

## CV-SALTS Executive Committee Meeting

July 16, 2015 - 9:00 AM to 3:00 PM

Sacramento Regional Sanitation District Offices – **Valley Oak Room**  
10060 Goethe Rd, Sacramento 95827

Teleconference (712) 432-0360 Code: 927571#

Go-To-Meeting Link: <https://global.gotomeeting.com/join/365406845>

Posted 07-06-15 – Revised 07-14-15

### AGENDA

#### 1) Welcome and Introductions - Chair

- a) Committee Roll Call and [Membership Roster](#) -5 min.
- b) Updated topic [schedule for Executive Committee meetings \(Aug. – Nov., 2015\)](#) – 10 min.

#### 2) Exception Policy for Groundwater: Eligibility, Justification, Application – Tim Moore (2 hours)

- A) Necessity for a revised Exceptions Policy
- B) Eligibility requirements for an Exception
- C) Justification demonstrations for an Exception
- D) Implementation (review/approval process, monitoring/reporting, reauthorization)
- E) Additional considerations for surface water variances

**11:30 am to 1:00 pm - Lunch on Your Own**

#### 3) Framework for SWRCB's New Policy to Protect Groundwater Quality - (Tim Moore -2 hours)

- Summary of Conceptual Approach
- Implications for the Salt & Nitrate Management Plan
- What role should CV-SALTs play?

#### 4) Set next meeting dates

- August 7<sup>th</sup> Admin Meeting 1:00 PM-2:30 PM
- August 13<sup>th</sup> Policy Session 9:00a – 3:00p

CV-SALTS meetings are held in compliance with the Bagley-Keene Open Meeting Act set forth in Government Code sections 11120-11132 (§ 11121(d)). The public is entitled to have access to the records of the body which are posted at <http://www.cvsalinity.org>

*One or more Central Valley Regional Water Quality Board members may attend.*

## CV-SALTS Committee Rosters

Executive Committee Membership			CV-SALTS Executive Committee Meetings During 2014-2015													
Voters	Category/Stakeholder Group	Name	7-Nov	13-Nov	8-Jan	16-Jan	20-Feb	19-Mar	9-Apr	1-May	21-May	17-Jun	18-Jun	10-Jul	15-Jul	16-Jul
1	Central Valley Water Board	Pamela Creedon		✓	✓			✓	✓		✓	✓	✓	✓		
Alt	Central Valley Water Board	Jeanne Chilcott		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		
2	State Water Resources Control Bd.	Darrin Polhemus		✓	✓			✓	✓		✓	✓	✓			
3	Department of Water Resources	Jose Faria														
Alt	Department of Water Resources	Ernie Taylor		✓	✓	✓										
4	US Bureau of Reclamation	Michael Mosley			✓	✓	✓		✓	✓	✓		✓			
5	Environmental Justice	Jennifer Clary		✓							✓					
6	Environmental Water Quality	TBD														
<b>CV Salinity Coalition</b>																
1	So. San Joaquin WQC	Dave Orth														
Alt	So. San Joaquin WQC	Casey Creamer		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
2	City of Stockton	Robert Grandberg														
3	California Cotton Growers	Chris McGlothlin		✓	✓			✓	✓				✓			
4	City of Fresno	Steve Hogg														
5	CA League of Food Processors	Trudi Hughes														
Alt	CA League of Food Processors	Rob Neenan		✓	✓			✓	✓		✓	✓	✓			
6	Wine Institute	Tim Schmelzer														
Alt	Wine Institute	Chris Savage		✓												
7	City of Tracy	Erich Delmas			✓			✓	✓		✓					
Alt	City of Tracy	Dale Klever														
8	Sacramento Regional CSD	Lysa Voight		✓	✓			✓	✓	✓		✓	✓	✓		
Alt	Sacramento Regional CSD	Carolyn Geisler-Balazs	✓			✓			✓		✓					
9	San Joaquin Tributaries Authority	Dennis Westcot		✓						✓	✓	✓				
10	City of Modesto	Gary DeJesus														
11	California Rice Commission	Tim Johnson		✓	✓	✓						✓	✓			
12	City of Manteca	Phil Govea										✓	✓			
13	Tulare Lake Drainage/Storage District	Mike Nordstrom	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓		
14	Western Plant Health Assoc.	Renee Pinel	✓						✓		✓					
15	City of Vacaville	Royce Cunningham	✓	✓	✓											
16	Dairy Cares	J.P. Cativiela		✓	✓			✓	✓		✓	✓	✓	✓		
Alt	Dairy Cares	ALT														
17	Westlands Water District	Jose Guterrez	✓					✓								
<b>Comm. Chairs/Co-chairs</b>																
1	Chair Executive Committee	Parry Klassen, ESJWQC	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓			
2	Vice Chair Executive Committee	Debbie Webster CVCWA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
3	Technical Advisory Committee	Roger Reynolds, S Engr.	✓			✓	✓	✓		✓	✓	✓	✓	✓		
	Technical Advisory Committee	Nigel Quinn, LBL	✓	✓	✓		✓									
4	Public Education and Outreach	Joe DiGiorgio		✓	✓		✓	✓			✓	✓	✓			
5	Economic and Social Cost Committee	David Cory, SJVDA	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		
6	Lower San Joaquin River Committee	Karna Harrigfeld, SEWD	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		

