CV-SALTS Executive Committee Meeting  
Thursday, December 14, 2017 – 1:00 PM to 3:30 PM

TELECONFERENCE ONLY  
(641) 715-3580   Code: 279295#

Go-To-Meeting Link:  https://global.gotomeeting.com/join/759216941  
Posted 12-05-17 – Revised 12-13-17

1) **Welcome and Introductions** - Chair  
   a) Committee Roll Call and Membership Roster -10 mins  
   b) Approval of October 11-12 & November 9 Meeting Notes

2) **Basin Plan Amendment Language** – Tess Dunham, Richard Meyerhoff and Board Staff (2 hours)  
   - Compliance Alternatives for Nitrate and Salinity Control Programs  
     - **Options to Require Participation in Salt/Nitrate Control Program**  
     - **Draft Conditional Prohibition Language**  
   - Definitions for Shallow Groundwater  
     - **Draft Shallow Zone Language**  
     - **Shallow Zone Monitoring**  
   - **Salinity Control Program** – Updates and changes

3) **January 19th Workshop Planning**  
   - Organization, Areas and Presenters – set follow-up call

4) **Administrative Updates** – Daniel Cozad -10 min  
   - Public Education and Outreach – Update  
     o Community/Industry Inserts for Approval  
       - **Sacramento Valley Agriculture**  
       - **Publicly Owned Treatment Works**  
       - **Oil and Gas**

5) **Review 2018 Meeting Schedule/Location**  
   - Executive Committee Admin Call – Friday January 5th – 1:00-2:30  
   - Executive Committee Policy Meeting – Thursday, January 11th – 9:00-3:00 – Sac Regional  
   - Regional Waterboard Workshop – January 19th – 9:00 AM Regional Board

_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](http://www.cvsalinity.org)_

One or more Central Valley Regional Water Quality Board members may attend.
### CV-SALTS Committee Rosters

#### Executive Committee Membership

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#### CV Salinity Coalition

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## CV-SALTS Committee Rosters

### Participant Names

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**ADDITIONAL PARTICIPANTS:**
DISCUSSION ITEMS

1) Welcome and Introductions
   a) Executive Committee Chair Parry Klassen brought the meeting to order, and roll call was completed.

2) Basin Plan Amendment Language
   - Jeanne Chilcott provided a brief overview of the ongoing work on the basin plan language and the anticipated timeline for workshop, hearing, and consideration for adoption of the basin plan amendment.
   - Due to time constraints the committee agreed to reschedule the 11/2 Executive Committee meeting to 11/09.
   - Committee members were asked to submit any comments on today’s discussion no later than Friday, October 20th.
   - Jeanne Chilcott began presented the most recent revisions to Salinity Management Strategy.
   - Some of the comments received from the committee on the draft for the Salinity Management Strategy were:
     - Page 5 – Need to be clear on language that current management options only address 15% of the salt.
     - Page 6
       - In Phase 2, rather than “may be modified,” indicate “will be reevaluated” based on P&O findings.
       - Change all occurrences of “existing” to “standard.”
     - Page 8
       - First bullet under Standard approach for groundwater, in place of “no new or expanded allocation” of assimilative capacity, “limited use” might be more appropriate.
       - Text needs to reflect that the Regional Board has discretion in allocation of assimilative capacity.
     - Page 9
       - 1a – add “in the region” to the phrase, “protective of salt sensitive crops in the region.”
       - Replace “scientifically defensible” with “conservative.”
     - 3 – There was general agreement that assimilative capacity would be more readily available with participation in the P&O Study. Committee members were asked to forward examples of when continuation of previously approved assimilative capacity would be “appropriate.”
     - 4 – Delete the first sentence that begins, “The Regional Water Board will limit…”
     - Page 10
       - 5 – Delete the first sentence.
     - Page 11 – Include a separate paragraph that clarifies what is meant by “meeting milestones,” and to show progress. Also need something on dischargers who do not opt in, or fail to participate.
     - Page 12
       - What are the circumstances in which a discharger would not be allowed to participate in the P&O study and Alternative Salinity Permitting Approach?
       - 2 – Consider using “Setting Permit Provisions” instead of “Limits.” The Board has the authority to put in a limit, and discretion to set a performance goal.
       - 4 – SNMP phrasing is “to the extent the board finds it appropriate and necessary…”
– Public Education and Outreach materials must convey that permittees cannot wait until the effective date to start the planning process.
– Page 14 – Transition from Phase I to Phase II will be reworked based on the morning discussion on that issue.
– Are there ways to incentivize participation of the proactive dischargers? Recognition and/or adjustment in fees for permittees who have invested in improvements.
– SMCLs – A small group will meet with the water purveyors to discuss their concerns and their proposed alternative language.
– Drought and Conservation Policy was not discussed, Jeanne requested the committee review the policy and provide input on that document by 10/20.

3) **Review Next Meetings - Schedule/Location**
   - 10/12 Policy Meeting 9:00 – 3:00
   - 11/9 Policy Meeting 9:00 – 4:00
   - Admin Meeting 12/14 1:00 – 2:30
DISCUSSION ITEMS

1) Welcome and Introductions
   a) Executive Committee Chair Parry Klassen brought the meeting to order, and roll call was completed.
   b) Tim Johnson moved, and David Cory seconded, and by general acclamation the August 16th and 17th meeting notes were approved.

2) Basin Plan Amendment Language

3) Continuation of Morning Discussion
   - Jeanne Chilcott provided a general update on the small group work that had been done on the draft basin plan language since the August meetings. The goal is to have the language finalized and distributed with the Staff Report by the end of November/early December, in anticipation of a public workshop in January. There will be a full-day public hearing in March, followed by the Board Meeting on May 31 and June 1.
     - Committee members were asked to submit all comments on the 10/11 and 10/12 discussions no later than Friday 10/20.
   - Tess Dunham presented the most recent revisions to the “Policy for Control and Permitting of Nitrate Discharges to Groundwater in the Sacramento-San Joaquin River Basins and in the Tulare Lake Basin.”
   - Some of the comments received from the committee on the draft for the Nitrate Control Program were:
     - Page 13
       ▪ Provide enough flexibility to address unique situations such as:
         o Redefine Categories 1 and 2 to allow consideration of a pathway for areas with no groundwater table, a discharge that is meeting the nitrate limit, and no known nitrate issue.
         o Committee members were asked to provide examples to be included in the Staff Report to help clarify the approach.
       ▪ For the shallow zone definition use the simpler, more general, definition from the Glossary of Terms.
       ▪ Dr. Longley expressed concern about coming up with a viable working definition for “shallow zone” given the time constraints for adoption of the basin plan.
       ▪ Include guidance documents on how to make the shallow zone determination and a reference in the language to the DWR domestic well database.
       ▪ Simplify by looking at the shallow zone as the domestic well population (as opposed to the upper 10% of the domestic wells), and take a basin or two as a test case and see what that looks like.
       ▪ The small group will work on incorporating the above suggestions and bring a revised version to the November committee meeting.
       ▪ The committee agreed there should be a periodic review of the prioritization, with the first to occur within 5 years.
     - Page 14
       ▪ Change all instances of “Non Priority” to “Non Prioritized”
Page 17 – The committee discussed how to show impacts over a 20-year planning horizon. Tess summarized the committee’s discussion:

- There are simplified ways to do a calculation using a spreadsheet or simple model. Look at impact under the area of discharge. Locally obtained and observed data and information is preferred over some type of predictive model.
- Include language that deals with NPDES.

Page 18

- Include language specifying groundwater cannot overlap between management zones or individual dischargers. What is the impact of the individual discharger to management zone?

Page 22 – In the Schedule for Implementation table indicate in each block when a step is NOT required or not applicable to Path A or B.

Page 23

- Use “zone of contribution” instead of “zone of influence.”
- Add Path A and Path B to the titles.
- Make sure the process or options for a discharger moving between Paths A and B are clearly delineated.
- Time requirement for completion of Implementation Plan needs to be specified.
- Need a clear framework with timelines and consequences for ensuring Early Action Plan is moving forward and milestones are being completed.

Page 31-32

- These pages were not discussed. Committee members were asked to review the Requirements and Guidelines for Proposing an ACP and send any issues/comments no later than Friday, 10/20.

4) Subcommittee Updates

   Daniel Cozad updated the Committee on the recent actions of the PEOC.
   - The Dairy, POTWs, and Oil & Gas Inserts were presented for committee approval. After discussion, Nicole Bell moved, and Parry Klassen seconded and the PEOC was instructed to revise the inserts based on comments received from Pamela Creedon and finalize them for distribution.

5) Review Next Meetings - Schedule/Location

   - 11/2 Policy Meeting 9:00 – 3:00
   - Admin Meeting 12/14 1:00 – 2:30
DISCUSSION ITEMS

1) Welcome and Introductions
   a) Executive Committee Chair Parry Klassen brought the meeting to order, and roll call was completed.

