



O'Laughlin & Paris LLP

12/3/13 Board Meeting  
Central Valley Drinking Water Policy  
Deadline: 11/8/13 by 12 noon

Attorneys at Law

November 8, 2013



Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 "I" Street, 24<sup>th</sup> Floor  
Sacramento, California 95814

Re: **Comment Letter – Central Valley Drinking Water Policy**

Dear Ms. Townsend:

The San Joaquin Tributaries Authority ("SJTA") appreciates the opportunity to comment on the proposed adoption of the amendment to the Sacramento and San Joaquin River Basin Plan which establishes a drinking water policy for the surface waters of the Delta and its upstream tributaries (the "Amendment"). The SJTA is made up of the Modesto Irrigation District, Turlock Irrigation District, Oakdale Irrigation District, Merced Irrigation District, South San Joaquin Irrigation District, and the City and County of San Francisco. Several of the SJTA's members provide municipal and domestic water supplies to various users. Protection of the source water for these supplies is extremely important to the SJTA and its members.

The SJTA is generally supportive of the Amendment adopted by the Central Valley Regional Water Quality Control Board (the "Regional Board"). The problem solving approach which identifies and eliminates contaminant sources in drinking water is fair and effective. The approach described in the Amendment, which utilizes a collaborative process for addressing an exceedance of the *Cryptosporidium* and *Giardia* concentration triggers, is the correct approach for solving issues of water quality protection. The SJTA also supports the approach of checking compliance with the drinking water policy at the point of use. The SJTA urges the State Water Resources Control Board ("State Water Board") to expand the use of these approaches to other water quality criteria.

However, the SJTA is concerned about an existing problem with water quality regulation that is exacerbated further by the adoption of the Amendment. The Amendment applies to all water bodies with the municipal water supply (MUN) beneficial use designation. In 1989, the Regional Board applied a blanket designation of the MUN use to all unlisted waterways to implement the Sources of Drinking Water Policy. As a result, the MUN beneficial use was applied to the agricultural canals and drains in the SJTA members' service areas. This designation could put a great deal of economic strain on SJTA members and their customers due to the cost of treating water in these canals and drains to

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meet municipal use drinking water criteria, when the water in them will never be put to direct municipal use, or will be treated before being used for municipal purposes.

The Basin Plan provides that undesignated water bodies will be designated a beneficial use on a case-by-case basis. (Central Valley Regional Water Quality Control Board, *The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board* (October 2011) at, II-2.00 [“In some cases a beneficial use may not be applicable to the entire body of water. In these cases the Regional Water Board’s judgment will be applied. It should be noted that it is impractical to list every surface water body in the Region For unidentified water bodies, the beneficial uses will be evaluated on a case-by-case basis.”].) Proper designation of irrigation canals and drains is necessary to guarantee the most economic use of water resources in the SJTA members’ service areas, as well as the proper application of the proposed Amendment.

Regional Board staff, at the direction of the Regional Board, is working to correct this misapplication of the MUN use, as it seriously jeopardizes the ability of irrigated agriculture to meet the intent of the irrigated lands program. The SJTA respectfully urges the State Water Board to ensure that the Regional Board completes its effort to correct the misapplication of the MUN beneficial use to irrigation canals and drains. If the Regional Board is unable to complete its work within a reasonable time, we ask the State Water Board to modify the proposed Amendment to specifically exclude agricultural water supply canals and drains unless they are presently serving as a source of municipal or domestic water supply.

Very truly yours,

**O’LAUGHLIN & PARIS LLP**

  
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JON CLANCY

JC/tb

cc: San Joaquin Tributaries Authority