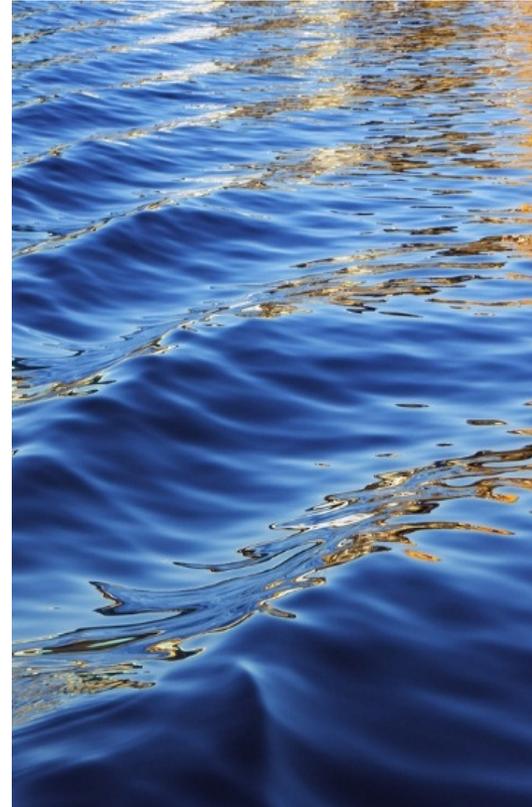




Federal and State Water Policy Framework

Rosemary Menard, City of Santa Cruz



Water Policy Framework

Overview of Presentation

- **Purpose is to provide the Board and public with:**
 - Information on the statutory and regulatory framework in which drinking water utilities operate; and
 - Information about the statutory and regulatory framework that would govern the implementation of any management actions and projects that might be selected as part of the Groundwater Sustainability Plan.
 - Note: Compliance with environmental review statutes and regulations (e.g., CEQA or NEPA) are purposefully left out of this discussion.
- **Further information available at many of the links provided in the presentation**

Water Policy Framework

Key Federal Policies and Regulations

- **1972 Clean Water Act**
- **1974 Safe Drinking Water Act
(as amended in 1986 and 1996)**

Water Policy Framework

1972 Clean Water Act

- The federal Clean Water Act's primary objective is to restore and maintain the integrity of the nation's waters. The objective translates into two fundamental national goals:
 - to eliminate the discharge of pollutants into the nation's waters, and
 - to achieve water quality levels that are fishable and swimmable.
- To achieve the second objective, Designated Uses have been established for individual water bodies (e.g., lake, stream, creek, river) with typical designated uses including:
 - Protection and propagation of fish, shellfish and wildlife;
 - Recreation;
 - Public drinking water supply; and
 - Agricultural, industrial, navigational and other purposes.
- The Clean Water Act includes an Antidegradation Policy (40 CFR 131.12).

Water Policy Framework

The Federal Antidegradation Policy

- **Requires that: (a) The states shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy.**
- **The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:**
 - (1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
 - (2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected.

Water Policy Framework

Safe Drinking Water Act

- **The Safe Drinking Water Act (SDWA)** is the **federal** law that is intended to protect public drinking water supplies throughout the nation (see: <https://www.epa.gov/sdwa>).
- Under the **SDWA**, EPA sets standards for **drinking water** quality and, with its partners (e.g., states), implements various technical and financial programs to ensure **drinking water** safety.
- State agencies accepting primacy* authority from EPA implement drinking water regulations that are no less stringent than federal standards.
- Federal regulations and standards also apply to underground injections including Aquifer Storage and Recovery wells (see: <https://www.epa.gov/uic/class-v-wells-injection-non-hazardous-fluids-or-above-underground-sources-drinking-water>)

*States accepting primacy are delegated authority by EPA to implement the regulation for which they have accepted primacy. The SDWA and CWA programs are typically delegated to states via primacy agreements.

Water Policy Framework

California Statutes, Policies, and Regulations

- **State Water Resources Control Board Antidegradation Policy**
- **Porter Cologne Water Quality Control Act**
- **State Water Resources Control Board Statutes, Policies and Regulations related to Drinking Water and Recycled Water**
- **Sustainable Groundwater Management Act**

Water Policy Framework

State Water Policy Statutes and Regulations

Are Implemented by actions of:

- State Agencies
- California Public Utilities Commission
- Counties, Cities and Special Districts through their municipal codes and ordinances

Apply to the actions of:

- State Agencies
- California Public Utilities Commission
- Counties
- Cities
- Special Districts
- Investor Owned Utilities
- Property Owners
- Individuals, for example farmers, water rights holders

- **Was adopted in 1968**
- **Protects surface and ground waters from degradation.**
- **States that waters having quality that is better than that established in policies in effect shall be maintained unless any change:**
 - Will be consistent with the maximum benefit to the people of the State;
 - Will not unreasonably affect present and anticipated beneficial uses; and
 - Will not result in water quality less than that prescribed in the policies.