**CV-SALTS Committee Rosters**

Participant Names			CV-SALTS Executive Committee Meetings During 2014-2015														
Last	First	Organization	16-Oct	7-Nov	13-Nov	8-Jan	16-Jan	20-Feb	19-Mar	9-Apr	1-May	21-May	17-Jun	18-Jun	10-Jul	15-Jul	16-Jul
Alexander	John	City of Davis															
Archibald	Elaine	CUWA		✓	✓	✓		✓	✓		✓	✓	✓	✓			
Ashby	Karen	LWA				✓	✓	✓	✓	✓	✓		✓				
Barclay	Diane	SWRCB	✓		✓	✓			✓	✓		✓		✓			
Bell	Nicole	KRWCA							✓	✓		✓	✓	✓			
Boyle	Dylan	LSCE															✓
Buford	Pam	CVRWQCB	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓			
Cady	Mark	CDFA										✓		✓			
Cehrs	David	KRCD												✓			
Clary	Jennifer	CWA															
D'Adamo	Dee Dee	SWRCB			✓	✓											
Dickey	John	Plantierra			✓				✓			✓	✓	✓			
Doduc	Tam	SWRCB							✓	✓							
Dunham	Tess	Somach Simmons	✓		✓	✓			✓	✓		✓	✓	✓			
Escobar	Juan	DWR											✓	✓			
Felton	Mark	Culligan Wtr/PWQA	✓		✓												
Firestone	Laurel	CWC								✓		✓	✓	✓			
Gallock	Charolotte	WWD				✓					✓		✓	✓	✓		
Gonzalez	Armando	Occidental Oil & Gas		✓		✓			✓			✓		✓			
Gowdy	Mark	SWRCB,Water Rights															
Grovhoug	Tom	LWA	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓			
Herr	Joel	Systech															
Houdesheldt	Bruce	NCWA/Sac Valley WQC		✓	✓	✓	✓	✓	✓				✓	✓			
Johnson	Jeff	Chevron															
Johnson	Michael	LSJRC		✓	✓		✓	✓			✓						
Kihara	Annalisa	SWRCB				✓						✓					
Kretsinger Grabert	Vicki	LSCE			✓	✓			✓	✓			✓	✓			
Laputz	Adam	CVRWQCB							✓	✓							✓
LeClaire	Joe	CDM Smith	✓		✓							✓					✓
Lilien	Jonathan	Chevron				✓											
Longley	Karl	CVRWQCB	✓		✓		✓			✓		✓	✓	✓			
Meeks	Glenn	CVRWQCB	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓			
Meyerhoff	Richard	CDM Smith	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓			
Moore	Tim	Risk-Sciences	✓		✓	✓			✓	✓		✓	✓	✓			
Nasaei	Elnaz	SWRCB			✓												
Nordberg	Mark	DWR										✓					
O'Brien	Conor	CDFA			✓	✓		✓	✓	✓							
Pirondini	Tony	City of Vacaville			✓			✓	✓	✓			✓	✓			
Pritchett	Gregory	Chevron				✓											
Pulupa	Patrick	CVRWQCB	✓		✓	✓			✓			✓	✓	✓			
Pitcher	Jennifer	West. States Petroleum		✓	✓	✓	✓			✓		✓					
Quasebarth	Tom	CDM Smith															
Rodgers	Clay	CVRWQCB	✓		✓	✓				✓		✓	✓	✓			
Seaton	Phoebe	CRLA				✓				✓		✓		✓			
Tapia	Joe	DWR															
Tellers	Josie	City of Davis	✓		✓	✓			✓	✓		✓	✓	✓			
Thomas	Bill					✓				✓		✓	✓	✓			✓
Tristao	Dennis	J.G. Boswell				✓											
Wackman	Mike																
Wichert	Casey								✓								

