

CV-SALTS Executive Committee Meeting

September 10, 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/714419325>

Posted 09-01-15 – Revised 09-08-15

AGENDA

1) Welcome and Introductions - Chair

- a) Committee Roll Call and [Membership Roster](#) -5 min.
- b) Review/Approve Executive Committee Meeting Notes for July & August – 5 min.
 - [July 15-16th Meeting Notes](#)
 - [August 13th Meeting Notes](#)
- c) UPDATED [SNMP Development Schedule](#) – 5 min

2) Clarifying Definitions for Key Regulatory Words and Phrases – (Tim Moore -1 hour 45mins)

- Defining: “Infeasible, Impracticable or Unreasonable,” “Naturally Occurring,” “Natural Background”

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

3) Continue Review and Discussion of Key Definitions - (Tim Moore -2 hours)

- Defining: “Current Water Quality,” “Will Not Unreasonably Affect Present and Anticipated Beneficial Use of Water,” “Consistent with Maximum Benefit to the People of the State,” “BPTC, Best Efforts...”

4) Set next meeting dates

- October 9th Admin Meeting 1:00 PM-2:30 PM
- October 21st Half-Day Policy Session 1:00 PM – 4:00 PM (NIMS & SSALTS)
- October 22nd Policy Session 9:00a – 3:00p (Nitrate Permitting Strategy)

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	8-Jan	16-Jan	20-Feb	19-Mar	9-Apr	1-May	21-May	17-Jun	18-Jun	10-Jul	15-Jul	16-Jul	7-Aug	13-Aug	10-Sep
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															
CV Salinity Coalition																	
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-Balaza		✓			✓		✓								
9	San Joaquin Tributaries Authority	Dennis Westcot						✓	✓	✓			✓				
10	City of Modesto	Gary DeJesus															
11	California Rice Commission	Tim Johnson	✓	✓						✓	✓				✓		✓
12	City of Manteca	Heather Grove								✓	✓						
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				✓											
Comm. Chairs/Co-chairs																	
1	Chair Executive Committee	Parry Klassen, ESJWQC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
2	Vice Chair Executive Committee	Debbie Webster CVCWA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
3	Technical Advisory Committee	Roger Reynolds, S Engr.		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
3	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	8-Jan	16-Jan	20-Feb	19-Mar	9-Apr	1-May	21-May	17-Jun	18-Jun	10-Jul	15-Jul	16-Jul	7-Aug	13-Aug	10-Sep
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		✓			✓		✓	✓	✓		✓	✓			
McGahan	Joe	SJVDA														✓	
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	✓			✓			✓	✓	✓		✓	✓		✓	
Pirondini	Tony	City of Vacaville							✓						✓		
Pitcher	Jennifer	West. States Petroleum	✓	✓			✓		✓						✓		
Quasebarth	Tom	CDM Smith															
Rodgers	Clay	CVRWQCB	✓			✓	✓		✓	✓	✓		✓	✓			
Seaton	Phoebe	CRLA	✓				✓		✓		✓			✓		✓	
Segal	Daniel	Chevron											✓				
Stamps	Alicia	Kennedy/Jenks											✓				
Tellers	Josie	City of Davis	✓			✓	✓		✓	✓	✓		✓	✓	✓	✓	
Thomas	Bill	KRCD	✓				✓		✓	✓	✓	✓			✓	✓	
Tristao	Dennis	J.G. Boswell	✓						✓	✓	✓	✓					
West	Doug	CDFA															✓
Wichert	Casey					✓											

ADDITIONAL PARTICIPANTS:

CV-SALTS Executive Committee Meeting - Summary Action Notes

For July 15, 2015 – 1:00 PM to 4:00 PM

Attendees are listed on the Membership Roster

AGENDA

1) Welcome and Introductions

- a) Committee Chair Parry Klassen brought the meeting to order, and roll call was completed.
- b) Casey Creamer moved to approve, and David Cory seconded, and the June 17th and June 18th action notes, were approved with the following revision to the June 17th notes:
 - **Purpose of Management Zones**
Item 5) add the following: *"The authority to administer a Management Zone may require authorization from other local agencies in addition to the Regional Board's approval."*
 - **Antidegradation Analysis Within a Management Zone**
Item 1) expand and clarify the use of buffers in the allocation of assimilative capacity. If using a buffer, how big should it be, and how should it be implemented.
- b) To maintain a complete administrative record for the basin plan amendment, public outreach meetings must be documented. Daniel stated future public outreach would be recorded (e.g. Tim's Tuesday meeting with a dairy group)

