

## CV-SALTS Executive Committee Meeting

Thursday, May 24, 2018 – 9:00 AM to 11:30 AM - Sunset Maple Room  
Sacramento Regional Sanitation District  
10060 Goethe Rd, Sacramento 95827

Teleconference (641) 715-3580 Code: 279295#

Go-To-Meeting Link: <https://global.gotomeeting.com/join/436558429>

Posted 5-15-2018 – Revised 05-23-2018

- 1) **Welcome and Introductions** – Chair – (15 mins)
  - a) Committee Roll Call and [Membership Roster](#)
  - b) Review and Approve Meeting Notes
    - [April 13<sup>th</sup>](#) & [May 3<sup>rd</sup>](#) Meeting Notes
  
- 2) **Comments Received and Staff Responses** – Jeanne Chilcott/Patrick Pulupa (90 mins.)
  - Link Only => [Response to Written Comments](#)
  - [Table ES-1 Description of Major Components of the Proposed Salt and Nitrate Control Program](#)
  - [Key Changes to Proposed Salt and Nitrate Control Program Between January Workshop and 22 March Staff Report \(May 2018 Revisions Noted Where Applicable\)](#)
  
- 3) **Presentation Preparation for May 31<sup>st</sup>** - Jeanne Chilcott/Richard Meyerhoff (40 mins.)
  - Review Items for Draft PowerPoint
  - Discuss framework for hearing
  - Discuss presenter’s roles and any comments known
  
- 4) **Review Meeting Schedule/Location** – (5 mins)
  - Regional Board Hearing & Adoption: May 31-June 1
  - Policy Meeting: Thursday, June 21, 9:00 – 3:00 @ Sac Regional

**[CELEBRATION LUNCH - 12:00 pm to 1:30 pm](#)**  
Zinfandel Grille – 2384 Fair Oaks Blvd

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>

## CV-SALTS Committee Rosters

Executive Committee Membership			CV-SALTS Executive Committee Meetings - 2017-2018										
Voters	Category/Stakeholder Group	Name	11-Oct	12-Oct	9-Nov	14-Dec	3-Jan	11-Jan	15-Feb	8-Mar	13-Apr	3-May	24-May
1	Central Valley Water Board	Pamela Creedon	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Alt	Central Valley Water Board	Jeanne Chilcott	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	State Water Resources Control Bd.	Darrin Polhemus			✓			✓	✓	✓		✓	
3	Department of Water Resources	Jose Faria											
Alt	Department of Water Resources												
4	US Bureau of Reclamation	Ellwood Raley			✓			✓	✓	✓	✓	✓	
5	Environmental Justice	Laurel Firestone											
6	Environmental Water Quality	TBD											
<b>CV Salinity Coalition</b>													
1	So. San Joaquin WQC	Nicole Bell	✓	✓		✓	✓	✓	✓	✓	✓		
2	City of Stockton	Deedee Antypas											
3	California Cotton Growers	Chris McGlothlin											
4	City of Fresno	Rosa Lau-Staggs	✓	✓		✓	✓	✓		✓	✓	✓	
5	CA League of Food Processors	Trudi Hughes											
Alt	CA League of Food Processors	Rob Neenan		✓		✓		✓	✓			✓	
6	NCWA/SVWQC	Bruce Houdesheldt	✓	✓		✓			✓	✓	✓	✓	
7	City of Tracy	Stephanie Hiestand							✓	✓	✓	✓	
Alt	City of Tracy	Dale Klever											
8	Sacramento Regional CSD	Lysa Voight	✓	✓	✓		✓	✓	✓	✓	✓	✓	
Alt	Sacramento Regional CSD	Sam Safi											
9	San Joaquin Tributaries Authority	Dennis Westcot											
10	Valley Water Management	Melissa Thorne	✓	✓	✓		✓	✓	✓	✓	✓	✓	
Alt	Valley Water Management	Jim Waldron				✓	✓						
11	California Rice Commission	Tim Johnson	✓	✓	✓			✓		✓	✓	✓	
12	City of Davis	Josie Tellers	✓	✓		✓	✓	✓	✓	✓		✓	
13	Tulare Lake Drainage District	Mike Nordstrom	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
14	Western Plant Health Assoc.	Renee Pinel						✓					
15	City of Vacaville	Mindy Boele											✓
Alt	City of Vacaville	Justen Cole	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
16	Dairy Cares	J.P. Cativiela	✓	✓		✓		✓	✓		✓	✓	
Alt	Dairy Cares	Paul Sousa											
17	Westlands Water District	Jose Guterrez											
Alt	Westlands Water District	Kit Campbell	✓	✓	✓	✓	✓	✓		✓			
<b>Comm. Chairs/Co-chairs</b>													
1	Chair Executive Committee	Parry Klassen, ESJWQC	✓	✓	✓	✓	✓	✓	✓	✓		✓	
2	Vice Chair Executive Committee	Debbie Webster CVCWA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
3	Technical Advisory Committee	Roger Reynolds, S Engr.											
	Technical Advisory Committee	Nigel Quinn, LBL											
4	Public Education and Outreach	Nicole Bell	✓	✓	✓								
5	Economic and Social Cost Committee	David Cory, SJVDA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
6	Lower San Joaquin River Committee	Karna Harrigfeld, SEWD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