**ADDITIONAL PARTICIPANTS:**



**Proposed CV-SALTS Development Schedule for the SNMP**

2015 Dates <sup>1</sup>	Policy Focus	Technical Focus
<b>July 15 &amp; 16</b>	1) Secondary MCLs 2) General constituents narrative objective 3) Exceptions policy for groundwater 4) Framework for SWRCB's new policy to protect groundwater quality 5) Integration of SNMP with other state policies	
<b>August 13</b>	1) Alternative Compliance Plans	1) Draft SNMP groundwater surveillance and monitoring recommendations
<b>September 10</b>	2) Monitoring and regulating nitrate discharges to groundwater	
<b>October 21 &amp; 22</b>	1) Finalize recommendations re: factors to be considered when evaluating BPTC, "best efforts," BMPs, "best economically achievable treatment practices," etc. 2) Finalize recommendations re: factors to be considered when evaluating "Maximum Benefit to the people of California." 3) Integration of SNMP with other state policies	1) Key nitrate study findings (NIMS) for policy consideration 2) Nitrate & salt implementation measures for incorporation into SNMP
<b>November 18 &amp; 19</b>	1) Carryover from October as needed	1) Management Zones (key policy-related findings from AID Management Zone archetype)
<b>December</b>	<i>No Meeting Scheduled</i>	

<sup>1</sup> Where two dates are shown, the current expectation is that the first day (Wednesday) will be an afternoon half day meeting; the second day (Thursday) will be a full day meeting.



## Discussion Outline: Policy for Exceptions to Waste Discharge Requirements

### I. Background

- 1) The Central Valley Regional Board adopted a Policy for Exceptions from Implementing Water Quality Objectives for Salinity as Res. No. R5-2014-0074 on June 6, 2014. The SWRCB approved that policy as Res. No. 2015-0010 on March 17, 2015. The Policy amended the two CV Basin Plans and established "procedures for dischargers that are subject to WDRs and conditional waivers to obtain a short-term exception from meeting effluent or groundwater limitations for salinity constituents."
- 2) At the same time, the Central Valley Board established a Salinity Exception Program that is "in effect during the development and initial implementation of the Salt and Nitrate Management Plans" being prepared through the CV-SALTS process. The Salinity Exception Program applies only to electrical conductivity, total dissolved solids, chloride, sulfate and sodium.
- 3) The Salinity Exception Program expires on June 30, 2019. And, the Regional Board's authority to grant new exceptions or reauthorize existing exceptions also expires on the same date. The Regional Board intended that any long-term exceptions policy, should be developed through the CV-SALTS process and that stakeholders make appropriate recommendations for such a policy in the Salt and Nitrate Management Plan.
- 4) The Basin Plan amendment limits the Regional Board's authority solely to exceptions related to salinity. Salinity is defined to include and is limited to: electrical conductivity, total dissolved solids, chloride, sulfate and sodium. The new Policy did not provide the Regional Board with legal authority to approve exceptions for any other pollutants including nitrate. Another Basin Plan amendment would be required to alter the list of pollutants eligible for an exception.
- 5) The authority to grant an exception does not automatically grant such an exception in any given instance. Each exception must be authorized in a separate Board action.
- 6) Exceptions must "be set for a term not to exceed ten years. For exception terms greater than five years, the Regional Board will review the exception five years after approval to confirm that the exception should proceed for the full term." That review must be conducted in a public hearing.

**II. Questions for CV-SALTS:**

- 1) Should the SNMP recommend extending the Regional Board's authority to grant exceptions beyond June 20, 2019? If so, what is the rationale to justify that recommendation?
- 2) Should the SNMP recommend expanding or contracting the list of chemical constituents eligible for an exception? And, more specifically, should nitrate-nitrogen be eligible for an exception?
- 3) Assuming that CV-SALTS intends to recommend some sort of continuing authority to grant exceptions, what eligibility requirements should apply?
- 4) Assuming that a discharger (or group of dischargers) is eligible for an exception, what demonstrations must be made to the Regional Board to justify approval? And, what evidence is required to support those claims?
- 5) What should be the maximum term of an exception? What, if any, intermediate review requirements should apply during that term? Can a new exception be granted following expiration of a prior exception? If so, how would the requirements for reauthorization differ from the requirements imposed for the initial approval?
- 6) What special monitoring and reporting requirements should apply in order to see that the exception is implemented as intended?
- 7) What other interim performance obligations and mitigation requirements should be imposed as a condition for granting an exception?
- 8) What, if any, requirements related to implementing long-term sustainability programs (like those envisioned by SSALTS) should be linked to the long-term exceptions policy?
- 9) Does CV-SALTS want to recommend that a long-term streamlined Exceptions Program be developed for one or more of the chemical constituents eligible for such exceptions as part of the proposed Basin Plan amendment package scheduled for submission to the Regional Board in the spring of 2017? The streamline Exceptions Program would request that the Regional Board apply its extended/expanded authority by granting some specific exceptions.
- 10)