2) Basin Plan Amendment Language – Nitrate Control Program
   - Prior to discussion of the Nitrate Control Program, Vicki Kretsinger presented *Kings Subbasin Domestic Well Depths Compared to Upper Zone Depths*. The committee again discussed how to best define the shallow zone and there was general agreement that more clarification was needed, but it was not possible to craft that language in the meeting. The small group for the Nitrate Control Program will draft the clarifying language for discussion in the December meeting.
   - Tess Dunham presented the *Key Issues to Resolve for the Nitrate Control Program*. Some of the comments received from the committee on the draft for the Nitrate Control Program were:
     - Allocation of assimilative capacity for Path A permittees is at the discretion of the Regional Board.
       • The default to be, the allocation can be granted if capacity is available in the 10% of the upper zone as indicated by the high resolution mapping.
       • Or, a permittee can request assimilative capacity in the shallow zone with consideration of the following factors: Depth of domestic wells, and depth of water table.
     - Tess will revise the current language based on the “20-year period” discussion to better clarify what is expected with respect to the 20-year evaluation.
       • A clear record of these actions is important, so the background rationale is clear in the future. To that effect, include as many examples as possible in the Staff Report.
     - Maintain zone of contribution term, but clarify.
     - How can we make it so the policy is not discouraging recycled water projects?
     - At a minimum include discretionary language for those outside the valley floor in case they are not meeting basic program requirements.
     - Include the list of non-prioritized basins in an appendix.

3) Secondary MCLs Recommended Proposal/Alternatives
   - The committee discussed the *Key Issues to Resolve for Secondary Maximum Contaminant Levels (SMCLs)*. Some of the comments received from the committee:
     - For averaging period use 10-year running average.
     - Filtration: a more appropriate filter size is 1-10 micron range.
     - Need better language for the mixing zone to clarify the intent was not to allow the discharge point down to the first community.
   - Jeanne Chilcott read the comment letter from the Contra Costa Water District to the committee. Jeanne pointed out that the committee had not discussed the monitoring and surveillance plan and that is one of the items which still needs to be incorporated into the basin plan amendment language.
     - Page 33 – “additional source evaluation activities” may be more appropriate in Salinity Control Program.
4) **Basin Plan Amendment Language – Salinity Control Program**
   - Richard Meyerhoff presented the most recent revisions to the Salinity Control Program. Comments from the committee:
     - Page 38 – change to “or other plans or **adopted** programs.”
     - Changing compliance pathways should be at the discretion of the Executive Officer.
     - Page 44 - #3 Delete “…if there have been no material changes.”
     - Page 46 – Annual Progress Report – change effective date to notification date.
     - Page 50 – Clarify the notification procedure to ensure everyone receives the proper notifications.
   - Jeanne Chilcott advised the committee that due to time constraints any comments on today’s discussion needed to be submitted by today. Comments could still be submitted until Friday 11/17, but there is no guarantee they can be incorporated into the language.

5) **Administrative Updates**
   - Grant Scope of Work – David Cory moved, and Parry Klassen and the committee voted to approve the scope of work.
   - Daniel Cozad updated the committee on the PEOC work. Three community/industry inserts are in development and will come to the committee for approval in December.

6) **Review Next Meetings - Schedule/Location**
   - 12/14 Policy Meeting 1:00 – 2:30 TELECONFERENCE ONLY
   - Admin Meeting 1/5 1:00 – 2:30
   - 12/11 Policy Meeting 9:00 – 3:00 @ Sac Regional
**CV-SALTS**

**Options to Require Participation in Salt/Nitrate Control Program**

*(P&O and Early Actions to Address Nitrates)*

*Assuming Certified Mail for notification under all alternatives. Currently identifying all dischargers that must be notified.*

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<td>1. General Amendment to Existing WDRs</td>
<td>Board would amend all existing WDRs in one single permitting action. (Action would be a General WDR Amendment with an attachment that would describe all of the WDRs that the amendment would apply to.) General Amendment would replace existing salt and nitrate requirements with new provisions. New salinity provisions would require dischargers to either comply with strict(^1) salinity limits or start participating in the P&amp;O Study. New nitrate provisions would require dischargers to either comply with strict nitrate limits or implement early actions.</td>
<td>• Would have clearly-enforceable WDR provisions for every discharger after General Amendment issued. • Could tier off of CEQA work done for the Basin Plan Amendments.</td>
<td>• WDRs set many, many different types of salt and nitrate provisions. General Amendment would require consideration of all of those different limits. • Would likely need additional CEQA work. • Could potentially require revision of Anti-deg provisions, time schedules, and other findings in existing permits (salt and nitrate limitations lie at the core of many WDRs).</td>
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2. Global Time Schedule Order (TSO) | Board would issue a Time Schedule Order that would cover every permittee. TSO would provide a time schedule that would set interim compliance requirements in lieu of compliance with existing permit limits. Interim compliance requirements would require participation in early phases of P&O study and/or implementation of early actions to address nitrate. | • Since Board has delegated authority to issue TSOs to the Executive Officer, no Board hearing would be required. • As an enforcement order, the TSOs would be exempt from CEQA. • Could discriminate between priority areas and non-priority areas. (TSO would not need to apply in areas where early action isn't required.) | • WDRs must have a provision that is being violated in order for the Board to have authority to issue the TSO (i.e., the discharger would need to be violating whatever salt/nitrate limits are in their permit). Some permits have flexible requirements that are currently being met. • TSO would probably need to have an attachment reciting each permit term in each permit that the TSO would address. • Dischargers might be required to disclose that they are subject to "enforcement" on financial disclosures. |

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\(^1\) It is acknowledged that what is meant by "strict" salinity or nitrate limits is still the subject of debate.
| 3. Conditional Prohibition | The Basin Plan Amendments would establish conditional prohibitions for salt and nitrate discharges. The prohibitions would prohibit any discharges of salt or nitrates unless the discharge was consistent with the implementation provisions in the proposed Basin Plan Amendments. (The salinity implementation provisions require dischargers to either comply with strict salinity limits or start participating in the P&O Study. The nitrate implementation provisions require dischargers to either comply with strict nitrate limit or implement early actions.) | • Doesn’t require modifying individual permits to be enforceable. • Would require additional CEQA work, which would need to be incorporated into Staff Report/Env. Analysis before the Basin Plan Amendments are approved. | • “Conditional Prohibition” is a term that could alienate many dischargers, particularly in ag community (avoiding a “prohibition” is why many are participating in CV-SALTS). Could be overcome by messaging, but probably not enough time to communicate the nuances of what this prohibition actually would do in the time remaining. • Difficult to craft language (including off-ramps) that addresses situations faced by a wide variety of dischargers. • Tracking participation is difficult. |
| 4. Hybrid Approach: Revise ILRP General Orders (perhaps Dairy, too) and Establish Conditional Prohibition for All Others | ILRP WDRs would be amended in one single action as per Option 1. Conditional Prohibition described in Option 3 would apply to all other dischargers. | • By addressing ILRP General Orders separately, messaging regarding the conditional prohibition becomes much easier. • Doesn’t require modifying non-ILRP WDRs in order to establish enforceable requirements on remaining dischargers. • Modification of ILRP General Orders likely falls within scope of ILRP Programmatic EIR, minimizing the amount of additional CEQA work. | • Although the revisions to the ILRP General Orders would only target salt and nitrate provisions, this is still not an easy task. • Additional CEQA work required for conditional prohibition. |
| 5. "Elective" General Order that could Replace Nitrate/Salinity Terms in existing WDRs | The Board would adopt a General Order that would replace WDR provisions relating to salt and nitrate for any discharger that chose to enroll in the General Order. After adopting the General Order, the Board would mail out 13260 notices to all dischargers - the notices would tell the dischargers that they would either need to sign up for the General Order or submit a ROWD to the Board to have their WDRs amended to incorporate strict salt and nitrate limits. | • Only need to update permits that don’t apply for GO. • Could tier off of CEQA work done for the Basin Plan Amendments. • Would have clearly-enforceable WDR provisions after General Amendment Order issued and dischargers signed up or have their WDRs modified. | • Tracking who has enrolled in the General Order and who has not is difficult. • GO would likely need additional CEQA work separate from the Basin Plan Amendment. |
Proposed Implementation Language—Salt and Nitrate Control Programs

During Phase 1 of the Salinity Control Program, the following Conditional Prohibition of Salinity Discharges shall apply to certain types of permittees. For permittees not subject to the Conditional Prohibition but that also discharge salinity constituents as defined (e.g., Existing Milk Cow Dairies subject to the General Order), the Regional Water Board shall timely amend waste discharge requirements and/or appropriate monitoring and reporting program orders to include specifically identified milestones for complying with the Salinity Control Program. For those permittees subject to the Conditional Discharge Prohibition, it shall apply until such time that the permittees existing permit governing the discharge of salt is updated to reflect requirements of the Salt Control Program.

**Conditional Prohibition on Salt Discharges**

Starting on the effective date of adoption (XX December 2018) and upon receiving a Notice to Comply with the Salinity Control Program from the Regional Water Board, discharges of salt at concentrations that exceed salinity goals identified in the Phase 1 Conservative Permitting Approach from the identified types of facilities subject to waste discharge requirements issued by the Regional Water Board are prohibited unless a discharger is implementing requirements specified under the Salinity Control Program. The types of facilities governed by waste discharge requirements subject to this conditional prohibition include: publically owned treatment works, food processing facilities, wineries, industrial facilities, oil and gas operations and other similar point source type facilities. Irrigated agricultural operations subject to General Orders for members of third parties are also subject to the prohibition. Existing Milk Cow Dairies, salinity discharges governed by ??? and ??? are not subject to the discharge prohibition.

Permitted dischargers subject to the Conditional Prohibition must notify the Regional Water Board within six months of receiving a Notice to Comply with the Salinity Control Program whether they elect to be regulated under the Conservative or Alternative permitting approaches. Dischargers who do not provide formal notification must meet requirements under the Conservative permitting approach. The following information must be submitted with the discharger’s notification to the Regional Board of its permit compliance pathway decision (i.e. within six months of receiving a Notice to Comply).

**Conservative Salinity Permitting Approach**

Dischargers must submit an assessment of how the discharge complies with the conservative requirements set forth in the approach. If the Regional Board does not concur with the findings of the assessment, the Regional Water Board may use its authority under Water Code section 13267 to request additional information within the submittal deadline provided by the Regional Board.

