waterbodies in the short term (next 1-3 years) may be difficult. That is, if there are some immediate discharger needs – addressing them now through the archetypal process may be better than waiting.
- *Other Dischargers* – The more situational examples/environmental issues that are evaluated and completed in the first round of MUN evaluations that result in successful BPAs, the more likely future projects to evaluate MUN uses in Ag-dominated waterbodies will be successful. That is, the more situational examples available to point to in the future and say, “that represents my situation”, the more likely recommendations to modify beneficial uses will be supported.
- *Regulators* – While current regulators involved in CV-SALTS should be able to pivot relatively quickly to new MUN evaluation projects in other areas in the future, this ability to quickly apply the findings from the Sacramento Archetype to other areas, has a somewhat limited shelf life. That is, as the current regulatory team changes personnel over time, institutional memory will be lost. The more precedents available to demonstrate how these projects should be executed and evaluated increases the likelihood that future regulatory staff will embrace these types of BPA projects in the future.

*Question 2: Options for Combining Sacramento Archetype CEQA/BPA Process with Other Anticipated CEQA/BPA Processes.* The current schedule for CV-SALTS to complete planned CEQA/BPA Processes to the point of CVWB adoption of the BPA is as follows:

- Tulare Lake Bed MUN Archetype: First half of 2014
- Sacramento Archetype: End of 2014
- SNMP BPA: April 2016

The evaluation of this question applies regardless of the outcome to Question 1, but assumes there is no substantive delay to Sacramento Archetype project caused by addition of more archetypes. We should expect cost savings if CEQA/BPA Processes are combined as there would be only one BPA vs. three. The cost savings would be less for the CEQA element (as each proposed Basin Plan change has its own environmental analysis requirements), but more for the BPA element since the basic process would be the same for all three amendments. However, combining the three CEQA/BPA Processes has the following implications:

- Tulare Lake Bed MUN use change and SNMP adoption are not subject to EPA review (as long as these only include groundwater management elements); in contrast, the potential Ag-dominated waterbody MUN use changes are subject to EPA review – combining CEQA/BPA Process risks increasing EPA involvement and interference in the SNMP.

- Beneficial use changes can be lightning rods; keeping them separate from the SNMP adoption process keeps them localized which will keep each regulatory process more focused.
- Archetypes should be ready for CEQA/BPA Process much sooner than SNMP. Combining them with the SNMP adoption process will likely delay completion of archetypes.
- Controversy can develop with any of the planned CEQA/BPA processes. If combined, then controversy over any one of the proposed Basin Plan changes will delay all of them.