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf

Water Policy Framework

Porter-Cologne Water Quality Control Act

- The Porter-Cologne Act, also known as the California Water Code, Section 7, was adopted in 1969 and is the law that governs water quality regulation in California. (https://www.waterboards.ca.gov/laws_regulations/docs/porter_cologne.pdf).
- The State Water Resources Control Board administers water rights, water pollution control and water quality provisions of the Porter-Cologne Act.
- Regional Water Quality Control Boards conduct planning, permitting, and enforcement activities – The Central Coast Regional Water Quality Control Board has local jurisdiction.
- The act requires the adoption of water quality control plans (**Basin Plans**) that contain water quality objectives to support beneficial uses of surface and groundwater resources.

Water Policy Framework

Drinking Water Regulations

California statutes related to drinking water:

- California Safe Drinking Water Act see: Part 12, Chapter 4 of https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/dwstatutes-2018_01_10.pdf

California regulations related to drinking water:

- Key sections in Title 22 are Chapters 15 through 17.5 covering drinking water regulations, water quality monitoring and reporting requirements, and treatment techniques and requirements available at https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/DW-regulations-2018-04-10.pdf

Water Policy Framework

Recycled Water Statutes and Regulations

Overview of California statutes related to water reuse are summarized in the document below

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/rwstatutes_20170113.pdf

California regulations related to water reuse:

- See Article 5.2, Indirect Potable Reuse – Groundwater Replenishment – Subsurface Application of
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/RWregulations_20150716.pdf

California water use regulations in development:

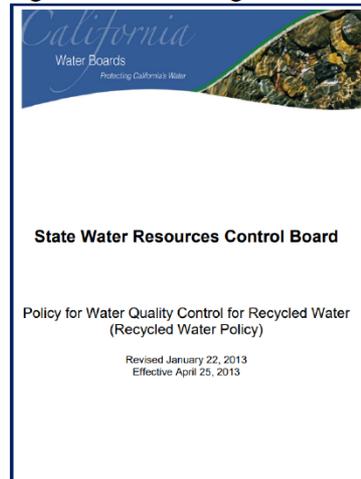
- Surface water augmentation with recycled water and direct potable reuse, see:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/RecycledWater.html

Water Policy Framework

Recycled Water Policy – an evolving effort

Recycled Water Policy History

Promote the use of recycled water while protecting public health and water quality through consistent, streamlined permitting of recycled water projects



2009
Adopted

2013
Amended
Added CEC monitoring

2016
Resolution



December 2017 CEQA Early Public Consultation Meeting

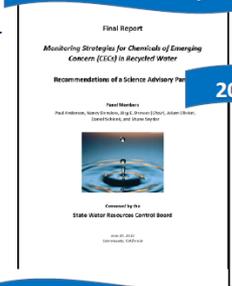
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Drivers of the Most Recent Policy Review:

Project Necessity

- Reconvene Science Advisory Panel on CECs
- Changes in regulatory environment
- State Water Board Resolution 2016-0061

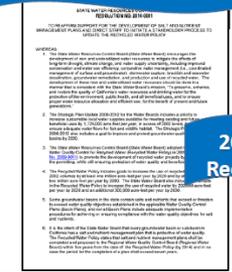
2010 CEC Panel Report



2016 General Order



Resolution 2016-061



2014 Groundwater Recharge Regulations



December 2017 CEQA Early Public Consultation Meeting

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https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/ceqa_presentation.pdf

Water Policy Framework

Recycled Water Policy Update Goals

- **Support increased development and use of recycled water in a manner that is protective of public health and the environment**
- **Amend Recycled Water Policy to reflect:**
 - Changing regulatory aspects of recycled water production
 - Findings from an evaluation of the challenges and benefits of salt and nutrient management plan development;
 - Recommendations of the CEC Science Advisory Panel; and
- **Clarify, streamline and provide statewide consistency for permit requirements for recycled water projects**

Water Policy Framework

Sustainable Groundwater Management Act

- Requires newly formed local groundwater sustainability agencies to establish and implement groundwater sustainability plans that will bring basins into sustainability within 20 years.
- Requires groundwater sustainability agencies to set sustainability goals for the basin or portion of the basin they manage.
- Establishes 6 key sustainability indicators, including Water Quality, for which undesirable results, minimum thresholds and measurable objectives metrics must be identified and monitored to document achievement of sustainability goal.
- Requires that groundwater sustainability agencies identify management actions and projects needed to achieve the sustainability goal and develop an implementation and financing plan to implement the identified management actions and projects.

Water Policy Framework

Summary of Key Points

- There are strong federal and state statutes and regulations governing water quality that will apply to implementation of management actions and/or projects that may become part of the GSP
- Federal and state anti-degradation policies are particularly important in considering how projects and/or management actions might be used to support basin sustainability
- Federal and state policy and regulations are not static but are continuously evolving based on new information and experience

Questions?