**Alternative Salinity Permitting Approach**
Dischargers must submit documentation in the form of a letter from the entity overseeing the Salinity Prioritization and Optimization Study (P&O Study) confirming the discharger’s active participation in the P&O Study. Status of the P&O Study must be documented through annual progress reports to the Regional Board from the overseeing entity. Dischargers maintaining active participation in the P&O Study will be deemed in compliance with salinity discharge requirements. During the P&O Study, the discharger must maintain current efforts to control levels of salinity in the discharge.

This Conditional Prohibition shall sunset at the end of Phase I of the Salinity Control Program.
Conditional Prohibition of Nitrate Discharges to Groundwater

The Conditional Prohibition of Nitrate Discharges shall apply to certain types of permittees. For permittees not subject to the Conditional Prohibition but that also discharge nitrate (e.g., Existing Milk Cow Dairies subject to the General Order, Irrigated Agricultural Operations that are Members of Third Parties), the Regional Water Board shall timely amend waste discharge requirements and/or appropriate monitoring and reporting program orders to include specifically identified milestones for complying with the Nitrate Control Program. For those permittees subject to the Conditional Discharge Prohibition, it shall apply until such time that the permittees existing permit governing the discharge of nitrate is updated to reflect requirements of the Nitrate Control Program, or is affirmatively determined by the Regional Water Board to meet the requirements of the Nitrate Control Program.

Starting on the effective date of the Basin Plan Amendment (XX December 2018) and upon receiving a Notice to Comply with the Nitrate Control Program from the Regional Board, discharges of nitrate from the types of facilities identified and that are governed by waste discharge requirements that include authorization to discharge nitrate to groundwater are prohibited unless a discharger is meeting the timelines and milestones required by the Nitrate Control Program. The applicable timelines and milestones include but are not limited to the development of an Early Action Plan (EAP) when so required and initiation of that EAP within 60-days of submittal to the Regional Board unless an extension has been granted by the Executive Officer. The Individual Permitting Approach (Path A) applies to all permitted dischargers unless the discharger elects to participate in the Management Zone Approach (Path B). Compliance timelines vary between priority basins; however, all documents submitted must meet the requirements identified in the Nitrate Control Program.

The types of facilities that are governed by waste discharge requirements, discharge nitrate to groundwater and that are subject to this discharge prohibition include the following: publically owned treatment works, food processing facilities, wineries, industrial facilities, oil and gas operations and other similar point source type facilities. Existing Milk Cow Dairies, Irrigated Agriculture that are Members of Third Parties, ?? and ?? are not subject to the Conditional Discharge Prohibition; however, the Regional Water Board must timely revise Waste Discharge Requirement General Orders and/or Monitoring and Reporting Program Plans for these types of discharges to require compliance with the timelines and milestones in the Nitrate Control Program.

After receiving a Notice to Comply with the Nitrate Control Program, all dischargers must provide either a Notice of Intent to comply under Path A or be included as a participant in a previously submitted Preliminary Management Zone Proposal (Path B). The Notice of Intent
must be submitted within 330 days of receiving the Notice to Comply for Priority 1 Basins and within 452 days for remaining basins.

Path A. When providing their Notice of Intent to the Regional Board, dischargers must provide an Initial Assessment of their nitrate discharge(s). Should the Initial Assessment identify the need for an Early Action Plan (EAP), the proposed EAP must be submitted with the Notice of Intent. Activities proposed under the EAP must be initiated within 60-days after submittal unless the Regional Board deems the EAP to be incomplete. Revised EAPs must meet timelines authorized by the Regional Board. Should the Initial Assessment identify the need for an Alternative Compliance Project (ACP), the proposed ACP must be submitted with the Notice of Intent.

Path B. Dischargers electing to comply under a Management Zone Approach must submit a Preliminary Management Zone Proposal within 270 days (Priority 1 Basins) or within one year (remaining basins) of receiving a Notice to Comply with the Nitrate Control Program. The Preliminary Management Zone Proposal must document all permittees considering compliance under Path B. Should the Preliminary Management Zone Proposal identify the need for an Early Action Plan (EAP), the proposed EAP must be submitted with the proposal. Activities proposed under the EAP must be initiated within 60-days after submittal unless the Regional Board deems the EAP to be incomplete. Revised EAPs must meet timelines authorized by the Regional Board. Within 180 days of receiving comments on the Preliminary Management Zone Proposal, a Final Management Zone Proposal must be submitted to the Regional Board with a final list of participating permittees. Within six months of submittal of the Final Management Zone Proposal unless an extension is granted by the Executive Officer, a Management Zone Implementation Plan must be submitted to the Regional Board and include a timeline and milestones to meet the three overarching goals of the Nitrate Control Program. Progress reports must be provided to the Regional Board every six months and milestones must be met if an extension has been granted by the Executive Officer.
Path A applies to all permitted dischargers, unless the discharger affirmatively elects to participate in the Management Zone Approach under Path B. For Path A, nitrate discharge impacts to groundwater are assessed in shallow groundwater underlying the area of discharge, otherwise referred to as the “Shallow Zone.” What constitutes the Shallow Zone in any given area may vary. The primary means to determine nitrate concentrations in the Shallow Zone is to evaluate data collected from groundwater monitoring wells that:

a. Contain screens that generally extend from approximately 5 feet above the water table to approximately 15 feet below the water table;
b. Have been designed based on site-specific conditions, such as unconfined, semi-confined or confined conditions, and anticipated water level changes over time; and,
c. Do not extend below the Corcoran clay (if applicable).

Additional considerations for monitoring well design is contained in Section X.X (Monitoring and Surveillance for the Salt and Nitrate Control Program and the Staff Report (Ref).

Upon approval by the Executive Officer, one of the following options may be utilized to determine nitrate concentrations in the Shallow Zone:

(1) Use readily available data and information to calculate ambient nitrate concentrations for the uppermost ten percent (10%) of the Upper Zone1 of a groundwater basin/subbasin as defined and established in Region 5: Updated Groundwater Quality Analysis and High Resolution Mapping for Central Valley Salt and Nitrate Management Plan (June 2016); or
(2) Conduct a site (or area) specific evaluation based on various types of available data and information, including but not limited to, depth and age of domestic wells in the area of concern, groundwater table, well completion report data, and other available and relevant information.

Based on the impact to the Shallow Zone and the quality of the discharge, nitrate discharges are to be characterized and placed into one of five categories. Regional Water Board determinations regarding availability and allocation of assimilative capacity will be based on ambient water conditions in the Shallow Zone.

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1 Upper Zone is defined to mean, “the portion of groundwater basin, subbasin or management zone from which most domestic wells draw water. It generally extends from the top of the saturated zone to the depth to which domestic wells are generally constructed (screened). The lower boundary of the upper zone varies based on well construction information for a given basin or subbasin. The Corcoran Clay layer may define the lower boundary of the upper zone or the lower zone, pending the available well construction and groundwater use information.”
SHALLOW GROUND WATER MONITORING

PURPOSE: The shallow groundwater monitoring program shall be designed to evaluate ambient water quality as well as potential nitrogen (nitrate, nitrite etc.) related impacts to groundwater quality over time attributable to the waste discharge to land. The groundwater monitoring wells shall be designed to yield samples representative of the uppermost, most permeable portion of the aquifer underlying the land application and storage areas.

MONITORING CRITERIA: The following standards and criteria should be considered in the design of a shallow groundwater monitoring program:

1. The California Department of Water Resources sets standards for the construction and destruction of groundwater wells (hereafter DWR Well Standards), as described in California Well Standards Bulletin 74-90 (June 1991) and Water Well Standards: State of California Bulletin 94-81 (December 1981). These standards, and any more stringent standards adopted by the state or county pursuant to Water Code section 13801, apply to all monitoring wells used to monitor the impacts of wastewater storage or disposal.

2. Monitoring wells should generally be screened across zones of the highest hydraulic conductivity within the Shallow Zone.

3. Monitoring well Screen interval:
   a. Well should be screened across the water table of the Shallow Groundwater Zone.
   b. Screens should generally extend from about 5 feet above the water table to approximately 15 feet below the water table but should be designed based on site-specific conditions, such as unconfined, semi-confined or confined conditions, anticipated water level changes over time, etc.

4. Monitoring well network design:
   a. A sufficient number of monitoring wells shall be strategically placed to determine groundwater gradients and to estimate the ambient water quality and associated assimilative capacity for nitrate and TDS
   b. A sufficient number of monitoring wells shall be strategically placed to define the lateral and vertical extent of elevated concentrations of nitrate and/or TDS in groundwater
   c. If existing wells are going to be used for monitoring, the discharger must demonstrate that the wells are properly designed, properly sealed, properly screened and properly located to evaluate the impact on shallow groundwater.

5. When evaluating the depth to shallow groundwater, a number of local impacts should be considered:
   a. If a major agricultural irrigation well or municipal well is actively pumping in an area the groundwater surface may be significantly depressed and groundwater flow direction may change seasonally.
   b. Older supply wells may not have a competent well seal or at the top of the well screen.
   c. Seasonal variations and drought conditions should be considered.
   d. Area of highest hydraulic conductivity.

6. Special consideration should be given when placing wells into fractured bedrock aquifers with regards to the appropriateness of monitoring wells and whether the associated data obtained would be representative of overall groundwater conditions in the area.
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Salt Control Program

Proposed Modifications to the Basin Plans to Incorporate a Salt Control Program

WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS

CHAPTER IV - IMPLEMENTATION

- The following paragraphs are proposed for addition to the SRSJR Basin Plan’s Chapter IV, Implementation within the proposed Salt and Nitrate Control Program at a location in the Chapter to be determined.