2) Secondary MCLs

- Tim Moore pointed out two typos that need to be corrected in the document:
 - Page 19, Eliminate the word "not" in the following:
Traditionally, water quality objectives are ~~not~~ expressed as single value thresholds and the system is not set up to implement standards as a range
 - Page 6, Insert "The omission of..." in the following:
The omission of this contextual information interferes with the Regional Board's ability to develop appropriate Waste Discharge Requirements (WDRs) based on the values enumerated in the two tables.
- Some of the recommendations, or concerns, from the committee members were:
 - Page 9, Item 11) Clarify or replace the terms "naturally occurring," and "ability-to-pay." Clarify "averaging." Reference State Board document that addresses ways of determining "ability-to-pay."
 - Page 8, Item 8) Add "Doesn't supersede site specific objectives" end of second to the last sentence.
 - Page 8, Item 9, Write in "required fate/transport review" (not "may require")
 - Page 8, Item 10) Remove "metals," clarify the filtration of the sample and test after filtration. Compliance to be determined on a filtered (0.45 micron) sample. Clarify total vs. dissolved.
 - Page 10 The red line sections B) and D) need to be edited for consistency whether ground water or surface water.
 - Need a different point of compliance for groundwater, community well is too far down.
 - Replace "community water system" with "domestic water supply."
 - CUWA voiced a concern that the ACPs and SSALTS focus on ground water and that nothing similar exists for surface waters.
 - Tim suggested that maps be developed for comparison, delineating where CUWA and POTW are experience SMCL compliance issues.
 - Page 11 Red line revision for Table B discussion under F) is missing.

- The SMCL document will now go to the small group for rewrite. If there are no further substantive policy issues it will proceed to the Executive Committee Admin Meeting for approval.

3) Set next meeting date

- The next Policy Session is July 16th. The next Admin Meeting will be August 7th. August Policy is scheduled for August 13th.

CV-SALTS Executive Committee Meeting - Summary Action Notes

For July 16, 2015 – 9:00 AM to 3:00 PM

Attendees are listed on the Membership Roster

AGENDA

1) Welcome and Introductions

- a) CVSC Chair David Cory brought the meeting to order, and roll call was completed.
- b) Richard Meyerhoff presented the [SNMP 2015 Development Schedule Revised 070815](#). Some topics have been juggled to accommodate the CEQA schedule. Richard emphasized the importance of the October meeting where both nitrate (NIMS) and salt (SSALTS) implementation programs will be discussed.

2) Exception Policy for Groundwater: Eligibility, Justification, Application

- During the morning and afternoon session Tim asked the committee to consider the following questions regarding an exceptions policy:

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.

- The committee also discussed the Eligibility Requirements for a Conditional Exception from WDRs and Key Demonstrations to be made with the Application for a Conditional Exception.
- Some of the recommendations, or concerns, from the committee members were:
 - Laurel Firestone was concerned that the discussion on assimilative capacity did not appear in the SNMP Development Schedule and that conversation needs to be held before moving forward.

- In response to Laurel’s concern about a clear pathway to long-term restoration of impaired waterbodies, Daniel Cozad asked that she prepare a list with key elements to be included in the work plan for that project, and send to Tim within 2 weeks, prior to the first meeting of the NIMS Project Committee.
- Pamela Creedon requested that specific language be included that ties the streamlined process to active engagement in the CV-SALTS process, including a long-term commitment to the long-term SSALTS or NIMS projects.
- Section II, 5) In response to what the maximum term of an exception should be:
 - Open, Case Specific Deadline w/5 year review to confirm compliance with milestones
- A Policy for Exceptions to WDRs is needed for “legalizing doing the right thing.”
- Some minor edits suggested for the document:
 - Section IV,
 - 2) Insert “or otherwise unreasonable.”
 - 5) Insert ‘re-attainment.’
 - Section V add “, and if it is NOT granted.”

