

- **Board of Directors**
Water Planning, Quality and Resources Committee

June 13, 2006 Board Meeting

9-2

Subject

Report on tentative order of the Santa Ana Regional Water Quality Control Board to regulate use of imported water for recharge of groundwater basins

Description

On April 19, 2006, the Santa Ana Regional Water Quality Control Board (Regional Board) issued a tentative resolution and order for issuing general waste discharge requirements to regulate use of imported water for groundwater recharge within the Santa Ana Region. State project water, Colorado River water and imported well water are specifically identified as water sources that are proposed for regulation via waste discharge permitting procedures and requirements when used for injection or percolation to recharge groundwater basins within the jurisdictional area of the Regional Board. The Regional Board had originally proposed to hold the hearing on the tentative order on May 19, 2006, but instead held a board workshop taking input from the public following the request for delay and discussion from a number of parties including Metropolitan.

At the conclusion of the workshop on May 19, the Regional Board stated that it will not calendar the tentative order for action at this time. The Regional Board stressed the need for a constructive process, and recognized that it will take some time to formulate a workable arrangement. A collaborative process will proceed, which will involve all interested parties and be initiated promptly to develop an alternative approach for implementing salt management objectives in the Santa Ana Region. The Santa Ana Watershed Project Authority (SAWPA) has been asked to facilitate this process among Regional Board staff and local, regional, and statewide water-community interests. SAWPA will confirm this commitment at its next commission meeting. It was agreed that the process will begin in June with biweekly meetings. An outline of a workplan is to be developed promptly and a progress report is to be provided to the Regional Board in the August 2006 timeframe.

The tentative order, which was not withdrawn, proposes to regulate the spreading and injection of imported water into groundwater management zones utilizing waste discharge provisions of the State Water Code. To utilize this regulatory framework, the imported water to be recharged must first be classified as “waste.” The tentative order focused primarily on ensuring that imported water used for recharge meet specified basin water quality objectives for Total Dissolved Solids (TDS) and nitrate-nitrogen. In the past, the Regional Board has used a combination of “anti-degradation” and “maximum benefit” considerations to allow wastewater with widely differing levels of TDS and nitrate-nitrogen concentrations to be recharged into different basins or groundwater management zones. The original purpose was to accommodate groundwater recharge utilizing reclaimed water. The Regional Board has now proposed to extend this framework to imported municipal water supplies. The tentative order would also require monitoring and reporting of 126 priority pollutants as well as total THM, 1-4 dioxane, MTBE, perchlorate and NDMA with mitigation required if specified concentrations are exceeded.

Water supply agencies and organizations throughout the state, including the State Water Contractors, the Colorado River Board, the Association of California Water Agencies, the California Urban Water Agencies, and Metropolitan raised concerns with the Regional Board’s proposal. While supporting the Regional Board’s goals for salinity management, this use of waste discharge requirements would be precedent-setting and raises concerns that similar actions could have significant consequences for statewide water supply management. Metropolitan staff are concerned that the tentative order does not take into account the flexibility needed to store water supplies for replenishment and dry-year yield. Storage operations are “opportunistic,” simultaneously taking advantage of timing when supplies, delivery capacity, and receiving capacity are available—often on short notice. Additionally, the specific water quality characteristics of each supply and of each blend varies with the season and

the year. Loss of flexibility to store water and to operate the Metropolitan distribution system for overall regional benefit could result in reduced storage at a time when supply and reliability planning throughout the state is targeting increased groundwater storage.

As a result, Metropolitan has joined with its concerned member agencies, groundwater basin managers, and the water supply community to work with the Santa Ana Regional Board to develop an alternative approach to managing salinity in the Santa Ana River basin that would avoid impacts to water supply management considerations. Staff provided comments at the Regional Board's May 19 workshop on this issue indicating the importance of current supply deliveries to Southern California groundwater basins.

Policy

By Minute Item 39978, dated Dec. 8, 1992, the Board expressed support for the principles cited in the General Manager's letter dated Nov. 24, 1992, as initial positions on groundwater legislation.

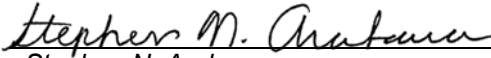
By Minute Item 41222, dated Jan. 10, 1995, the Board amended its adopted principles for groundwater legislation.

By Minute Item 43619, dated July 23, 1999, the Board adopted the Statement of Needs for the CALFED Bay-Delta Program directing staff to seek state and federal funding for Southern California projects in water quality, water recycling, water conservation, groundwater banking and watershed management programs.

By Minute Item 45828, dated July 13, 2004, the Board adopted the Integrated Water Resources Plan Update report including targets for dry-year groundwater storage.

Fiscal Impact

None



Stephen N. Arakawa
Manager, Water Resource Management

5/26/2006
Date



Jeffrey Kightlinger
General Manager

5/30/2006
Date