Salt Control Program

The Program for Control and Permitting of Salinity Discharges in the Sacramento-San Joaquin River Basins and in the Tulare Lake Basin (Salinity Control Program) applies to all surface and ground waters. This Salinity Control Program will be implemented in conjunction with and not replace the requirements of the Control Program for Salt and Boron Discharges into the Lower San Joaquin River (LSJR) adopted by Central Valley Water Board Resolution R5-2017-0062,\(^1\) requirements of the Bay-Delta Plan, or other plans or programs or more conservative site specific salinity objectives adopted by the Regional Water Board or State Water Board.

Program Overview

Based on the CV-SALTS SNMP and its supporting studies, salt concentrations in surface and ground waters generally continue to increase over time under existing water quality management programs and strategies to control salt. Given these findings, the SNMP identified the need for implementation of a salinity management strategy with the following goals:

- Control the rate of degradation through a “managed degradation” program;
- Implement salinity management activities to achieve long-term sustainability and prevent continued impacts to salt sensitive areas;
- Where reasonable, feasible and practicable, protect beneficial uses by maintaining water quality that meets applicable water quality objectives and pursuing long-term managed restoration; and
- Protect beneficial uses by applying appropriate antidegradation requirements for high quality water.

The SNMP and supporting studies noted that in areas with significant salt concerns an evaluation of available options to manage salt locally shows that even with the use of existing management tools, the volume and mass of unmanaged salt is high. Therefore, the need exists for local or sub-regional solutions as well as broad region-wide projects that will export salt out of the Central Valley. Additional studies are still needed to further define the range of solutions for surface and ground waters that may be deployed within

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\(^1\) In the LSJR Basin, management activities are addressing salinity impact to surface water but are not sufficient to address the long-term accumulation in the basin as a whole.

1

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each Central Valley hydrologic region to prevent continued impacts to salt sensitive areas in the Central Valley Region.

Given the need for these studies, the Regional Water Board will implement a phased Salinity Control Program consistent with the goals of the salinity management strategy. All permitted discharges shall comply with the provisions of this program. Two pathways to compliance are available during each phase:

1. **Conservative Salinity Permitting Approach**, utilizes the existing regulatory structure that under Phase I focuses on source control, use of conservative effluent limits and limited use of assimilative capacity and/or time schedule orders. Prior to initiation of Phases II and III of the Salinity Control Program, the Conservative Approach may be modified through a Basin Plan amendment based on findings from the previous phase.

2. **Alternative Salinity Permitting Approach**, is an alternative approach to compliance through implementation of specific requirements during one or more phases, rather than application of conservative effluent limits. Under Phase I of this alternative, permittees must support facilitation and completion of the Salinity Prioritization and Optimization Study. General requirements under each phase of the alternative approach are described below. Prior to initiation, these requirements may be adjusted under Phases II and III based on findings from the previous phase. If the concentrations of constituents in a land-discharged waste are sufficiently high to prevent the waste from being classified as "inert waste" under 27 CCR, Section 20230, the discharge of such waste may not be permitted under the Alternative Salinity Permitting Approach.

**Phased Control Program**

The Salinity Control Program will be implemented in three phases with each of the three phases having a duration of ten to fifteen years (Figure 1). Some portions of a subsequent phase may occur or be initiated prior to the end of an existing phase. At the discretion of the Regional Water Board Executive Officer, the completion date for any phase may be modified or extended. The findings from each phase will inform the next phase, allowing for implementation of an adaptive management approach to salt management in the Central Valley Region.
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Figure 1. Salinity Control Program Pathways to Compliance
The phases of the Salinity Control Program are based on the activities occurring under the Alternative Salinity Permitting Approach, as follows:

**Phase I – Prioritization and Optimization Study (P&O Study)** - The P&O Study will facilitate the development of a long-term Salinity Control Program to achieve the goals of the salinity management strategy by coordinating and completing tasks and securing funding. The P&O Study will:

- Develop groundwater and surface water-related salinity data and information for sensitive and non-sensitive areas for hydrologic regions within the entire Central Valley Region, including guidelines to protect salt sensitive crops;
- Identify sources of salinity and actions that impact salinity in surface and ground waters;
- Evaluate impacts of state policies and programs;
- Identify and prioritize preferred physical projects for long-term salt management (e.g. regulated brine line(s), salt sinks, regional/subregional de-salters, recharge areas, deep well injection, etc.);
- Develop the conceptual design of preferred physical projects and assess the environmental permitting requirements and costs associated with each of these projects;
- Identify non-physical projects and plan for implementation; and
- Develop a governance structure and funding plan.

The P&O Study will inform Phases II and III of this Salinity Control Program. Based on the findings of the P&O Study, the Regional Water Board will consider modifications to the Basin Plan to facilitate implementation of Phases II or III.

**Phase II – Project Development and Acquisition of Funds** - Phase II of this Salinity Control Program will begin no later than at the end of Phase I, but some activities may be initiated during Phase I. Phase II includes the following key elements:

- Using available funding sources, complete the engineering design and environmental permitting of preferred physical projects identified in Phase I;
- Initiating or continuing implementation of preferred non-physical projects identified during Phase I and, if appropriate, identification of new preferred non-physical projects and the process or milestones for implementation; and
- Identifying and securing the funding to implement the preferred physical projects.

**Phase III – Project Implementation** - During Phase III, construction of preferred physical projects will be completed, unless already completed during Phase II. For large-scale capital projects, such as construction of a regulated brine line, construction may occur over multiple phases and additional time may be required to complete full build-out of the project.

**Salinity Control Program Implementation**

Permittees will be subject to Phase I of the Central Valley Salinity Control Program until **date*** (ten years from the effective date of the Basin Plan Amendments). Phase I may be extended up to five years at the discretion of the Regional Water Board Executive Officer based on the need to develop Basin Plan...
Amendments to support implementation of Phase II, reduction in anticipated staff resources, or other factors. Table 1 depicts the key components of the two pathways to regulatory compliance under the Phase I Salinity Control Program. The Regional Water Board retains its discretion to adjust the established requirements on a case by case basis. However, because the Regional Water Board finds that implementation of the Salinity Control Program is best achieved through implementation of the Alternative Salinity Permitting Approach, application of such discretion will be limited under the Conservative Salinity Permitting Approach.

Table 1. Comparison between the Conservative and Alternative Salinity Permitting Approaches during Phase I

<table>
<thead>
<tr>
<th>Conservative Salinity Permitting Approach</th>
<th>Alternative Salinity Permitting Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Discharges</td>
<td>All Discharges</td>
</tr>
<tr>
<td>• Apply conservative assumptions for interpretation of the narrative objectives and application of numeric water quality objectives to protect AGR and MUN beneficial uses</td>
<td>• Participate in the Phase I Prioritization and Optimization Study throughout its duration</td>
</tr>
<tr>
<td>• Limited availability of a compliance or time schedule to meet a salinity-related effluent limit or waste discharge requirement</td>
<td>• Continue implementing reasonable, feasible and practicable efforts to control salinity through <strong>performance based triggers</strong>, including:</td>
</tr>
<tr>
<td>Groundwater Discharge and Non-NPDES Discharge</td>
<td>- Salinity management practices</td>
</tr>
<tr>
<td>• Limited new or expanded allocation of assimilative capacity in groundwater</td>
<td>- Existing pollution prevention, watershed, and/or salt reduction plans</td>
</tr>
<tr>
<td>• Receiving water compliance determined using shallow groundwater</td>
<td>- Monitoring</td>
</tr>
<tr>
<td>• Does not meet eligibility requirements for an exception</td>
<td>- Maintenance of existing discharge concentration or loading levels of salinity</td>
</tr>
<tr>
<td>NPDES Surface Water Discharge</td>
<td>Groundwater and Non-NPDES Discharges</td>
</tr>
<tr>
<td>• A new or expanded allocation of assimilative capacity may be authorized only where a permittee can show that the impact of the discharge is temporary or <strong>de minimus</strong></td>
<td>• Deemed in compliance with salinity limits/eligible for a salinity exception</td>
</tr>
<tr>
<td>• Does not meet eligibility requirements for a variance</td>
<td>NPDES Surface Water Discharges</td>
</tr>
<tr>
<td></td>
<td>• Eligible for a salinity variance</td>
</tr>
</tbody>
</table>

When Phase I of the Salinity Control Program is initiated, permittees will elect to be permitted either under the Conservative Salinity Permitting Approach or the Alternative Salinity Permitting Approach for the duration of Phase I. However, it is the intent of the Regional Water Board to encourage permitted surface water and groundwater dischargers to choose to participate in the Alternative Salinity Permitting Approach in order to address long-term management of salinity throughout the Central Valley.

During Phase I of the Salinity Control Program, a permittee may submit a written request to the Executive Officer of the Regional Water Board to change its selected compliance pathway. This request must include documentation regarding how the permittee will comply with the requirements applicable to the compliance pathway it is now requesting to be permitted **under and the basis for the change**. If the permittee requests to change from the Alternative to the Conservative Permitting Approach during Phase I,
the permittee must have provided the minimum required financial support to the P&O Study at the time the request is made. The Executive Officer will consider granting the request.

Upon completion of each phase and prior to the implementation of the next phase of the Salinity Control Program, the Regional Water Board will re-evaluate the existing permitting approaches. Following this re-evaluation, permittees will be provided the opportunity to change their compliance pathway selection at the beginning of Phases II and III.