3) Framework for SWRCB’s New Policy to Protect Groundwater Quality

- Annalisa Kihara provided an overview of this ongoing effort. A scoping document was drafted and released. Follow-up meetings with stakeholders were held 6/23, 6/29 and 7/10. Executive Management and the Board members still need to be briefed on feedback received from stakeholders. The schedule going forward will be determined pending outcome of high level policy decisions.

4) Set next meeting date

- The next Admin Meeting will be August 7th. August Policy is scheduled for August 13th.

CV-SALTS Executive Committee Meeting - Summary Action Notes

For August 13, 2015 – 9:00 AM to 3:00 PM

Attendees are listed on the Membership Roster

AGENDA

1) Welcome and Introductions

- a) Executive Committee Chair Parry Klassen brought the meeting to order, and roll call was completed.
- b) Approval of the July 15 & 16 Notes was deferred until the September meeting.
- c) The morning session opened with the following statement from Dr. Longley to the committee:

***Statement by Karl Longley
Member, Central Valley Regional Water Quality Board
CV SALTS ExComm Meeting
August 13, 2015***

As we improve and increase the scope of our data collection and management systems and, therefore, have the capacity to more precisely apply and use data in accordance with established policy:

- *Some will see no significant difference in their water quality compliance requirements;*
- *Some will have stricter water quality compliance requirements; and*
- *Some will have less strict water quality compliance requirements.*

The latter case is not regulatory relief though it may be viewed as such by some.

Let me make this point clear, dischargers simply are experiencing a more correct application of regulatory requirements for compliance measures necessary to protect water quality.

Please note that the alternative compliance policy (ACP) is a path to compliance normally employing a time schedule order taking dischargers to compliance with protection of beneficial uses.

The focus of the Board is on water quality and using those processes that will bring dischargers into compliance with water quality objectives using the appropriate implementation of regulation.

2) Alternative Compliance Plans

- During the morning session the committee discussed the “Key Elements for a Proposed Alternate Compliance Program/Project (ACP)”.
- Some of the recommendations, or concerns, from the committee members were:
 - Rationale and Justification
 - Clarify the concept of scalability. That these demonstrations can be made singularly, for an individual discharger, or collectively for a management zone.
 - Incorporate a temporal component as 1C and a linkage to long term improvement, and tie in the offset component.
 - Change “existing water quality” to “current water quality.”
 - A discharger is not responsible for the whole, but what they are obligating themselves to is proportionate to their contribution.
 - Water Quality Analysis
 - Groundwater assessment reports and work already done by CV-SALTS can provide a baseline.
 - Levels of effort could be incremental and phased.
 - Can rely on existing data from management zone perspective to set baseline conditions.

- Analysis should be proportionate to the decision you are trying to make. May not need all the data to make the decision in question.
- Instead of “fate and transport”: What area is potentially affected and what is the effect? Who is included/excluded?
- Best Efforts Analysis
 - Include performance-based reporting on ACP and Best Efforts
 - Document the rate at which assimilative capacity is being consumed
- Alternative Compliance Program/Project
 - Have to justify the length of time asking for, if asking for long term

3) SNMP Groundwater Surveillance and Monitoring Program (SAMP) Policy-Related Questions

- Richard Meyerhoff and Joe LeClaire presented 5 policy-related questions and recommendations for the committee to consider with regard to the SAMP.
 - 1) Which groundwater basins should be included in the SAMP? Valley floor groundwater basins vs. out-of-valley floor groundwater basins
 - Recommendation: The SAMP should establish monitoring networks that only include groundwater basins located within the valley floor.
 - CDM Smith will proceed under this recommendation and expand the network to additional locations outside the valley floor if necessary.
 - 2) How often should the AWQ and trends be assessed?
 - Recommendation: AWQ and trends should be re-assessed every five years.
 - The committee agreed 5-yr assessment was acceptable as long as capturing all 5 years of annual data. Trend analysis would be for all data. Flexibility should be built into the basin plan for the Executive Officer to make changes.
 - 3) What data should be collected in the SAMP?
 - Recommendation: Only the following constituents should be include in the database:
 - Groundwater elevations
 - TDS
 - Nitrate
 - Electrical conductivity
 - Ancillary water quality data (*e.g.*, major cations and anions) to support QA/QC activities
 - Complete data for each well will be downloaded, but the focus will be on the above constituents. The committee agreed with this recommendation.
 - 4) How should the monitoring programs be stratified in terms of well depth?
 - Deep Network: The committee expressed the concern of bias in the dataset based on using primarily Community Water System (CWS) wells in the deep network. CDM Smith will look at including more types of wells to avoid the bias. The revised plan will come back to the Executive Committee after review by the Technical Committee.
 - Shallow Network: There was no recommendation at present and a plan for the shallow network will also come back to the Executive Committee after review by the TAC.
 - 5) What is the management framework for the SAMP and how will the database be managed?
 - Questions regarding administration of, and access to, the proposed database still need to be addressed by the committee. Pamela Creedon advised the committee it was important that these decisions be made as soon as possible.

