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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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EXECUTIVE SECRETARY

May 25, 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

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.

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 have been incorporated 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 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.

Issue: Partnership-based approaches for source water protection. Partnership-based approaches for source water protection involve 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. 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 program. 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.

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).

Policy Options:

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

2. Support legislation establishing 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.

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.


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