**Phase I Conservative Salinity Permitting Approach**

The Conservative Salinity Permitting Approach applies to all permitted dischargers, unless the permittee elects to participate in the Phase I Alternative Salinity Permitting Approach. Under the Conservative Salinity Permitting Approach, the Regional Water Board shall develop permit conditions based on the requirements established below.

**Groundwater and Non-NPDES Surface Water Discharges**

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to groundwater, or for authorization of discharges of salinity to surface waters that are not subject to NPDES permits under the federal Clean Water Act.

1. **Interpreting Narrative and Numeric Water Quality Objectives** – When the Regional Water Board interprets or applies water quality objectives for the purpose of establishing waste discharge requirements or conditions in a conditional waiver for salt, the Regional Water Board shall use conservative assumptions. Where site-specific water quality objectives have been adopted in the Basin Plan for a waterbody, these objectives are not affected by the Salinity Control Program.
   
   (a) AGR Beneficial Use Protection - The Regional Water Board shall apply a conservative, protective agricultural goal for electrical conductivity. The Regional Water Board intends to utilize a conservative goal of 700 µS/cm electrical conductivity (EC) (as a monthly average) during Phase I of the Salinity Control Program. For discharges where a site-specific agricultural goal has been developed and/or previously applied to the discharge, the Regional Water Board shall continue to apply that value, as appropriate.

   (b) MUN Beneficial Use – For protection of this beneficial use, the Regional Water Board shall apply water quality objectives in a manner consistent with the SMCLs and intends to use the recommended SMCL of 900 µS/cm EC (as an annual average) as a conservative goal during Phase I of the Salinity Control Program.

2. **Setting Permit Provisions** — Establishment of permit provisions will consider the following:
   
   (a) Surface Water — The discharge cannot cause or contribute to an exceedance of the salinity objective in the receiving water.

   (b) Groundwater — The discharge cannot cause or contribute to an exceedance of a salinity objective within the shallow groundwater.

3. **Allocation of Assimilative Capacity** – The Regional Water Board will limit new or expanded allocations of assimilative capacity. If a permittee has previously received an allocation of assimilative capacity, and
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the allocation was granted with the support of an antidegradation study or analysis, then the Regional Water Board may consider continuing the previously approved assimilative capacity.

4. **Salinity Exception** - Permittees operating under the Phase I Conservative Salinity Permitting Approach do not meet eligibility requirements for a salinity exception.

5. **Issuance of Time Schedules** – The Regional Water Board will limit use of time schedules for achieving compliance with salinity limitations and will use its discretion to limit the time allowed in the event that a time schedule is deemed necessary under the particular circumstances associated with that discharge.

**NPDES Surface Water Discharges**

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to surface waters that are subject to NPDES permit provisions as required by the federal Clean Water Act.

1. **Interpreting Narrative and Numeric Water Quality Objective** - When the Regional Water Board interprets or applies water quality objectives for the purpose of conducting a reasonable potential analysis and establishing a permit effluent limit (if reasonable potential is found), the Regional Water Board shall select applicable salinity water quality objectives using conservative assumptions. Where site-specific water quality objectives have been adopted for a waterbody in the Basin Plan, these objectives are not affected by the Salinity Control Program.

   (a) **AGR Beneficial Use Protection** - The Regional Water Board shall apply a conservative, protective agricultural goal for electrical conductivity. The Regional Water Board intends to utilize a conservative goal of 700 µS/cm EC (as a monthly average) during Phase I of the Salinity Control Program. For discharges where a site-specific criterion has been developed and/or previously applied to the discharge, the Regional Water Board shall continue to apply that value, as appropriate.

   (b) **MUN Beneficial Use** – For protection of this beneficial use, the Regional Water Board shall apply water quality objectives in a manner consistent with the SMCLs and intends to use the recommended SMCL of 900 µS/cm EC (annual average) as a conservative goal during Phase I of the Salinity Control Program.

2. **Setting Permit Provisions** — Unless previously allocated assimilative capacity, permit provisions shall be established to ensure that the discharge cannot cause or contribute to an exceedance of the salinity objective in the receiving water.

3. **Allocation of Assimilative Capacity (i.e., mixing zone/dilution credit)** – The Regional Water Board will limit new or expanded allocation of assimilative capacity in surface water (i.e., mixing zone/dilution credit) and will consider whether a permittee can show that the impact of the discharge is temporary or *de minimus*, such that reduction of water quality will be spatially localized or temporally limited with respect to the waterbody. The Regional Water Board may consider maintaining any previously approved allocations of assimilative capacity, if there have been no material changes to the discharge.

4. **Salinity Variance** – Permittees operating under the Phase I Conservative Salinity Permitting Approach do not meet eligibility requirements for a salinity variance.
5. **Compliance Schedule** – Where a reasonable potential finding has been made and the permittee is unable to comply with a water quality-based effluent limit, the Regional Water Board will use its discretion to limit the use of compliance schedules authorized by the State Water Board Compliance Schedule Policy for achieving compliance with salinity-based effluent limits, and will use its discretion to limit the time allowed in the event that a compliance schedule is deemed necessary under the particular circumstances associated with the discharge.

**Phase I Alternative Salinity Permitting Approach**

Permittees may elect to be permitted for discharges of salinity by participating in the Phase I Alternative Salinity Permitting Approach. Permittees electing to participate in the Phase I Alternative Salinity Permitting Approach are given the opportunity to participate collectively in the P&O Study with other permittees, the Regional Water Board and other stakeholders, including those importing and benefitting from water supplies from the Central Valley, to work toward full implementation of the Salinity Control Program. Key milestones for the P&O Study are identified in Table 2 and outlined in Figure 2.

Where the P&O Study does not meet the milestones established in Table 2 or where the Regional Water Board finds reasonable progress is not being made towards achieving the milestones, the Regional Water Board will notify the permittees that selected the Alternative Salinity Permitting Approach of its findings through public notice that includes a required schedule for completion of the P&O Study milestones. Failure to comply with the requirements in the notice will result in all permittees that elected to be permitted under the Phase I Alternative Salinity Permitting Approach to be subject to the requirements of the Conservative Salinity Permitting Approach.

***HOW DO WE FIT IN THE CONDITIONAL PROHIBITION FOR PHASE I?***
# Draft Proposed Modifications to the Sacramento-San Joaquin Rivers and Tulare Lake Basin Plans to Incorporate a Salt and Nitrate Control Program

## Table 2. Key Phase I Prioritization and Optimization Study Milestones

<table>
<thead>
<tr>
<th>Implementation Schedule</th>
<th>Milestone/Deliverable</th>
<th>Minimum Requirements</th>
</tr>
</thead>
</table>
| 6 months from Notice to Comply | Phase I Workplan | **Workplan to include:**  
  • Detailed P&O Study task descriptions  
  • Cost estimate for each task  
  • Task completion schedule  
  • Stakeholder participation elements |
| Within 12 months from Notice to Comply | Phase I Funding & Governance Plan | **Complete Phase I implementation planning:**  
  • Establish the entity and procedures for governance of the P&O Study  
  • Secure sufficient funding to complete the P&O Study |
| Annually upon anniversary of Notice to Comply | Annual Progress Report | **Annual Report to summarize:**  
  • Progress on Workplan execution  
  • Status of Phase I funding and expenditures  
  • Stakeholder participation |
| 5 years from Notice to Comply | Interim Project Report | **By Central Valley Hydrologic Region, identify:**  
  • Recommended preferred physical projects with recommended next steps for development  
  • Recommended non-physical projects and a schedule for implementation |
| 9 years from Notice to Comply | Long-term Governance Plan for Phases II and III | **Governance Plan that establishes:**  
  • Describes planned implementation approach for Phases II & III  
  • Governance structure including:  
    - Stakeholder roles and responsibilities  
    - Committees responsible for development of policies, technical documents, BMPs and funding |
| 9 years from Notice to Comply | Long-term Funding Plan for Phases II and III | **Funding Plan that establishes:**  
  • Financial approach for long-term funding including sources and funding types (grants, bonds, loans, etc.)  
  • Approach for the equitable management and funding of long-term, large-scale salinity management projects |
| 9 years from Notice to Comply | Basin Plan Amendment Recommendations | **As needed, recommended amendments to Basin Plans to:**  
  • Facilitate implementation of Phase II of the Salinity Control Program  
  • As appropriate, modify the Conservative or Alternative Salinity Permitting Approaches; |
| 10 years from Notice to Comply | Final Project Report | **For preferred physical projects:**  
  • Conceptual designs  
  • Assessment of environmental permitting requirements  
  • Status of implementation of non-physical projects per Interim Project Report with recommendations for modifications, as needed |
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The Regional Water Board shall develop salinity-related permit conditions based on the requirements established below. Permitted salinity discharges shall be implemented in a manner consistent with state and federal antidegradation policies (State Water Board Resolution No. 68-16 and 40 CFR §131.12), as applicable. If the concentrations of constituents in a land-discharged waste are sufficiently high to prevent the waste from being classified as "inert waste" under 27 CCR, Section 20230, the discharge of such waste may not be permitted under the Alternative Salinity Permitting Approach.

Groundwater and Non-NPDES Surface Water Discharges

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to groundwater, or for authorization of discharges of salinity to surface waters that are not subject to NPDES permits under the federal Clean Water Act.