**CV-SALTS Committee Rosters**

Participant Names													
Last	First	Organization	11-Oct	12-Oct	9-Nov	14-Dec	3-Jan	11-Jan	15-Feb	8-Mar	13-Apr	3-May	24-May
Archibald	Elaine	CUWA											
Au Yeung	Cindy	CVRWQCB			✓								
Ashby	Karen	LWA											
Baptiste	Anne	Diepenbrock Elkin Gleason	✓	✓	✓	✓	✓		✓	✓	✓		
Barclay	Diane	SWRCB	✓	✓									
Brown	Michelle	RBI											
Bryant	Mike	RBI											
Carlo	Penny	Carollo Engineers				✓							
Cady	Mark	CDFA	✓	✓	✓				✓		✓		
Claiborne	Mike	Leadership Counsel			✓				✓				
Clary	Jennifer	CWA									✓		
Dickey	John	Plantierra		✓				✓	✓	✓			
Doduc	Tam	SWRCB											
Dunham	Tess	Somach Simmons	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Escobar	Juan	DWR											
Fink	Cody	LANDIQ					✓						
Fuentes	Robert	Leadership Counsel											
Garcia	Rick	CRC	✓	✓		✓	✓	✓	✓	✓	✓	✓	
Gonzalez	Armando	Occidental Oil & Gas										✓	
Gleason	Nicole	Diepenbrock Elkin Gleason											
Gore	Bob	Gualco Group	✓		✓	✓	✓	✓	✓	✓		✓	
Gosling	Doug												
Grovhoug	Tom	LWA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Gudel	Casey	LANDIQ									✓	✓	
Horne	Randy	NAFTEX		✓				✓					
Johnson	Michael	LSJRC											
Kihara	Annalisa	SWRCB											
Kimmelshue	Joel	LANDIQ											
Kotin	Adam	Wine Institute				✓		✓					
Krachey	Julie	Apex		✓									
Kretsinger Grabert	Vicki	LSCE		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Kubiak	Rachel	Western Plant Health Assoc.											

**ADDITIONAL PARTICIPANTS:**

Participant Names			CV-SALTS Executive Committee Meetings -2017-2018										
Last	First	Organization	11-Oct	12-Oct	9-Nov	14-Dec	3-Jan	11-Jan	15-Feb	8-Mar	13-Apr	3-May	24-May
Laputz	Adam	CVRWQCB	✓										
Larson	Bobbi	CASA						✓	✓	✓	✓	✓	
LeClaire	Joe	Daniel B. Stephens & Assoc										✓	
Liebersbach	Debbie	Turlock Irrig Dist											
Lilien	Jonathan	Chevron											
Link	Adam	CASA											
Littlejohn	Anne	CVRWQCB	✓	✓		✓	✓	✓		✓	✓	✓	
Liu	Yuan	CCWD								✓	✓		
Longley	Karl	CVRWQCB	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Lovley	Tim	MacPherson Oil	✓	✓		✓							
McGahan	Joe	SJVDA											
McReynolds	Scott												
Meeks	Glenn	CVRWQCB	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Meyerhoff	Richard	GEI Consultants	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Moore	Tim	Risk-Sciences		✓	✓			✓	✓	✓	✓	✓	
Ores	Debi	CWC		✓						✓		✓	
Peschel	Paul	KRCD				✓							
Plachta	Walt	CVRWQCB	✓	✓	✓	✓		✓		✓	✓	✓	
Pritchett	Gregory	Chevron											
Pulupa	Patrick	CVRWQCB	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Pitcher	Jennifer	West. States Petroleum											
Reedy	Chris	VWM			✓		✓		✓	✓	✓		
Rempel	Jenny	CWC											
Rivera	Willie	CIPA		✓	✓		✓		✓			✓	
Rodgers	Clay	CVRWQCB		✓	✓			✓	✓	✓			
Savage	Chris	Gallo						✓					
Schmidt	Andrea				✓								
Schultz	Paul	CDM Smith											
Seyfried	Scott	SWRCB	✓	✓	✓							✓	
Seaton	Phoebe	LCJA											
Segal	Daniel	Chevron											
Silva	Megan	Aera											
Starr	Bonny	Starr Consulting			✓							✓	
Thomas	Bill	KRCD	✓	✓	✓				✓	✓	✓		
Tillman	Stephanie	LANDIQ	✓	✓		✓		✓	✓	✓	✓		
Tristao	Dennis	J.G. Boswell									✓	✓	
Wackman	Mike	SJ County/Delta Water			✓				✓	✓	✓	✓	
Zimmerman	Christine	IOPA		✓		✓	✓	✓	✓	✓	✓	✓	

**ADDITIONAL PARTICIPANTS:**

# CV-SALTS Executive Committee Meeting - Summary Action Notes

For April 13, 2018 – 9:00 AM to 3:00 PM

Attendees are listed on the Membership Roster

## DISCUSSION ITEMS

### 1) Welcome and Introductions

- a) Executive Committee Co-Chair Debbie Webster brought the meeting to order, and roll call was completed.
- b) There was general agreement that the March 8, 2018 Meeting Notes did not adequately capture the significant decisions from the March meeting. The notes will be revised and presented for approval at the May 3, 2018 meeting.

