

JUN 14 1994



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Karen E. Duff
EXECUTIVE SECRETARY

June 6, 1994

To: Board of Directors (Committee on Legislation--Action)
(Special Committee on Water Quality and
Environmental Compliance--Action)

From: General Manager

Subject: Policy Principle for Source Water Protection

Report

This revised Board letter was prepared in response to comments and concerns expressed at the May 31 meeting of the Special Committee on Water Quality and Environmental Compliance.

The concept of source water protection for surface waters designated as public drinking water supplies is receiving widespread attention and support. In order for drinking water purveyors to meet the demands of the increase in drinking water regulations being developed pursuant to the Safe Drinking Water Act (SDWA) Amendments of 1986, and the demands of the public for drinking water that is both safe and aesthetically acceptable to drink, it is recognized that source protection must become an essential element in water resources management. Metropolitan clearly supports source water protection concepts, and in October 1992 adopted a Clean Water Act (CWA) policy principle specifically supporting protection of public drinking water supplies (see attached CWA policy principles).

Board consideration of source protection policies at this time is important due to the current efforts in Congress to reauthorize the SDWA and the CWA. The Senate recently passed a SDWA reauthorization bill (S. 2019) on May 19, and the House is expected to actively take up the SDWA reauthorization very soon. In addition, CWA reauthorization efforts in the Senate and the House of Representatives are continuing to progress, with the full Senate planning to consider the Baucus CWA bill (S. 1114 renumbered as S. 2093), and the House Public Works and Transportation Committee planning mark-up of the Mineta CWA bill (H.R. 3948), after the Memorial Day recess. Source water protection provisions utilizing different approaches for implementation have been incorporated or are being considered to some degree in most major SDWA and CWA reauthorization bills.

Incorporation of source protection in the SDWA and CWA is essential for several reasons. Source protection provisions in the SDWA would set a precedent for other future water quality control legislation (the SDWA may be the only ~~piece of~~ environmental legislation passed this year). Also, it such provisions may provide access to SDWA loans and grants for source protection projects, and ~~it~~ would provide protection for ground water as well as surface water, in contrast to the CWA which only protects surface water. Incorporation of source protection in the CWA is ~~also~~ important because the CWA contains monitoring and enforceable pollutant discharge control provisions for dischargers. In addition, CWA source protection provisions would facilitate coordination of drinking water protection with watershed management activities and provide access to CWA loans for source protection projects.

~~Source water protection policies may be incorporated into SDWA and/or CWA legislation in a variety of formats. Different approaches for source water protection include the following: 1) source protection measures included as best available technology for compliance with drinking water regulations, 2) source water protection included as a stated goal or objective of SDWA or CWA programs, 3) cooperative and incentive-based approaches for implementing source protection measures, and 4) federally mandated and regulatory-based approaches to source protection.~~

One approach for implementation of source water protection is through regulatory-based programs in the SDWA and/or CWA. Regulatory-based source protection programs generally include required implementation of management measures or treatment options, time frames for implementation of measures, and enforcement mechanisms.

Issue: Partnership-based approaches for source water protection. An additional approach for implementation of source water protection is through cooperative, partnership-based programs. Partnership-based approaches for source water protection involve financial incentives and the cooperative efforts of water users (drinking water suppliers) and upstream dischargers (e.g., agricultural nonpoint source dischargers, and industrial and wastewater point source dischargers) to address a particular source water quality problem impacting the water supplier. The cooperative source protection efforts may involve seeking federal, State or local funding for implementation of management measures that will improve source water quality, or

sharing costs for implementation of appropriately needed management measures or treatment options. The recently passed Senate SDWA bill (S. 2019) contains language establishing a drinking water source protection program based on voluntary incentives and partnerships.

There would be a number of benefits for Metropolitan resulting from the development of a partnership-based source protection programs. Establishment of such programs would facilitate working with upstream dischargers in watersheds which serve as Metropolitan's sources of supply. Specifically, source protection partnerships could facilitate implementation of monitoring necessary to identify and evaluate sources of particular pollutants. In addition, partnership-based approaches would facilitate coordination with dischargers in order to optimize the balance between source protection and treatment options to minimize costs, and to implement source protection measures to improve source water quality. Cooperative approaches to source water protection may also improve relationships with agricultural and wastewater interests, which could in turn foster cooperation in other areas such as future water transfers and reclaimed water agreements.