4) Set next meeting date

- The next Admin Meeting will be September 4th. September Policy is scheduled for September 10th.



Revised CV-SALTS Development Schedule for the SNMP

2015 Dates ¹	Policy Focus	Technical Focus
July 15 & July 16	1) Secondary MCLs 2) General Constituents Narrative Objective 3) Exceptions Policy for groundwater 4) Framework for SWRCB's New Policy to Protect Groundwater Quality	
August 13	1) Alternative Compliance Plans (ACPs)	1) Draft SNMP groundwater Surveillance and Monitoring recommendations
Sept. 10	1) Clarify Definitions for Key Regulatory Terms	
Oct. 21 & Oct. 22	1) Review Permitting Strategy for Nitrate Discharges to Groundwater	1) Key nitrate study findings (NIMS) for policy consideration 2) Nitrate & salt implementation measures for incorporation into SNMP
Nov. 18 & Nov. 19	1) Carryover from October as needed	1) Management Zones (key policy-related findings from AID Management Zone archetype)
December	<i>No Meeting Scheduled</i>	

¹ 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.



Defining: "Infeasible, Impracticable or Unreasonable"

- 1) Before the Regional Board can authorize:
 - a) A compliance schedule or deferred prohibition
 - b) An allocation of assimilative capacity
 - c) A temporary conditional exception or variance
 - d) An Alternate Compliance Project or Program (ACP)

The discharger must first demonstrate that it is infeasible, impracticable or unreasonable to comply with one or more of the Waste Discharge Requirements (WDR) or to prohibit the discharge entirely.

- 2) Requiring strict compliance is infeasible when it is technically unrealistic or otherwise illegal to meet the applicable WDR.
- 3) Requiring strict compliance is impracticable where the discharger lacks adequate resources to implement the measures necessary to meet the applicable WDR.
- 4) Requiring strict compliance is unreasonable when the obligations imposed are excessive or exorbitant in relation to the level of water quality improvement expected, or result in significant disadvantages which cannot be justified by the projected benefits, and there are more cost-effective means available to protect public health or the environment.
- 5) Where strict compliance with the applicable WDR is infeasible, impracticable or unreasonable, and the Regional Board agrees to authorize one of the options identified in #1 (above), the discharger is still obligated to implement such measures as are necessary to achieve the highest level of water quality which is feasible, practicable and reasonable.
- 6) Separately, the Regional Board intends to require such actions as are necessary to restore groundwater basins to attainment of water quality standards where it is feasible, practicable and reasonable to do so. This means it must be technically and physically possible to achieve such outcomes by imposing WDRs that are judicious, pragmatic, realistic, equitable, affordable and proportionate to the water quality benefits provided.



Defining: "Naturally Occurring" or "Natural Background Concentration"

"The numerical and narrative water quality objectives define the least stringent standards that the Regional Water board will apply to regional waters in order to protect beneficial uses. Numerical receiving water limitations will be established in Board orders for constituents and parameters which will, at a minimum, meet all applicable water quality objectives. However, the water quality objectives do not require improvement over naturally occurring background concentrations. In cases where the natural background concentration of a particular constituent exceeds an applicable water quality objective, the natural background concentration will be considered to comply with the objective." (Sacramento-San Joaquin Basin Plan; pg. IV-17.00; similar language also appears at pg. III-9.0)

"In no case are cleanup levels established below natural background concentrations."
(Sacramento-San Joaquin Basin Plan; pg. IV-19.00)

Definitions:

- 1) The naturally occurring background concentration is the amount of a given constituent that occurs as a result of factors unrelated to any anthropogenic activities in or near the area.
- 2) Water quality conditions that predate significant human development in the region is, by definition, "naturally-occurring."
- 3) Examples:
 - A) Minerals leaching into groundwater from ancient marine sediment layers surrounding the aquifer.
 - B) Salt buildup due to evapotranspiration in a closed basin from normal precipitation and runoff (e.g. not related to anthropogenic activities such as irrigation and drainage).
- 4) Where human activities have increased the concentration of contaminants in a receiving water, the natural background concentration is the concentration that would have inevitably resulted even if these human activities had never occurred.

1) "Current Water Quality"

"Where the constituent in groundwater is already at or exceeding the water quality objective, the Regional Board must set limitations no higher than the objectives set forth in the Basin Plan. Exceptions to this rule may be granted where it can be shown that a higher discharge limitation is appropriate due to system mixing or removal of the constituent through percolation through the ground to the aquifer. [FN] Where compliance with the objectives cannot be achieved by reasonable efforts, review of the appropriateness of the water quality objective may be required." [SWRCB WQO #1981-0005; In re: Petition by City of Lompoc; See also SWRCB WQO #2002-0012; In re: EBMUD and Bay Area Clean Water Agencies]

Related concepts...

- a) Implementation Plans for basins or sub-basins where water quality objectives are being or are threatening to be exceeded [SWRCB Res. 09-11; Recycled Water Policy, §6-b-2]
- b) Estimate assimilative capacity for each basin or sub-basin [Recycled Water Policy, §6-b-3-d]
- c) *"For compliance with this paragraph, the available assimilative capacity shall be calculated by comparing the mineral water quality objective with the average concentration of the basin/sub-basin over the most recent five years of data available or using a data set approved by the Executive Officer."* [Recycled Water Policy, §9-c-1 @ pg. 11]

Factors to be considered...

- a) Evaluated on a pollutant-by-pollutant basis
- b) Data should be "representative"
- c) Spatial variability (3D) and Temporal variability
- d) Excludes the "mixing zone" where one is authorized
- e) Guidance for characterizing average surface water quality is in State's 303(d) Listing Policy

Proposed Strawman Definition for "Current Water Quality"...

Current water quality is the volume-weighted average (mean) concentration of a constituent in a groundwater basin, sub-basin or other approved management zone. The average concentration will be computed using all reasonably available representative and reliable data collected from wells in or adjacent to the basin, sub-basin or management zone during the most recent 10 years but excluding data from any approved mixing zone. The Regional Board may authorize shorter or longer averaging periods where necessary and appropriate. The 10-year average will be computed independently for each well and the resulting values used to prepare an area-wide (2D or 3D) gridded contour map to estimate concentration gradients in the basin, sub-basin or management zone. Appropriate statistical transformations may be applied where necessary to normalize the data prior to computing mean values. Where long-term data for an individual well or group of wells indicates a statistically-significant trend in water quality, it may be appropriate to weight the most recent data more heavily when computing the mean concentration at such wells. Until the volume-weighted average concentration has been computed using the above method, the Regional Board will continue to estimate current water quality on a well-by-well basis using the most recent available data. The current water quality for a given basin, sub-basin, management zone or well may be different values.

2) "Will Not Unreasonably Affect Present and Anticipated Beneficial Use of Water"

"Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies." [SWRCB Res. 68-16; see also CWC§13241]

Related concepts...

- a) A pollution or nuisance will not occur [SWRCB Res. 68-16; §2]
- b) Water quality objectives are being or are threatening to be exceeded [RWP; §6-b-2]

Factors to be considered...

- a) *"Pollution means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects the waters for beneficial uses or the facilities which serve these beneficial uses. Pollution may include contamination."* [CWC 13050(l)]
- b) *"Nuisance means anything which meets all of the following requirements: 1] Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; 2] Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; 3] Occurs during, or as a result of, the treatment or disposal of wastes."* [CWC 13050(m)]
- c) *"In determining whether available assimilative capacity will be exceeded by the project or projects, the Regional Water Board shall calculate the impacts of the project or projects over at least a ten year time frame."* [Recycled Water Policy, §9-c-1]
- c) Presence or absence of an authorized "mixing zone."
- d) Guidance for determining whether a surface water quality objective is being "exceeded" is in State's 303(d) listing policy. [SWRCB Res. 2004-0063]

Proposed Strawman Definitions...