### **III. Rationale for Extending/Expanding the Regional Board's Authority to Grant Exceptions**

- 1) Without the authority to grant exceptions, the Regional Board may only permit discharges that comply with water quality objectives...
  - A) By finding that pollutant concentrations meet the applicable objectives at the confluence with the receiving water, or...
  - B) By allocating any available assimilative capacity in accordance with the state antidegradation policy (Res. No. 68-16), or...
  - C) By imposing a compliance schedule through the WDRs, or through a separate Time Schedule Order, that provides to implement measures needed to comply.
- 2) If the discharger is unable to meet the applicable objectives, with or without a compliance schedule, and there is no assimilative capacity available, the Regional Board lacks authority to permit the discharge to continue. The discharge must be prohibited.
- 3) In some (perhaps many) places:
  - A) There is no feasible or practicable means of complying with the applicable water quality objectives, and...
  - B) There is little or no assimilative capacity available in the receiving groundwater basin, and...
  - C) Prohibiting the discharge may also be infeasible or impractical, and...
  - D) Prohibiting the discharge would be unreasonable, resulting in substantial and widespread adverse social and economic impact, and...
  - E) Prohibiting the discharge would not significantly improve water quality in the receiving groundwater basin for many years (perhaps decades).
- 4) In such cases:
  - A) A conditional exception is the only mechanism for authorizing a non-compliant discharges and avoiding the adverse effects caused by prohibiting the discharge, and...
  - B) A conditional exception can provide a more effective means of protecting water users than is likely to be achieved by requiring compliance with the objectives or by prohibiting the discharge (e.g. Alternate Compliance Programs/Projects).
  - C) A conditional exception must be approved on a case-by-case basis through an open and transparent public hearing process to review the rationale for and conditions of the proposed exception.

**IV. Eligibility Requirements for a Conditional Exception from WDRs**

- 1) The discharger submits an application for an exception from meeting specific Waste Discharge Requirements (WDRs).
- 2) It is infeasible or impracticable for the discharge to comply with the relevant WDRs with or without a compliance schedule.
- 3) There is no assimilative capacity available, or significant uncertainty regarding the availability assimilative capacity, for the relevant pollutant in the receiving groundwater basin.
- 4) It is unreasonable to prohibit the discharge as doing so would result in substantial and widespread economic and social impact or would cause more severe adverse environmental impact than would occur if the discharge was allowed to continue.
- 5) Prohibiting the discharge will not assure attainment of the applicable water quality standard in the receiving groundwater basin during the next 20 years.

**V. Key Demonstrations to be made with the Application for a Conditional Exception**

- 1) Reasoning and evidence addressing each of the eligibility requirements described above. Burden of proof is on the discharger(s).
- 2) An appropriate scientific and technical analysis estimating the net change in receiving water quality if the exception is granted.
- 3) Detailed description of current and proposed efforts to reduce the discharge of pollutants, for which an exception is being sought, to the maximum extent practicable. And, a schedule of implementation for all such efforts with clear metrics for determining compliance with that schedule.
- 4) Detailed description of any proposed mitigation project or other Alternate Compliance Program (ACP) offered to help justify approval of the Conditional Exception.
- 5) Any documentation that the Regional Board needs to meet its obligations under CEQA for authorizing the requested exception.
- 6) Copies of documents prepared and certified by another state or local agency, pursuant to Public Resources Code section 21080 et seq., or such documents as necessary for the Regional Water Board to make its decision in compliance with PRC §21080 et seq.



# CV-SALTS Meeting Calendar

## 2015

**1 January**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**2 February**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

**3 March**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**4 April**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

**5 May**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**6 June**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**7 July**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**8 August**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**9 September**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**10 October**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**11 November**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**12 December**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### Notes

Light Red conflicts

2nd or 3rd Thursdays

Dark Green Exec Comm Policy

Fridays at 1:00 pm

Lt. Green Hatch Exec Comm Admin

Yellow Salty 5

Lower SJ River Committee

**TAC Meeting**

1-May

Regional Board Presents 4-16/17

State Board Presentation 1/20/15

Wednesday Meetings are DRAFT

May be held by Webinar or

in person in Sacramento

June 17th Held at Farm Bureau