1. Participation in P&O Study - Permittees electing the Alternative Salinity Permitting Approach shall be required to participate in efforts related to conducting the P&O Study including providing the minimum required level of financial support. The level of participation would vary based on salinity in the discharge, local conditions or other factors. The needed level of participation would be established by the lead entity (i.e., Central Valley Salinity Coalition [CVSC]) that is overseeing the P&O Study. The lead entity must confirm adequate participation by the permittee(s) until the P&O Study is completed; or, until such time that the Regional Water Board otherwise revises the applicable waste discharge requirements and/or conditional waiver. The timeframe for completion of the P&O Study is expected to be ten years from the effective date of this Salinity Control Program but may be extended by the Regional Water Board Executive Officer for a period of up to five years.

2. Setting Permit Provisions - Adequate participation in the P&O study, as confirmed by the lead entity overseeing the P&O Study, shall be found by the Regional Water Board to provide compliance with effluent limitations, receiving water limits, or other applicable provisions based on salinity.

3. Implementation of Reasonable, Feasible, and Practicable Efforts to Control Salinity - The Regional Water Board will require continued implementation of reasonable, feasible and practicable efforts to control levels of salinity in discharges. Such efforts may include, but are not limited to, implementation of management practices that are designed to reduce salinity in discharges; implementation of pollution prevention plans, watershed plans, and/or salt reduction plans that help to reduce salt loads in discharges to groundwater or surface water; and, monitoring for salinity in surface water or groundwater as part of existing local, watershed-based or regional monitoring programs, in coordination with monitoring under the SNMP.

4. Maintain Current Discharge Concentrations for Salinity or Mass Loading Levels - To the extent feasible, reasonable, and practicable (and while accounting for conservation, salinity levels in the water supply source, and some appropriate increment of growth), the Regional Water Board may use its discretion to adopt performance-based limits or action levels to the extent the Regional Water Board finds it appropriate and necessary for salinity for permittees electing the Alternative Salinity Permitting Approach.
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NPDES Surface Water Discharges

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to surface waters that are subject to NPDES permits under the federal Clean Water Act.

1. Participation in P&O Study - Permittees electing the Alternative Salinity Permitting Approach shall be required to participate in efforts related to conducting the P&O Study including providing the minimum required level of financial support. The level of participation would vary based on salinity in the discharge, local conditions or other factors. The needed level of participation would be established by the lead entity (i.e., CVSC) that is overseeing the P&O Study. The lead entity must confirm adequate participation by the permittee(s) until the P&O Study is completed; or, until such time that the Regional Water Board otherwise revises the applicable NPDES permit. The timeframe for completion of the P&O Study is expected to be ten years from the effective date of this Salinity Control Program but may be extended by the Regional Water Board Executive Officer for a period of up to five years.

2. Requirements for Ensuring Reasonable Protection of Beneficial Uses - Adequate participation in the P&O study as confirmed by the lead entity overseeing the P&O Study shall be found by the Regional Water Board to provide compliance with receiving water limits based on salinity. To the extent that the discharge in question is found to have reasonable potential for causing or contributing to a violation of an applicable salinity water quality objective pursuant to applicable federal regulations, the discharge is eligible for a salinity variance pursuant to the Salinity Variance Policy.

3. Implementation of Reasonable, Feasible, and Practicable Efforts to Control Salinity - The Regional Water Board will continue to require implementation of reasonable, feasible and practicable efforts to control levels of salinity in discharges. Such efforts may include, but are not limited to, implementation of management practices that are designed to reduce salinity in discharges; implementation of pollution prevention plans, watershed plans, and/or salt reduction plans that help to reduce salt loads in discharges to surface waters; and, continued monitoring for salinity in surface water as part of existing local, watershed-based or regional monitoring programs, in coordination with monitoring under the SNMP.

4. Maintain Current Discharge Concentrations for Salinity or Mass Loading Levels - To the extent feasible, reasonable, and practicable (and while accounting for conservation, salinity levels in the water supply source, and some appropriate increment of growth), the Regional Water Board may use its discretion to adopt performance-based limits to the extent the Regional Water Board finds it appropriate and necessary for salinity for permittees electing the Alternative Salinity Permitting Approach.

Permitted Discharge to a Water Body Subject to De-designation of a Beneficial Use

The P&O Study will establish a program for the long-term management of salts in the Central Valley, including identifying locations that may serve as salt sinks. For example, a groundwater basin that has had one or more beneficial uses de-designated due to salinity may be a considered a potential location for establishment of a salt management area. Accordingly, under the Phase I Salinity Control Program:

- Permittee(s) that selects either the Conservative or Alternative Permitting Approach and then requests the de-designation of one or more beneficial uses from a surface water body or all or part of a groundwater basin based on salinity shall participate in the P&O Study even after the beneficial use de-
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designation is approved by providing the minimum level of required financial support throughout the
Phase I program.

- Permittee(s) that discharges to a surface water body or a groundwater basin where one or more
beneficial uses were de-designated due to salinity prior to the beginning of Phase I of the Salinity
Control Program shall participate in the P&O Study by providing the minimum level of required financial
support.

Process to Initiate Phase I of the Salinity Control Program

This section establishes the process and schedule to initiate Phase I of the Salinity Control Program and
select a pathway of compliance during Phase I. For permittees that select the Alternative Salinity Permitting
Approach, nothing here prevents, or should be interpreted to prevent, permittees from implementing
elements of the Phase I P&O Study prior to receiving a Notice to Comply.

All permitted dischargers are subject to the Conditional Prohibition of Salinity Discharges (Section ##) upon
receipt of a Notice to Comply.

Existing Discharges

The Regional Water Board shall issue a Notice to Comply with the Salinity Control Program to existing
permittees in the Central Valley Region within one year of the effective date of the Basin Plan
Amendments. Within six months after receiving the Notice to Comply, existing permittees shall notify the
Regional Water Board of its decision of whether to be permitted under the Conservative Salinity Permitting
Approach or the Alternative Salinity Permitting Approach. Based on the selection of the permitting
approach, the permittee shall comply with the following requirements:

- **Conservative Salinity Permitting Approach** – A permittee that selects this approach must submit an
assessment of how the discharge will comply with the conservative requirements set forth in the
Conservative Salinity Permitting Approach. The permittee shall submit this assessment to the Regional
Water Board with the notification to the Regional Water Board of its permit compliance pathway
decision. If the Regional Water Board does not concur with the findings of the assessment, the Regional
Water Board will request a Report of Waste Discharge with a deadline for submittal.

- **Alternative Salinity Permitting Approach** – A permittee that selects this approach shall participate in the
Phase I P&O Study by providing the minimum required level of financial or in-kind support throughout
Phase I as determined by the lead entity overseeing the P&O Study. The permittee shall provide
documentation of the required support with the notification to the Regional Water Board of its
permitting decision. If the permittee has an approved salinity-related Time Schedule Order or
Compliance Schedule that expires prior to the completion of the Phase I P&O Study, the Regional Water
Board, at its discretion, may extend the Time Schedule Order or Compliance Schedule, as appropriate.

New or Substantively Modified Discharges

A new permittee, or existing permittee seeking a permit modification due to a substantial and/or material
change to a facility, shall indicate how the permittee intends to comply with the Salinity Control Program at
the time of application and provide the required information to support the decision, as described above.

*Failure to Comply*
Any permittee that does not submit a response to the Notice to Comply within the required six-month period may be subject to enforcement action. Permittees subject to enforcement for failure to respond to the Notice to Comply may still select the Alternative Salinity Permitting Approach, but may be subject to additional fees or penalties in addition to providing the minimum required level of financial support.

A permittee that elects to participate in the Alternative Salinity Permitting Approach must continue to provide the minimum required level of financial or in-kind support to the P&O Study throughout the duration of Phase I of the Salinity Control Program. Where a permittee fails to comply with this requirement, the Regional Water Board may require the permittee to comply with the requirements of the Conservative Salinity Permitting Approach after giving appropriate notice.

**Salinity Control Program - Phase I to Phase II Re-Evaluation**

Upon completion of Phase I and prior to initiation of Phase II of the Salinity Control Program, the Regional Water Board will use the findings of the P&O Study, results from surveillance and monitoring programs, considerations for use of other permitting options or approaches, and progress made towards meeting the overarching goals of the Salinity Control Program to re-evaluate the Conservative and Alternative Salinity Permitting Approaches applicable under Phase I of the Salinity Control Program. Based on the findings of this re-evaluation, the Regional Water Board may modify the Phase I permitting requirements to establish Conservative and Alternative Salinity Permitting Approaches applicable to Phase II. Where modification to the Phase I permitting approaches requires a Basin Plan amendment, this amendment will be completed prior to the initiation of Phase II of the Salinity Control Program.

Prior to the initiation of Phase II of the Salinity Control Program, the Regional Water Board will notify all existing permittees in the Central Valley Region of the salinity-related permitting approaches applicable to Phase II. This notification will occur regardless of whether any changes were made to the Phase I permitting approaches. The purpose of the notification is to provide the opportunity for permittees to change the compliance pathway selected for Phase I. A permittee that elects to change its compliance pathway shall submit the following within 180 days of the Regional Water Board notification:

- A permittee that elects to change from the Alternative to the Conservative Salinity Permitting Approach shall submit an assessment of how its discharge will comply with the requirements of the Conservative Salinity Permitting Approach applicable at the beginning of Phase II of the Salinity Control Program. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.

- A permittee that elects to change from the Conservative to the Alternative Salinity Permitting Approach shall comply with the requirements of the Alternative Salinity Permitting Approach applicable at the beginning of Phase II of the Salinity Control Program and provide documentation to the Regional Water Board that it is providing the minimum required Phase II level of financial or in-kind support.