### 2) Review of Draft Staff Report – Explanations, Issues and Comments

### 3) Continuation of Morning Discussion

- Jeanne Chilcott provided an overview on the revisions and additions made to the draft Staff Report and amendment language since the March 8<sup>th</sup> meeting discussion. There were four areas noted for further discussion during the meeting: Shallow zone definition/calculation, SAMP reporting requirements, Recommendations to Other Agencies, and SMCLs. The committee then discussed the 13 items identified in the Summary of CVSC Member Comments. Some of the comments and concerns from the committee:
  - The definition of shallow zone and how it pertains to areas outside the area of focus in the San Joaquin Valley. A small group will meet to discuss how the alternatives, (Path A-Individual Permitting Approach Page 60), may be applied to high quality waters and formulate examples that demonstrate that application.
    - Include language in alternative 1 that allows for area updates based on SAMP status reports.
  - Remove any remaining definitions already defined in the Water Code.
  - Keep the translator for SMCLs more generic and flexible so it can be used for other constituents. DDW will need to be consulted on this change.
  - Page 70 Modification to Management Zone Implementation Plan: Add “user protection” after “benefit water quality...”
  - Determinations of in-kind support for the P&O Study should be at the discretion of the lead entity.
  - For Conditional Prohibition, Pathway A, add clarifying language on what regulation is applicable until the permit revision is complete.
  - Page 13 Table ES-1 Salinity Control Program: Revise language to reflect funding will come from other sources besides the “coalition of regulated dischargers.”
  - Page 81 Recommendations to Counties and Municipalities: Include participation in Management Zones.
  - Page 81-82: Add Department of Conservation to Other State Agencies, Change East Bay Municipal Water District to East Bay Municipal Utility District.
  - Page 11 Salinity in Groundwater: Add “and a short term upper range of 1500 mg/L”
  - Page 83-86 Definitions
    - Delete: de minimis, contamination
    - Change domestic well definition to what DWR uses.
    - Include “fixed dissolved solids” in salinity definition

- Page 23 change “down-gradient” to “area of contribution”
- Consider the extent to which financial contribution/in-kind support can incentivize development by stormwater agencies.
- Page 268 Monitoring and Surveillance Program Requirements: Paragraphs 2-3 need to be rewritten to be more consistent with information in the current SAMP report.
- Editorial comments should be emailed to Regional Board as soon as possible , but no later than April 30<sup>th</sup>. Written comments are due May 7<sup>th</sup>.

4) Presentation Preparation for May 31st

- The focus of the presentation will be on what is new in the documents, with most discussion on the Response to Comments.
  - Please advise of additional panels beyond CVSC and Environmental Justice.

5) Administrative Updates

- After discussion the committee voted to approve the Drinking Water inserts with following revisions:
  - Insert “adequately” after “Current regulations do not...” on both versions.
  - Delete “and salts.” From “Identify short- and long-term solutions to ensure safe drinking water in communities where groundwater is high in nitrates and salts.”
  - Delete “of dischargers” from “A group of dischargers, representing growers, dairies,...”
- It was requested a link to the PEOC Outreach Tracking be forwarded to the committee.

6) Review Next Meetings - Schedule/Location

- Policy Meeting: May 3, 2018 from 9:00 – 3:00 @ Sac Regional
- Admin Meeting: May 4, 2018 from 1:30 – 3:00 Teleconference
- Policy Meeting: May 24, 2018 from 9:00 – 3:00 @ Sac Regional
- Regional Board Hearing & Adoption: May 31-June 1

# CV-SALTS Executive Committee Meeting - Summary Action Notes

For Thursday, May 3, 2018 – 9:00 AM to 3:00 PM

Attendees are listed on the Membership Roster

## DISCUSSION ITEMS

### 1) Welcome and Introductions

- a) Executive Committee Chair Parry Klassen brought the meeting to order, and roll call was completed. Mike Nordstrom moved, and David Cory seconded, and by general acclamation the March 8, 2018, Meeting Action Notes were approved with the following revision:
  - Add “fixed dissolved solids” to the salinity definition.

### 2) Review of Draft Staff Report – Explanations, Issues and Comments

### 3) Continuation of Morning Discussion

- Jeanne Chilcott provided a brief update. Official written comments are due by noon on Monday, May 7, 2018. Response to Comments will be posted on line with the agenda for the May 31-June 1 Hearing.
  - Panels for the hearing still need to be confirmed, but currently anticipate the following 3 panels plus individual commenters: Environmental Justice, Water Purveyors, Central Valley Salinity Coalition.
- Tess Dunham provided a summary of the outstanding comments and suggested edits the CVSC will be submitting on the Draft Amendments and Draft Staff Reports. Three areas identified in the discussion as needed further clarification:
  - Discharges to areas where AGR and MUN are dedesignated.
  - Review ACPs for Category 3 in the Nitrate Control Program
  - Ensure language is consistent for SMCLs and metals
- Bonnie Starr presented concerns from the Sacramento River Source Water Protection Program on the SMCL Policy. Some of the concerns that were discussed:
  - They do not agree with dissolved to measure compliance. They are open to the translator but unclear on...
    - What is the purpose of the translator, who would do it, and how it would apply. There appears to be no consequence if it does not get completed. Is the change based on good science?
    - It was suggested that Regional Board technical staff would be able to meet and help explain the process of the translator and how it works.
  - The Staff Report and the Draft Amendments are inconsistent in the references on how non-salinity MCLs will be included in the SAMP.
  - Appendix G – If intended as only guidelines, consider replacing “shall” with “may.”
- The committee then discussed a concern from Environmental Justice that the Exceptions Policy could be granted for 50 years, or longer, without being revisited.
  - There was general agreement that there was a specific review built in to the Salinity Control Program/P&O Study, but nothing similar for the Nitrate Control Program. Clarifying language will be added regarding the review process for Salt, Nitrate and the SAMP.

### 4) Presentation Preparation for May 31st

- The focus of the presentation will be on what is new in the documents, with most discussion on the Response to Comments.

- Richard Meyerhoff provided [Key Changes to Proposals Between January Workshop and March 22 Staff Report](#) summarizing the changes from January to March.
  - This document also listed potential elements and issues for the hearing presentation. Committee members were asked to review and provide any additional items that should be covered at the hearing.
  - The 3 panels will each have 30 minutes. 20 minutes for presentation, 10 minutes for board discussion. A suggestion was made to split AG and POTW presentations. CVSC was asked to let Jeanne know ASAP how they want to conduct their panel.