Despite the benefits of partnership-based source protection programs, Metropolitan's position on source protection policies needs to be flexible to also allow support for regulatory-based source protection programs in the SDWA and CWA, especially in cases where voluntary and incentive-based programs are not successful. For example, regulatory-based source protection programs may be best included in CWA legislation, since programs regulating discharges to water bodies are already established in the CWA.

An example source water quality issue that could potentially be beneficially addressed through implementation of a partnership-based source protection program is the loading of disinfection by-product precursors, specifically total organic carbon (TOC), into the Sacramento/San Joaquin Delta. This source water quality problem will necessitate the costly installation of ozone disinfection at Metropolitan's filtration plants in order to comply with the future disinfection by-products regulation. If partnerships were developed with Delta agricultural entities or Delta water management agencies, projects might be implemented to test management measures that could ultimately be used to reduce TOC loading to source waters. While source protection would not be available soon enough to delay Metropolitan's need

for ozone, it could result in reduced costs for Metropolitan by reducing the ozone demand of the raw water supply. A reduced ozone demand would reduce the required ozone dose, cut operation and maintenance costs, and reduce the formation of ozone disinfection by-products which may become a public health issue in the future. On a smaller, local scale, partnership-based source protection programs could also be utilized to address specific source water quality concerns in the watershed areas for Metropolitan's reservoirs (e.g., Lake Mathews).

Issue: Support for source water protection programs.

Policy Options:

1. Support legislation establishing source protection programs only in cases where strict, federally-mandated, regulatory-based source water protection programs are established to be implemented in all watersheds (adversarial approach).

2. Support legislation establishing partnership-based and/or regulatory-based State-administered cooperative source water protection programs, that are based on financial incentives and the development of partnerships between water suppliers and upstream dischargers, and that are implemented in addition to existing water quality control requirements for point source and nonpoint source dischargers, in order to facilitate resolution of source water quality problems. Support for cooperative source protection programs does not preclude support for regulatory-based programs in cases where cooperative programs are unsuccessful.

3. No active support for legislation establishing source water protection programs for public drinking water supply sources.

Recommendation: Adopt policy option 2.

Board Committee Assignments

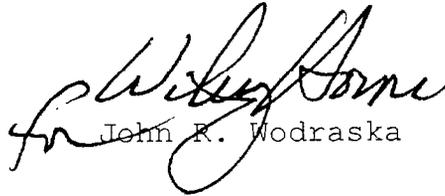
This letter is referred for action to:

The Committee on Legislation because of its responsibility to review staff's recommendations for positions on legislation, pursuant to Administrative Code 2581 (b); and

The Special Committee on Water Quality and Environmental Compliance because of its authority to consider the effect on the District of proposed water quality statutes and regulations, pursuant to Administrative Code 2551 (a).

Recommendation

It is recommended that your Board adopt the source water protection policy principle recommended above.



John R. Wodraska

LAS\sdf
s:\staff\sourcebd.let

Attachment

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**CLEAN WATER ACT POLICY PRINCIPLES**

1. State regulation and allocation of water resources. Support as a policy the States' primary authority under the CWA to allocate and regulate quantities of water within their jurisdiction. (Adopted 10-16-92)
2. Protection of public drinking water supplies. Support CWA amendments to explicitly include protection of public drinking water supplies as a goal of the CWA. (Adopted 10-16-92)
3. Additional monitoring requirements for discharges to surface water drinking water supplies. Support CWA amendments requiring representative monitoring of point source and agricultural discharges to surface waters serving as direct sources of drinking water. (Adopted 10-16-92)
4. Beneficial use of reclaimed water. Support CWA amendments authorizing site-specific water quality standards to facilitate the beneficial use of reclaimed water and discharge of reclaimed water to ephemeral and/or effluent-dominated streams. (Adopted 10-16-92)
5. Antidegradation requirements. Oppose amendments to the CWA which codify antidegradation requirements, including outstanding national resource waters designation criteria, since existing EPA regulations contain antidegradation requirements and outstanding national resource waters designation criteria and allow EPA flexibility in implementation of these requirements. (Adopted 10-4-93)
6. Water conservation and integrated resource planning. Support amendments to the CWA which 1) establish a national clearinghouse on water conservation technologies, 2) require evaluation of water use efficiency in pollution prevention plans, 3) require water conservation strategies as part of an optional "menu" of choices, and 4) encourage integrated resource planning. (Adopted 10-4-93)