Permittees that elect to continue with the same compliance pathway in Phase II as was selected for Phase I shall notify the Regional Water Board by letter of its decision within 180 days of the Regional Water Board notification. This letter shall include the following, as appropriate:

- If the Regional Water Board revised the Conservative Salinity Permitting Approach requirements for Phase II, a permittee that elects to continue under this compliance pathway under Phase II shall submit
an assessment of how its discharge will comply with the revised Conservative Salinity Permitting Approach requirements. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.

- A permittee that elects to continue to be permitted under the Alternative Salinity Permitting Approach under Phase II shall demonstrate that it has provided the minimum required Phase II level of financial or in-kind support.
# Draft Proposed Modifications to the Sacramento-San Joaquin Rivers and Tulare Lake Basin Plans to Incorporate a Salt and Nitrate Control Program

## Figure 2. General Outline of Key Elements to be Included in Phase I P&O Study

<table>
<thead>
<tr>
<th>Category</th>
<th>Year of Implementation</th>
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<tr>
<td><strong>Stakeholder Coordination</strong></td>
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<tr>
<td>Stakeholder Coordination</td>
<td>Stakeholder Coordination Meetings (as needed frequency)</td>
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<td>SGMA GSA Coordination Meetings (as needed frequency)</td>
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<tr>
<td><strong>Strategic Planning</strong></td>
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<tr>
<td>Strategic Planning</td>
<td>Regulatory and Policy Evaluations</td>
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<td>Phase II Planning, including Basin Plan amendment recommendations</td>
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<td><strong>Governance</strong></td>
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<td>Governance</td>
<td>Governance Plan – Formation and Structure</td>
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<td>Implementation and Refinement of Governance Plan</td>
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<td><strong>Funding</strong></td>
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<td>Funding</td>
<td>Funding Plan and Financing Strategy</td>
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<td></td>
<td>Implementation/Refinement of the Funding Plan and Financing Strategy</td>
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<tr>
<td><strong>Prioritization &amp; Salinity Management Analyses</strong></td>
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<tr>
<td>Prioritization/Salt Management Analyses</td>
<td>Prioritization/Salt Management Analyses to Support Identification of Salt Management Projects</td>
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<td>Interim Report</td>
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<td><strong>Conceptual Design of Salt Management Project</strong></td>
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<tr>
<td>Conceptual Design of Salt Management Project</td>
<td>Concept Design for Subregional Salt Management Projects and Regional CVBL Project in Final Report</td>
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<td><strong>Special Studies</strong></td>
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<td>Special Studies</td>
<td>Groundwater Quality Trace Constituent Study</td>
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<td>Emerging Tech Update No. 3</td>
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<td>Recycled Water Imports Study</td>
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<td>Stormwater Recharge Master Plan Study</td>
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</table>
Protecting Water Quality is Critical
Ensuring a safe, reliable drinking water supply is the highest priority for managing nitrates and salts throughout the Central Valley. Depending on local conditions, discharges from irrigated lands potentially contain salts, nitrates, sediments, pesticides, heavy metals, and pathogens. These pollutants impact water quality via irrigation drainage or storm season runoff or by leaching into groundwater. At high enough concentrations, these pollutants can harm aquatic life in surface water or make groundwater unusable for drinking water or agricultural uses.

In the Sacramento River Basin/Sacramento Valley, there are localized high-concentrations of nitrates in groundwater (red areas on map) that make groundwater unsafe to drink unless treated. In the San Joaquin Valley and Delta areas, high-concentrations of nitrates are more widespread.

Regulation: How it Works Now
Since 2003, the Central Valley Regional Water Quality Control Board (Regional Board) has regulated discharges from irrigated agricultural through the Irrigated Lands Regulatory Program (ILRP). The ILRP was developed to control and prevent waste discharges from irrigated lands from polluting surface waters and, beginning in 2012, groundwater. The ILRP seeks to protect surface and groundwater resources and drinking water supplies, while maintaining a healthy, sustainable irrigated agricultural economy. Farmers may join an ILRP coalition that assists the members in complying with Waste Discharge Requirements (WDRs), or they may choose to comply under an individual WDRs.

In the Sacramento Valley, groundwater monitoring shows some localized impacts from nitrate on groundwater quality and naturally occurring sources of groundwater salinity, which may require additional management actions.

New Regulations Provide Flexibility
The importance of protecting surface and groundwater quality, whether for aquatic life, drinking water, or agricultural supply, has become a significant public policy issue.

Because the Regional Board currently has few options to regulate this issue, additional tools are needed. The new “toolbox” of regulatory options recommended in the Salt and Nitrate Management Plan (SNMP) will offer greater local flexibility for compliance by all dischargers, including agricultural interests, while ensuring safe drinking water. The new regulations that address drinking water will first be implemented in areas identified as high-priority in the Kaweah, Turlock, Chowchilla, Tule, Modesto, and Kings sub-basins and basins.
Local Collaboration is Key
Under the new CV-SALTS SNMP regulatory options, all dischargers, including agriculture, will be asked to collaborate locally on necessary solutions to meet water quality standards. Similarly, the 2014 Sustainable Groundwater Management Act (SGMA) provides a framework for sustainable, local groundwater quantity management. There will be close coordination between the two programs.

Key Benefits of New Regulatory Options
Under the new regulations, all dischargers will have two choices for nitrate compliance: Pathway A – Maintain traditional permitting and Pathway B – Follow the Local Management Zone permitting or Exceptions Policy option.

In the Sacramento Valley, most agricultural dischargers will likely select Pathway A and maintain traditional permitting. Under this option, a discharger may opt to comply under the traditional permit requirements established either as an individual (e.g., a food processing plant) or as a third party (e.g., growers and farmers represented by a third party such as an irrigated lands coalition). In localized areas with high concentrations of nitrates, dischargers will likely opt for Pathway B, joining a management zone.

Here are a few of the new regulatory options and how they will work:

Local Management Zone. The formation of local or regional management zones will save time, money, and resources. Farmers or landowners who join a management zone can work collectively as part of a regulatory compliance unit. Members can pool resources and work together to provide safe drinking water. Members may be authorized for nitrate and salt discharges and given more time to comply with current Waste Discharge Requirements.

Exceptions Policy. When prohibiting a discharge does more harm than good, and allowing the discharge to continue is determined to be better for the public good, an “Exception” can be authorized that provides farmers or landowners more time to implement effective, site-specific solutions.

Assimilative Capacity. Assimilative capacity is the ability of a natural body of water (e.g., lake, river, or groundwater aquifer) to receive discharged waste without harmful effects. Within a management zone or a groundwater basin/sub-basin, using assimilative capacity along with localized management measures will be considered as a factor towards compliance.

Protection of Agricultural Beneficial Use. The current salinity requirements to protect agricultural beneficial water uses vary widely. With the new regulations, protecting agricultural beneficial uses will be tailored to reflect local and regional differences in agricultural water use.

Coordinating New Regulations and ILRP. It is too soon to know how the CV-SALTS SNMP-based regulations and the ILRP will be coordinated. With a common goal of controlling and protecting surface and ground waters from impairment by nitrates and salts, there will certainly be collaboration in meeting water quality objectives.

Compliance Cost. The costs associated with implementing the new regulatory options have yet to be determined. The approach of local management flexibility and collaborative action to address the highest priority needs first is expected to increase compliance efficiency. Growers are encouraged to be at the table now to help shape the future of the drinking water projects and alternative compliance projects in their area.

Get Involved, Shape the Future
To meet the water quality challenges of the future, agricultural interests must be proactive in protecting water quality within the new SNMP regulatory framework. The future economic sustainability of agriculture depends on these new approaches. Sacramento Valley agricultural interests must continue to implement best practices and work to avoid further impairment of water supplies. If you work in any aspect of irrigated agriculture, you are encouraged to participate in CV-SALTS and get involved today. To learn more about getting involved, visit www.cvsalinity.org.

Sacramento Valley Agriculture, November 28, 2017 draft
Protecting Water Quality is Critical
Ensuring a safe, reliable drinking water supply is now the highest priority when managing nitrates and salts throughout the Central Valley. Existing and on-going nitrate and salt accumulations are impacting drinking water supplies, making them unsafe in some locations. The quality of all wastewater discharge, whether municipal, agricultural or industrial, is critical in protecting public health and environmental quality.

The CV-SALTS initiative and its January 2017 Salt & Nitrate Management Plan (SNMP) is a crucial component for all Central Valley dischargers whether municipal, agricultural, or industrial. The SNMP includes recommended policy changes for regulating salts and nitrates. Once these changes are incorporated into the Central Valley Regional Water Quality Control Board (Regional Board) Basin Plans, they will allow improvements in the way Publicly Owned Treatment Works (POTWs) and other dischargers are regulated.

Regulation: How it Works Now
POTWs, also known as wastewater treatment plants, provide wastewater treatment services for municipalities. Municipal wastewater contains sewage that is treated before being discharged. POTWs must protect public health and protect the beneficial uses of the receiving waters at the end of the line where the treated sewage or effluent is discharged into a lake, river, stream, or groundwater aquifer. The treated effluent that is discharged must meet permit requirements based on the beneficial uses of the receiving waters.

Municipal wastewater discharge from POTWs is highly regulated by the Regional Board and, if discharged to surface water, the United States Environmental Protection Agency (USEPA). POTWS are often faced with implementing expensive, sometimes unnecessary, treatments that result in limited benefit to the quality of the environment or to public health.

Salts and nitrates are both found in municipal wastewater. They are difficult and expensive to remove from municipal wastewater discharges making the work undertaken by CV-SALTS even more important for POTWs.