5) Administrative Updates

- There were no administrative updates. A link was provided to the Outreach Tracking Form.

6) Review Next Meetings - Schedule/Location

- Policy Meeting: May 24, 2018 from 9:00 – 11:30 @ Sac Regional
  - Celebration Lunch @ Zinfandel Grille 12:00 – 1:30
- Regional Board Hearing & Adoption: May 31-June 1
- Policy Meeting: June 21, 2018 from 9:00 – 3:00 @ Sac Regional



**Table ES - 1. Description of Major Components of the Proposed Salt and Nitrate Control Program**

Component	Description
<p><b><u>Salinity Control</u> Salt Control Program</b></p>	<p>The <del>Salinity Control</del> Salt Control Program recommends a process for moving forward with a three-phased long-term salinity management program. Each phase is anticipated to have a duration of 10-15 years.</p> <ul style="list-style-type: none"> <li>• Phase I: Salinity Prioritization and Optimization Study (P&amp;O Study) to convert current conceptual management projects into feasibility studies</li> <li>• Phase II: Project Development and Acquisition of Funds</li> <li>• Phase III: Project Implementation/Construction of Physical Project (e.g. salt management areas; treatment facilities; regulated brine line)</li> </ul> <p>Phase I includes adoption of a proposed Interim Salinity Permitting Approach for <del>salinity dischargers</del> permittees who discharge salt where-by they may select to be regulated under conservative, source control limits or opt into participating in the funding and development of the P&amp;O Study. A third party entity made up of a coalition of regulated dischargers and other entities will manage and fund the P&amp;O Study. Timelines and milestones are identified.</p>
<p><b>Prioritized Groundwater Basins for Nitrate Control Program Implementation</b></p>	<p>Scores were assigned to one square mile grids based on the ambient nitrate as nitrogen concentration in the Upper Zone, for each basin identified in the Central Valley Hydrologic Unit Model (Faunt, 2009)). Based on the aggregate score within the basin boundaries, the basins were prioritized for implementation of the Nitrate Control Program. Permitted dischargers to groundwater within Priority 1 basins will be notified within one year of the effective date of the amendments of their need to comply with the Nitrate Control Program. Dischargers-Permittees in Priority 2 basins will received notification within two to four years of the effective date. The remaining basins will be prioritized at the discretion of the Central Valley Water Board. The Central Valley Water Board will review the priorities no later than 1 January 2024 after considering water quality-based factors and other relevant information. Nothing in the program prevents interested parties from providing additional information and requesting a review of an area's priority.</p>
<p><b>Groundwater Management Zone Strategy (Nitrate Specific)</b></p>	<p>The Nitrate Control Program recommends that the Basin Plans be amended to allow and encourage management of nitrate through the establishment of management zones. In general, a management zone would consist of multiple <del>dischargers permittees and other</del> local stakeholders working collectively to first ensure safe drinking water, then to manage nitrates to create a balance within the defined management area (where reasonable and feasible), and ultimately to develop and implement a long-term plan for restoration of</p>

**Table ES - 1. Description of Major Components of the Proposed Salt and Nitrate Control Program**

Component	Description
	groundwater (where reasonable, feasible and practicable) to meet applicable water quality objectives. Although the Basin Plans do not currently prevent the management of nitrates through the creation of management zones, the Program defines the characteristics, intent and purpose of a Management Zone as well required components for consideration of approval by the Central Valley Water Board.
<b>Nitrate Control Program</b>	The Nitrate Control Program provides two pathways for compliance for permitted discharges to groundwater. Pathway A is for individual <del>dischargers-permittees</del> and sets conservative limitations for source control. Requirements are based on categories that take into account nitrate concentrations in the discharge as well as in the Shallow Zone of the aquifer. Pathway B is for <del>dischargers-permittees</del> proposing to be regulated under a Management Zone. Both Pathways have their own specific milestones and timelines. However, both Pathways require the development of an Early Action Plan (EAP) to identify means of providing short term safe drinking water supplies to users impacted by nitrate concentrations in their groundwater source which falls within the <del>discharger's-permittee's</del> zone of contribution. When needed, both Pathways also require development of an alternate compliance project to allow continued discharge into <del>an-a threatened or</del> impaired groundwater basin while the <del>discharger-permittee</del> develops a long-term solution to ensure safe drinking water and move toward balanced loading and restoration. The Control Program includes guidance on the minimum requirements for an alternative compliance project which relies in part on the Conditional Exceptions Policy (discussed below).
<b>Conditional Prohibition</b>	A Conditional Prohibition will apply to all <del>dischargers-permittees of-discharging</del> salt and nitrate, except <del>dischargers-permittees</del> regulated under the Board's Irrigated Lands Regulatory Program (ILRP) <del>and potentially other General Orders, from the time the permittee receives a Notice to Comply</del> until such time that that the permittees' existing waste discharge requirements are updated or amended through a public hearing to reflect requirements of the Salt and Nitrate Control Program, including incorporation of any proposed Alternate Compliance Project or Management Zone Implementation Plan. The Central Valley Water Board will consider updating ILRP General Orders within 18 months of the effective date of the amendments. Conditions will include meeting Control Program requirements including meeting timelines for response to <del>notice-Notices to comply</del> <u>Comply</u> , selection of permitting pathway, submittal of justification for pathway selection, implementation of Early Action Plans when needed, and submittal of any needed Alternate Compliance Project or Management Zone Proposal and associated Implementation Plan.
<b>Surveillance and Monitoring</b>	The goals of the Salt and Nitrate Monitoring Program are to <del>:-</del> assess the effectiveness of the Control Program; develop statistically <del>defensible-representative</del> ambient water quality determinations and trends; and maximize the use of existing monitoring programs. Information gathered will be consolidated and evaluated by the entity leading the <del>P&amp;O Study</del> <u>monitoring study</u> . Within <del>one two</del> years of the effective date of the <del>Salinity-Salt</del> and Nitrate Control Program, the lead entity will submit a Work Plan and a Quality Assurance Project Plan for Central Valley Water Board approval. <del>Dischargers-of</del> <u>Permittees with</u> salt <del>and-or</del> nitrate <u>discharges</u> must either gather needed information required by the plan for their area of contribution and provide the information to the lead entity in a readily available format or must demonstrate their support for the lead entity to gather needed information by submitting <del>a letter of confirmation</del> <u>documentation of such support</u> from the lead entity. An assessment of ambient water quality and trends and a review of the <del>extent that the Nitrate Control Program facilitated the provision of safe drinking water supplies</del> <u>overall progress of the Salt and Nitrate Control Program based on water quality trends</u> will be completed at least once every 5-years <u>or other time schedule is approved by the Central Valley Water Board</u> .