Beneficial uses are "not unreasonably affected" by a discharge if the average concentration of a constituent in the receiving water is not expected to exceed the applicable water quality objective for the relevant basin, sub-basin or approved management zone for a period of 20 years following the discharge, and...

Beneficial uses are "not unreasonably affected" by a discharge if the discharger implements measures to ensure all downgradient groundwaters under the influence of the discharge will meet applicable water quality objectives when such groundwaters are extracted for use; this may include (but is not limited to) recharging additional high quality waters in the relevant basin, sub-basin or management zone to dilute and offset the discharge, installing and maintaining well-head treatment in all affected wells, or providing additional high quality surface water supplies to protect existing or anticipated uses through blending.

3) "Consistent with Maximum Benefit to the People of the State"

Related concepts...

- a) Necessary to accommodate important economic or social development in the area in which the waters are located (*federal; 40CFR131.12-a-2*)
- b) Would result in substantial and widespread economic and social impact (*40CFR131.10-g-6*)

Factors to be considered... (not a checklist)

- a) Maximum Benefit is determined on a case-by-case basis
- b) Past, present and probable future beneficial uses of the water; and the estimated effect on receiving water quality and resulting impact on those beneficial uses.
- c) Economic and social costs (incl. human health effects), tangible and intangible, of the proposed discharge compared to the benefits. Must consider "costs" to both the discharger and others affected by the discharge.
- d) Ability of the discharger to pay for the necessary treatment and whether imposing such costs will result in significant adverse impact on the surrounding area (several federal tools and templates are available for surface waters)
- d) Environmental aspects of the proposed discharge (esp. net effects on water quality in the region; example: preventing seawater intrusion or preserving critical habitat)
- e) Implementation of feasible alternative treatment or control measures to abate the adverse effects of lower water quality
- f) Cost savings "alone" are not an adequate justification; must also demonstrate how the savings are necessary to accommodate important social and economic development (note reference to federal regulations in interpreting state antideg policy; presumably applies to surface waters only)
- g) Reduction in water quality is spatially localized or limited (e.g. confined to the mixing zone)
- h) Reduction in water quality is temporally limited and will not result in any long-term deleterious effects on water quality
- i) Proposed discharge will produce only minor effects which will not result in a significant reduction of water quality (e.g. a single project uses less than 10% of available assimilative capacity or the cumulative effect of all projects uses less than 20% of available assimilative capacity in a given basin, sub-basin or management zone).
- j) The proposed activity has been approved in the General Plan of a political subdivision, or the Groundwater Sustainability Plan for a given management zone, and has been subjected to adequate environmental and economic analysis in an EIR prepared as required under CEQA.
- k) EPA's Water Quality Standards Handbook (Chapter 5) provides additional guidance for evaluating socio-economic impacts related to meeting water quality standards in surface waters

Primary reference sources: 1) SWRCB's Guidance on Resolution 68-16, 1995; 2) SWRCB's Administrative Procedures Update 90-004; 3) SWRCB's Recycled Water Policy, 2009; 4) CWC §13241; 5) *Asociacion de Gente Unida Por El Agua v. Central Valley Board*, 210 Cal. App. 4th 1255

3) "Consistent with Maximum Benefit to the People of the State" (continued)

Proposed Strawman Decision Criteria for Demonstrating "Maximum Benefit to the People of the State"...