Today, nitrate levels in drinking water are a chief concern. Municipal discharges primarily contain nitrogen in one of two forms - nitrate and ammonia. And, the transformation of nitrogen from ammonia to nitrate is also a concern. The currently available regulatory options are constrained and often not locally applicable.

New Regulations Provide More Flexible Solutions to Comply
The importance of protecting surface and groundwater quality from salts and nitrates, whether for aquatic life, safe drinking water, or municipal or agricultural supply, is a significant public policy issue. Because not all areas of the Valley are impacted similarly, a “tool box” of actions is needed - and the SNMP provides just that.

The regulatory policy changes recommended in the SNMP will offer greater local flexibility for compliance by all regulated dischargers, including POTWs, agricultural and industrial interests, while also ensuring safe drinking water.

Due to the high nitrate concentrations in specific areas, the new nitrate regulations will first be implemented in the SNMP identified high-priority areas. These areas are in the Kaweah, Turlock, Chowchilla, Tule, Modesto, and Kings sub-basins and basins.

Salinity regulations are anticipated to be implemented by permits. Permits may be revised as they are renewed, or they may be amended through special orders or resolutions adopted by the Regional Board.

Key Benefits of New Regulatory Options
The entire Central Valley and beyond will ultimately benefit from the implementation of new SNMP recommended policies for managing salts and nitrates.

The following highlights a few of the benefits that POTWs will experience once the SNMP recommended policies are amended into the Regional Board Basin Plans in 2018.

- All dischargers can continue to comply individually or they can join a local area management zone. Both short- and long-term
New Water Quality Regulations Provide Options for Flexibility
Publicly Owned Treatment Works

solutions will be available for implementation.

- In a local management zone (see graphic below), POTWs will work together with other dischargers to implement solutions locally to better meet water quality standards, provide safe drinking water, and share the costs of compliance.

- POTWs participating in a management zone will be able to use public funds more effectively for more cost-effective and workable local solutions that ultimately result in improved public health benefits.

- POTWs participating in a management zone will no longer be regulated by what is coming out of the “end of the pipe,” but rather as part of a local area or local watershed.

Long-Term Solutions for Salts
To identify long-term solutions for salinity management, a *Prioritization and Optimization Study* will define potential regional and sub-regional projects (e.g., de-salters or a regulated brine line) and practices (e.g., new treatment controls or development of new water supplies). POTW’s may elect to participate in the study instead of meeting strict salinity limits in discharge permits.

CV-SALTS and SGMA Collaboration
The 2014 Sustainable Groundwater Management Act (SGMA) provides a framework for water quantity, through sustainable, local groundwater management. The CV-SALTS initiative is focused on water quality impacts from salts and nitrates.

Going forward, there will be coordination between SGMA-based water quantity strategies and CV-SALTS SNMP-based water quality management.

Get Involved, Shape the Future
To meet the water quality challenges of the future, all dischargers must be proactive in protecting water quality within the new SNMP regulatory framework. The future economic sustainability of the Central Valley depends on these new approaches.

Your participation now is important to be certain that the needed flexibility and localization of future regulations for discharges of salt and nitrates to surface and ground waters are accomplished for the entire Central Valley.

Those who work in any aspect of the POTWs community are encouraged to participate and get involved today!

Visit [www.cvsalinity.org](http://www.cvsalinity.org) to learn more about getting involved.
New Water Quality Regulations Provide Options for Flexibility
Oil and Gas Industry

Protecting Water Quality is Critical
Ensuring a safe, reliable drinking water supply is now the highest priority when managing water quality throughout the Central Valley. Existing and on-going salt and nitrate accumulations are impacting drinking water supplies, making them unsafe in some locations.

Discharges from municipal, agricultural and industrial activities, including oil and gas production, can contain pesticides, sediments, salts, boron, nitrates, heavy metals, and volatile organic compounds. These pollutants can impact water quality by direct discharge, storm season runoff, or by leaching into groundwater. At high enough concentrations, pollutants make groundwater and surface waters unusable for drinking water or agricultural uses.

New Salt and Nitrate Management Plan
A critical component in the future success of water quality regulations is the CV-SALTS initiative and its January 2017 Salt & Nitrate Management Plan (SNMP). The SNMP addresses the increasing impairments to surface and ground waters from salts and nitrates by recommending new, more flexible options for discharge regulation. In the future, the SNMP is expected to be amended to include regulatory provisions for boron.

Once amended into the Central Valley Regional Water Quality Control Board (Regional Board) Basin Plans, the new SNMP regulatory options will allow improvements in the way all dischargers are regulated. The options will allow, and even encourage, more local collaboration among all dischargers and more flexibility in meeting discharge requirements.

The SNMP includes new industry-specific general compliance requirements and alternative compliance policies that focus first on providing safe drinking water in high-priority areas identified in the Kaweah, Turlock, Chowchilla, Tule, Modesto, and Kings sub-basins and basins.

Regulation: How it Works Now
Producing oil and gas naturally brings water to the surface known as produced water. Each barrel of oil recovered results in up to 15 barrels of produced water. In Kern County, oil producers annually provide more than 10 billion gallons of treated produced water for reuse by irrigated agriculture, supplementing irrigation water from other sources, such as groundwater.

The Regional Board regulates the way produced water is filtered, treated, and disposed. Produced water often contains salt, boron, and other naturally-occurring elements from its contact with petroleum-bearing rocks.

Produced water that is low in salinity can be reused for irrigation after being filtered, treated, and blended. Higher salinity produced water is filtered, treated, and then either used to enhance oil production, reinjected into oil producing wells, or discharged to evaporation ponds or surface impoundments.

The Regional Board regulates the reuse of produced water for irrigation under operator-specific Waste Discharge Requirements (WDRs) that include testing to show adherence to strict pollutant limits. The discharge of produced water is regulated through individual WDRs or under three General WDR Orders adopted in April 2017. The General Orders regulate the discharge of produced water more efficiently and consistently to protect beneficial uses of groundwater.

**General Order 1** regulates produced water discharges to land over high quality groundwater aquifers requiring oil and gas producers to implement produced water management practices and maintain secondary containment features at produced water disposal facilities to minimize the risk of groundwater quality degradation from constituents of concern, such as salt and boron.

**General Order 2** regulates produced water treatment facilities, discharges to evaporation and percolation ponds, and production facility dust control on land over groundwater that does not consistently meet water quality requirements.

**General Order 3** regulates discharges of produced water where first encountered groundwater is absent, of poor quality, or associated with oil-bearing formations, and where the groundwater does not support beneficial uses for municipal (MUN), agricultural (AGR), industrial (IND) purposes. Under the time schedule set in this permit, an Exception or beneficial use de-designation can be granted. To qualify, the permittee must participate in the CV-SALTS program.

**CV-SALTS and SGMA**
CV-SALTS focuses on water quality while the 2014 Sustainable Groundwater Management Act (SGMA) focuses on groundwater supply. Coordination is expected as both programs move forward.

**Benefits of New Regulatory Options**
The oil and gas industry represents an important part of the CV-SALTS program. Under the new regulatory framework, all dischargers will be asked to collaborate
New Water Quality Regulations Provide Options for Flexibility
Oil and Gas Industry

locally to implement solutions to meet water quality standards. Oil and gas producers must choose to comply under a traditional permit or participate in the alternative compliance option – such as joining a local management zone. The new regulatory structure offers more local flexibility for permittees under either approach.

The following highlights a few examples of the recommended SNMP policies:

**Local Management Zones.** The formation of local management zones will save dischargers time, money, and resources by pooling resources to implement water quality protection measures that ensure safe drinking water supplies. Oil and gas producers, farmers, wastewater treatment plants, and other dischargers can work collectively in a distinct regulatory compliance unit. While working to protect groundwater for beneficial uses, members may be allowed to continue existing discharges and be given more time to comply.

**Exceptions Policy.** When prohibiting a discharge does more harm than good, and allowing the discharge to continue is determined to be better for the greater public good, an “Exception” can be authorized that provides dischargers relief from the applicable water quality objective(s) and more time to apply more effective, site-specific solutions.

**Assimilative Capacity Allowances.** Assimilative capacity is the ability of a natural body of water (e.g., lake, river, or groundwater aquifer) to receive discharges without harmful effects. In a management zone or a groundwater basin/sub-basin, assimilative capacity, coupled with the implementation of localized management measures, may be used to demonstrate compliance with water quality standards.

**De-Designation of Specific Aquifers.** Almost all groundwater in California has been designated for domestic and municipal use (MUN), regardless of the actual quality of the water. Where it can be demonstrated that the local groundwater meets the water quality law and policy requirements to show that the groundwater is not suitable for MUN and/or AGR uses, the Regional Board can de-designate that use(s) through a Basin Plan amendment. Under General Order 3, oil and gas producers are given a time schedule to follow a de-designation path for specific aquifers. The SNMP includes an example of de-designation of the Tulare Lake Bed.

Get Involved, Shape the Future
Without more flexible and localized management options for salts, nitrates, and boron, regulators will likely continue to develop control measures that may make compliance more difficult, and even prohibit discharges.

To protect water quality for the future, the voice of oil and gas producers is critical in shaping the future of the new SNMP regulations and associated Basin Plans. Visit [www.cysalinity.org](http://www.cysalinity.org) to get involved and stay informed.
CV-SALTS Meeting Calendar

PRELIMINARY

January
1
Sun
2
Mon
3
Tue
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Wed
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Thu
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Fri
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Sat

February
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December
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Notes/Key

- Light Red conflicts
- Third Thursdays Where possible
- Executive Committee Meetings
- Policy or Admin Calls
- Yellow Salty 5
- Regional Board Workshops/Hearings
- TAC Meeting
- PEOC Committee