**Table ES - 1. Description of Major Components of the Proposed Salt and Nitrate Control Program**

Component	Description
<p><b>Variance Policy</b></p>	<p>The existing conditional Salinity Variance Program applies to salinity water quality standards for the following constituents: electrical conductivity, total dissolved solids, chloride, sulfate and sodium, and was developed to allow dischargers to continue to meet performance based standard while supporting the CV-SALTS initiative. The current Salinity Variance Program prohibits the Central Valley Water Board from approving any salinity variance after June 30, 2019, because it was intended that any extension, or permanent, long-term Salinity Variance Program should be developed through the CV-SALTS process and that stakeholders needed to make appropriate recommendations for such a policy in the SNMP. The Salt and Nitrate Control Program recommends that the Salinity Variance Program be extended for an additional 15 years to allow <del>dischargers-permittees</del> to participate in the P&amp;O Study. <del>Dischargers-Permittees</del> who do not participate <u>in the P&amp;O Study</u> are not eligible for a <u>salinity</u> variance.</p>
<p><b>Exceptions Policy</b></p>	<p>The existing Salinity Exceptions Policy that only applies to TDS/EC, chloride, sulfate and sodium, prohibits the Central Valley Water Board from authorizing new exceptions or reauthorizing previously approved exceptions after June 30, 2019. This Salt and Nitrate Control Program recommends revising the existing Exceptions Policy by amending the Basin Plans to (a) add nitrate to the list of chemical constituents for which the Central Valley Water Board may authorize an exception; (b) expand/revise conditions or authorization of an exception to reflect the requirements of the Salt and Nitrate Control Program (<u>no exception needed if meeting Phase I Alternative Salinity Compliance participation in the P&amp;O Study requirements</u> and implementation of an approved alternate <u>nitrate</u> compliance project, respectively); (c) remove the existing sunset provision that prohibits the granting of exceptions beyond June 30, 2019; and (d) delete the current provision limiting the term of an exception to no more than 10 years and add a new provision stating that when authorizing an exception, the Central Valley Water Board shall generally not exceed a term of 10-years but may only exceed 50-years if management practices under the exception <del>is-are</del> resulting in significant and measurable improvements in water quality. Exception application provisions specific to boron are also included.</p>
<p><b>Drought and Water Conservation Policy</b></p>	<p>The effects of drought and the implementation of encouraged or mandated water conservation practices can significantly impact effluent quality in discharges to surface water or groundwater and compliance issues for some <del>dischargers-permittees</del> because of increased TDS/EC and other salinity-related constituents in influent and effluent. Historically, WDRs/Conditional Waivers rarely have included any special provision or consideration for variations in effluent quality, directly or indirectly related to recurrent drought conditions that are beyond the control of the <del>discharger-permittee</del> or for ongoing, expanding and sometimes mandated conservation practices. The Salt and Nitrate Control Program proposes interim salinity effluent limits during periods of drought or increased implementation of water conservation practices. During periods of drought the interim effluent limit for electrical conductivity (EC) is not to exceed 2,200 uS/cm as a 30-day running average. The limits may be established in terms of concentration or total dissolved solids (TDS) loading. Interim limits for conservation efforts shall be based on either not exceeding the receiving water concentration and not causing down gradient impacts or maintaining TDS loading consistent with <u>historical</u> load (with consideration given to reasonable increment of use or change in source water salinity concentration while not exceeding the numeric limitations noted above. <u>The Drought and Conservation Policy is proposed to guide interim effluent limits as needed under the Variance Policy during Phase 1 of the Salt Control Program and may become generally applicable during future phases based upon review of the overall program.</u></p>
<p><b>Offsets Policy</b></p>	<p>An offset is an alternative means of achieving compliance with a WDR, either alone or in combination with other actions, for a given pollutant or pollutants. An offset allows for the management of other sources and loads (not directly associated with the regulated discharge) so that the combined net effect on receiving water quality from the discharge and the offset is functionally-equivalent to or better than that which would have occurred by requiring the <del>discharger-permittee</del> to comply with its WDR at the point-of-discharge. The Salt and Nitrate Control Program includes an Offsets Policy, which recommends that the Basin Plans be amended to provide authority for the Central Valley Water Board to allow the use of offset projects to comply with WDRs, but only for groundwater. In general, offsets are to</p>