- A) Lower water quality is spatially-limited and/or a temporary condition. Example: direct injection wells where potable or recycled water is stored for later extraction or providing additional recharge that will ultimately blend with and offset the discharge.
- B) Lowering water quality at one location will result in higher water quality in the same or another location such that there is a net improvement in water quality and beneficial use protection in the receiving water, watershed, region or state as a whole. Example: a groundwater clean-up project removes TCE, but the air stripping process increases the concentration of TDS.
- C) Lowering water quality will result in better protection of actual beneficial uses than would occur by imposing more stringent effluent limitations or prohibiting the discharge. Example: the discharge is coupled with a project to provide well-head treatment or alternate drinking water supplies where the MUN use is severely impaired.
- D) Lowering water quality would facilitate increased use of recycled water (particularly by displacing demand for potable water) and thereby increase the overall water supply in the basin, sub-basin, watershed, region or state. Example: using recycled water for landscape or agricultural irrigation.
- E) Lowering water quality would facilitate increased recharge and storage to groundwater basins and particularly where the underlying aquifer is in an overdraft condition.
- F) Lowering water quality is necessary to accommodate important social and economic activity in the region particularly where more stringent effluent limitations or discharge prohibitions would result in widespread and substantial adverse socioeconomic impacts in the area.
- G) Lowering water quality would cause less adverse environmental impact than imposing more stringent effluent limitations or discharge prohibitions. Example: additional treatment results in significant cross-media waste streams (e.g. brines, greenhouse gases, etc.) or requires significant energy consumption without any corresponding reduction in risk to public health or the environment.
- H) Lowering water quality is necessary to preserve beneficial uses that may otherwise be lost if discharge flows are significantly diminished in order to comply with more stringent effluent limitations. Example: preservation of aquatic habitat or recreational resources in an ephemeral/intermittent stream (esp. during drought conditions).
- I) Allowing lower water quality in the discharge will reduce the rate at which water quality is already degrading (or is expected to degrade) in the receiving water. Example: creating barriers to groundwater migration or diluting contaminants in the vadose zone.
- J) Allowing lower water quality, in relation to the "baseline" condition, would actually improve current water quality or is essential to support the Regional Board's long-term strategy to achieve salt sustainability or implement a managed restoration plan.
- K) Allowing lower water quality is necessary to protect infrastructure or industries deemed vital to national security, public safety, public health, or the environment.

Regulatory Requirement (common abbreviation)	Reference Citation	Intended Application
1) Best Practicable Treatment or Control (BPTC) "...to assure a nuisance or pollution will not occur ... [and] water quality consistent with maximum benefit to the people of the State"	SWRCB Res. 68-16 (State Antideg. Policy)	Surface & Ground Waters of CA Point & Non-point Sources
2) Best Efforts ; "limitations which the discharger be expected to achieve with reasonable control methods"	SWRCB WQO 81-5 (City of Lompoc)	Surface & Ground Waters of CA
3) Best Management Practices (BMP) and measures to control each category and subcategory of non-point sources ... to reduce, to the maximum extent practicable (MEP), the level of pollution from such sources	CWA §319(a)(1)(C)	Surface Waters of the U.S. Non-point Sources
4) Cost Effective and Reasonable Best Management Practices (BMP)	40 CFR 131.12(a)(2)	Surface Waters of the U.S. Non-point Sources
5) Best Practicable Control Technology Currently Available (BPT)	CWA §304(b)(1)	Surface Waters of the U.S. Point Sources other than POTWs
6) Best Conventional Pollutant Control Technology (BCT)	CWA §304(b)(4)	Surface Waters of the U.S. Point Sources other than POTWs Specific Conventional Pollutants
7) Best Available Technology Economically Achievable (BAT)	CWA §304(b)(2)	Surface Waters of the U.S. Point Sources other than POTWs

Key Factors to be Considered: (note: not in any special order)

- 1) Quality of the water supply available to the discharger.
- 2) Past effluent quality of the discharger.
- 3) Effluent quality achieved by other similarly situated dischargers.
- 4) Good faith efforts of the discharger to limit the discharge of the constituent.
- 5) The measures necessary to achieve compliance (incl. processes currently employed and process changes required).
- 6) Compare proposed method to existing proven technology.
- 7) Evaluate performance data (e.g. through treatability studies).
- 8) Compare alternative methods of treatment or control.
- 9) Costs of treatment or control (affordability and discharger's ability to pay).
- 10) Cost-effectiveness and efficiency; the reasonableness of the relationship between the costs of reducing pollutants in the discharge and the benefits derived (proportionality).
- 11) Technical feasibility and engineering aspects of various control alternatives.
- 12) Economic and social costs compared to the benefits for the affected community; public acceptance.
- 13) Non-water quality environmental effects (beneficial & detrimental, intended & unintended, energy & cross-media impacts).
- 14) All of these standards are expected to evolve over time and must be periodically reassessed.

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