**Table ES - 1. Description of Major Components of the Proposed Salt and Nitrate Control Program**

Component	Description
	<p>be utilized in the same groundwater basin/sub_basin where the discharge occurs, however, offsets may also be used to incentivize implementation of some large-scale projects such as a regional regulated brine line. Offsets may be proposed to support a request for either an allocation of available assimilative capacity or an exception but cannot result in unmitigated localized impairments. Offsets must be (1) proposed by <u>discharger-permittee</u> (individual or group of <u>dischargers-permittees</u>) as an Alternative Compliance Project (ACP, see below); (2) approved by the Central Valley Water Board; and (3) enforceable through a WDR or other orders issued by the Board. The approved offset must specify the time period for which it applies, a monitoring and reporting program, and remedial actions that must be undertaken by the <u>discharger-permittee</u> if the offset project fails.</p>
<p><b>Revised-Clarified Water Quality Objectives and Guidance to Implement Secondary Maximum Contaminant Levels</b></p>	<p>The Salt and Nitrate Control Program proposes to incorporate guidance into the Basin Plans to support to clarify implementation of SMCLs (from Title 22) in permits for discharge to surface water and groundwater. These recommendations include:</p> <ul style="list-style-type: none"> <li>■ Under Chapter 3 Water Quality Objectives: incorporate guidance from Title 22 for utilizing the applicable “Recommended”, “Upper”, or “Short Term” concentrations included in <u>Title 22 tables Table 64449-B; clarify consideration of natural background concentrations; and specify annual averaging for surface water and appropriate long-term averaging for groundwater.</u></li> <li>■ Under Chapter 4 Implementation: <ul style="list-style-type: none"> <li>• Consider “Recommended” concentrations as goals and allow concentrations ranging to the “Upper” level if it is demonstrated that it is neither reasonable nor feasible to achieve lower levels. “Short Term” level may be authorized on a temporary basis consistent with Title 22 or with the Drought and Conservation Policy</li> <li>• <u>Provide flexibility to determine compliance with SMCLs using tests other than total-Clarify the use of filtered samples using a 1.5-micron filter to remove suspended solids to measure compliance</u> for aluminum, color, copper, iron, manganese, silver, turbidity and zinc. <u>The Central Valley Water Board may adjust the filter size where necessary to more accurately represent site-specific conditions based on scientific evidence submitted for their consideration and after consultation with Division of Drinking Water and public comment</u></li> <li>• <u>Determine compliance based on annual average of sample results</u></li> </ul> </li> </ul>
<p><b>Guidance for Developing Alternative Compliance Projects (ACP) for Nitrate Discharges</b></p>	<p>When an individual or group of <u>dischargers-permittees</u> is unable to demonstrate that their discharge is not individually or collectively causing or contributing to nitrate degradation above the triggers identified in the <u>Central Valley SNMPNitrate Control Program</u>, they have an opportunity to request either allocation of available assimilative capacity or an exception. In most cases, the request for the granting of assimilative capacity<sup>4</sup> or an exception in these circumstances requires submittal of a proposed ACP. This request may be made as an individual <u>discharger-permittee</u> (which includes a third party group subject to a general order) or <u>dischargers-permittees</u> working collaboratively as part of a groundwater management zone. Any proposed ACPs submitted for consideration must contain specific components; accordingly, <u>the SNMP recommends the adoption of guidance is provided</u> that describes the <u>minimum-components required-recommended</u> for submittal of an ACP for approval. At a minimum any proposed ACP must include <u>but is not limited to:</u></p> <ul style="list-style-type: none"> <li>• Identification of public water supply and domestic wells <u>that are contaminated by nitrate</u> within the discharge area zone of contribution <u>that exceed the nitrate water quality objectives</u></li> <li>• Milestones and timelines to address the drinking water issues <u>(short and long-term)</u></li> <li>• Milestones and timelines to meet long term management goals of balanced loading and restoration, which may be phased over time</li> </ul>

<sup>4</sup> Conditions with respect to granting of assimilative capacity will vary, depending on how the receiving water is defined for the discharge(s) in question. In some cases, the receiving water will be considered to be shallow groundwater, while in others, it may be the upper zone or production zone (see Table ES-1).

**Table ES - 1. Description of Major Components of the Proposed Salt and Nitrate Control Program**

<b>Component</b>	<b>Description</b>
<b>SMCL Considerations when Developing WDRs</b>	Source water protection is a critical component to protect drinking water consumers. Since clarifications are proposed to address the application of SMCLs to protect MUN, guidance is also proposed on considerations when evaluating permit conditions related to SMCLs in order to clarify the current process of evaluating potential individual and cumulative impacts on instream and downstream beneficial uses.
<b>Definitions Specific to Salt and Nitrate Control Program</b>	A series of definitions have been proposed for incorporation as part of the Salt and Nitrate Control Program amendment in order to add clarity and provide consistency in implementation.

DRAFT

## **Key Changes to Proposed Salt and Nitrate Control Program Between January Workshop and 22 March Staff Report (May 2018 Revisions Noted Where Applicable)**

### **Over-Arching**

- Clarified that overall program review will occur consistent with Salt Control Program review (every 10 to 15 years), with the initial review no more than 15 years from the effective date of the amendments.
- Emphasized the need for entities outside of the Central Valley who benefit from Central Valley water exports to participate in developing long-term solutions.

### **SALT CONTROL PROGRAM (Surface and Groundwater)**

#### **1. Alternative Permitting Approach: Exception Eligibility**

*Workshop Discussion:* For groundwater/non-NPDES discharges proposal stated that permittees eligible for salinity exception.

*March 22 Proposal:* (a) Permittees that meet requirements of this approach are in compliance with salinity limits; (b) Exceptions Policy revised to clarify not required during Phase I.

#### **2. Assessment Requirement (Conservative Approach)**

*Workshop Discussion:* Permittees that elect this approach are required to submit assessment of how they will comply with the conservative permit requirements.

*March 22 Proposal:* Assessment requirement clarified to allow use of historical and/or representative water quality information where that information adequately represents current conditions (discharge and receiving water).

#### **3. AGR Use Protection (Conservative Approach)**

*Workshop Discussion:* Proposal states that the Board intends to utilize a conservative numeric criteria of 700  $\mu\text{S}/\text{cm}$  EC as a monthly average (where no site-specific criterion has been established).

*March 22 Proposal:* Clarified that the 700  $\mu\text{S}/\text{cm}$  EC is a conservative value for use under the Conservative Permitting Approach and shall not be considered a water quality objective.

#### **4. Shallow Zone (Conservative Approach)**

*Workshop Discussion:* Receiving water compliance determined using shallow groundwater.

*March 22 Proposal:* Proposed text removed; each program will continue to utilize current compliance approach (effluent, receiving water and/or combination) during Phase I.

#### **5. Salt Control Program – Phase I to Phase II Re-Evaluation**

*March 22 Proposal:* NA

*May 2018 Revisions:* Clarified that the Central Valley Water Board will re-evaluate the Conservative and Alternative Salinity Permitting Approaches after completion of Phase I and before Phase II and shall consider convening a stakeholder group to assist in the re-evaluation.

## **6. Chapter III Tulare Basin Plan – Salinity Objectives**

*Workshop Discussion:* No modifications proposed.

*March 22 Proposal:* Proposed removal of Table III-4 and Figure III-1 (salinity limits for specific Hydrographic Units).

## **7. Chapter IV Tulare Basin Plan – Salinity Implementation**

*Workshop Discussion:* No modifications proposed.

*March 22 Proposal:* Remove reference to EC and chloride discharge limits to allow consistency with Salt Control Program.

*May 2018 Revisions:* Remove the 1.0 mg/L boron limit and replace it with the term “an applicable water quality objective for boron.” Replaced provisions regarding permitting of discharges of oil field wastewater that exceeds salinity and boron limits with: “*Discharges of oil field wastewater to unlined sumps, stream channels, or surface waters shall be regulated consistent with applicable laws, regulations and policies requiring the protection of beneficial uses in surface water and groundwater and the need to prevent nuisance conditions. Limits for the White Wolf subarea are discussed in the “Discharges to Land” subsection of the “Municipal and Domestic Wastewater” section.*”

## **NITRATE CONTROL PROGRAM (Groundwater)**

### **1. Path A: Definition of “Shallow Zone” for Discharge Categories (Table N-3)**

*Workshop Discussion:* To determine applicable category, assessment required evaluation of impact of discharge on nitrate concentrations on groundwater in the “Shallow” Zone.

*March 22 Proposal:* Provides three options to calculate average nitrate concentration in the Shallow Zone.

### **2. Path A: Category 3 Evaluation (Table N-3: Degradation Below Trigger Level)**

*Workshop Discussion:* The evaluation included two trend demonstrations: (a) Discharge occurs in a basin where concentrations in the volume-weighted Upper Zone are below an acceptable annual increase over a 5-year period; (b) Discharge will not cause nitrate concentrations in the Shallow Zone to exceed 75% nitrate trigger over a 20-year planning horizon.

*March 22 Proposal:* Removed requirement to evaluate (a) 5-year trend for Upper Zone.

### **3. Path B: Request for Exception to Meeting Nitrate Water Quality Objective**

*Workshop Discussion:* N/A

*March 22 Proposal:* New language added and proposal modified to clarify linkage between a Management Zone and application for an Exception: A complete Management Zone Implementation Plan meets the Exception application requirements for nitrate under the Exceptions Policy.

#### **4. Path B: Management Zone Implementation Plan Process**

*Workshop Discussion:* Board would provide public notice, request comment and hold a public hearing on a Management Zone Implementation Plan within a “reasonable time period” after finding that a proposed plan or modified plan is complete.

*March 22 Proposal:* “Reasonable time period” defined as “not longer than six months”.

#### **5. Path A or B: Alternative Compliance Project (ACP) Guidelines**

*Workshop Discussion:* Incorporated guidelines into Chapter 4 of Basin Plans.

*March 22 Proposal:* Moved ACP guidelines to Appendix H in the Staff Report.

#### **6. Permittees Requesting Deferral for a Sub-basin or Portion of a Sub-basin**

*March 22 Proposal:* NA

*May 2018 Revisions:* Added subsection to allow requests for deferral of issuance of Notices to Comply for a sub-basin or portion of a sub-basin.

### **CONDITIONAL PROHIBITION**

*March 22 Proposal:* No substantive changes

*May 2018 Proposed Revisions:* Clarified that the Conditional Prohibition will only apply from the time the permittee receives a Notice to Comply until such time that that the permittees’ existing waste discharge requirements are updated or amended through a public hearing to reflect requirements of the Salt and Nitrate Control Program, including incorporation of any proposed Alternate Compliance Project or Management Zone Implementation Plan.

### **VARIANCE POLICY**

No substantive changes

### **EXCEPTIONS POLICY**

#### **1. Application Requirements Specific to Salinity**

*Workshop Discussion:* Application requirements specific to salinity included (a) interim performance-based effluent or groundwater permit limits; (b) demonstration of active participation in Alternative Permitting Approach and, if appropriate, (c) drought/water recycling/water conservation information to support basis for exception request.

*March 22 Proposal:* Existing language replaced by paragraph that states that permittees compliant with the conditions of the Alternative Permitting Approach under the Salt Control Program are in compliance with their salinity limits under Phase I. Additional conditions for exceptions under Phases II and III of the Salt Control Program will be considered in the future.

#### **2. Length of an Exception**

*Workshop Discussion:* Board has the discretion to reauthorize an Exception but maximum length is 50 years: “The Regional Water Board has the authority to reauthorize (renew) an exception for one or more



*additional terms, the length of which shall be determined by the Regional Water Board but shall not exceed 50 years.* “

*March 22 Proposal:* Exception may only exceed 50 years if certain conditions are met: “*The Central Valley Water Board will have the authority to reauthorize (renew) an exception for one or more additional terms, the length of which shall be determined by the Central Valley Water Board but may only exceed 50 years if the management practices under the exception are resulting in significant, measurable and continuing improvements in water quality.*”

### **3. Application for an Exception for Nitrate**

*Workshop Discussion:* NA

*March 22 Proposal:* Language added to clarify that the Management Zone Implementation Plan may substitute for an application for an Exception if it includes required information (same information included in Nitrate Control Program section).

### **4. Application for an Exception for Boron**

*Workshop Discussion:* Paragraph (3) in that section stated that granting an Exception for boron was a discretionary action subject to the requirements of CEQA.

*March 22 Proposal:* Paragraph proposed for removal.

## **OFFSETS POLICY**

### **Pollutant Applicability**

*Workshop Discussion:* Proposal stated that, “*Offsets shall be for substantially the same pollutant.*”

*March 22 Proposal:* Proposal states, “*Offsets shall be for the same pollutant.*”

*May 2018 Proposed Revisions:* Proposal states, “*Offsets shall be for the same class of constituents.*”

## **DROUGHT AND CONSERVATION POLICY**

*March 22 Proposal:* New paragraph added to provide purpose for the policy.

## **SECONDARY MAXIMUM CONTAMINANT LEVELS (SMCLs)**

### **1. Water Quality Objectives for Chemical Constituents**

*Workshop Discussion:* Add clarifying language from Title 22 for use of Tables 64449-A and 64449-B.

*March 22 Proposal:* (a) added language stating some MCLs may not be appropriate for use as an untreated surface water objective without filtration or consideration of site-specific factors; (b) added text that compliance determined from annual average of sample results for surface water and groundwater supplied to user with long-term average concentration to determine ambient groundwater compliance; and (c) added reference to Drought & Conservation Policy.

### **2. Chapter 4 – Implementation**

*Workshop Discussion:* Proposed to incorporate factors to be considered when developing a WDR in Chapter 4 of the Basin Plan.

*March 22 Proposal:* The proposed factors to be considered during WDR development have been moved to Appendix G of the Staff Report. Proposed addition of SMCL implementation text to section in Chapter 4, “Actions and Schedules to Achieve Water Quality Objectives”. The proposed text describes requirements for use of a filtered or unfiltered sample and potential development of translators.

*May 2018 Proposed Revisions:* Revised language to specify the use of 1.5 micron filter to remove Total Suspended Solids prior to analysis for aluminum, copper, manganese, silver, zinc, color and turbidity compliance determinations for receiving waters not exempt from surface water treatment requirements and for groundwater. Also added language that The Central Valley Water Board may adjust the filter size where necessary to accurately represent site conditions, based on submitted scientific evidence, public comment and consultation with the Division of Drinking Water, and may also require unfiltered samples be analyzed concurrently to assess general trends in receiving water quality, implement the state’s Antidegradation Policy (Res. No. 68-16), and evaluate potential downstream impacts.

### **DEFINITIONS AND TERMINOLOGY**

*May 2018 Proposed Revisions:* Removed definitions already defined in Water Code, e.g., pollution. Added definitions for “Domestic Well” and “Salt Management Area”. Added “fixed dissolved solids” to salinity definition. Revised Figure X-1 and combined it with Figure X-2 as a legend.

### **SURVEILLANCE AND MONITORING PROGRAM**

*March 22 Proposal:* New language (section not included in January Workshop materials)

### **RECOMMENDATIONS FOR IMPLEMENTATION TO OTHER AGENCIES**

*March 22 Proposal:* New language (section not included in January Workshop materials)

*May 2018 Proposed Revisions:* Added language that Groundwater Sustainability Agencies (GSAs) should participate in and support Management Zones developed under the Nitrate Control Program.

### **COST TO AGRICULTURE**

*March 22 Proposal:* New language (section not included in January Workshop materials)

# CV-SALTS Meeting Calendar

## 2018

**1 January**

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

**2 February**

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

**3 March**

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

**4 April**

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

**5 May**

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

**6 June**

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

**7 July**

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

**8 August**

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

**9 September**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
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30						

**10 October**

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

**11 November**

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

**12 December**

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

### Notes/Key

Light Red conflicts

Third Thursdays Where possible

Executive Committee Meetings

Policy or Admin Calls 1:00 or 1:30pm

Yellow Salty 5

Regional Board Workshops/Hearings

TAC Meeting

PEOC Committee



# CV-SALTS

## Celebration Lunch

As the CV-SALTS Basin Plan Amendments come before the Regional Water Quality Control Board for consideration we want to celebrate. This submittal marks more than 11 years of extraordinary work by Regional Board members, management and staff, consultants, and stakeholder representatives. Please join us as we celebrate this accomplishment. As you might expect it will be at lunch on a CV-SALTS Executive Committee Meeting Day.

**Date:** Thursday, May 24, 2018

**Time:** 12:00 - 1:30 p.m.

**Location:** Zinfandel Grille  
2384 Fair Oaks Blvd.  
Sacramento, CA 95825

**Cost:** The lunch is free to all CV-SALTS participants sponsored by CVSC and others. *Should your organization require you to pay for lunch the cost is \$20.00 payable at the event, cash or check, receipts are provided.* Questions or Issues call Diana 909-747-5445



**Please RSVP to [dorzalli@cvsalinity.org](mailto:dorzalli@cvsalinity.org) by 5/14/18**