

# CV-SALTS Prioritized Policy Issues List 11/24/09

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**Policy Issues for Committee Discussion and Development prior to initiating solutions, alternatives and options studies.** Some of the issues are specific to salt or nitrates and are listed in that manner; others address both salt and nitrates. The Executive Committee developed these questions and issues over several months. They are ordered in their perceived priority for discussion, understanding and decisions.

1. **Spatial Salinity Issues** – Should the Committee seek regionally based programs? Existing basin plans combine two of the three basins in one plan. Should planning and implementation be based on basins or sub-basins or smaller areas? If planning is on watersheds/waterbodies/aquifer basis, a large number of component sub-pans might be needed. (Consensus responses are shown on Page 3)
  1. A) What strategy and approach is appropriate for areas with limited salt and nitrate issues, who could be part of the solutions, how do they participate. Are IRWM regions appropriate and do they have institutional capacity to take on this effort? [What methods can be used to ensure that upstream users do not impact downstream users either outside or inside of their region? How do we engage upstream regions outside of the CVSalts designated regions?](#)
2. **Antidegradation/Complete Protection vs. Controlled Management** – Where no beneficial uses are directly impaired, must all areas be protected for any reasonable future water use? Or should regulatory flexibility (maximum benefit) provide for the current use of assimilative capacity. [What determines the “maximum benefit” for the people of California that would allow for changing water uses?](#) What level of risk to new future uses should the users/beneficiaries accept? Should current users offset or prepay such costs of future treatment? How does anti-backsliding prohibition apply, for surface waters and for groundwater basins?
3. **Point of Compliance** – if it were determined salinity is best managed on a regional basis, where would the point of compliance be? If regulation and compliance is local will it discourage water conservation and regional solutions? How do regional and state benefits work with local limits?
4. **Aggregation and Management** – Should the Committee seek to find locations within and outside the valley, systems, and enterprises suitable for the short or long term aggregation, storage and management of salts?
5. **Transport Corridors** – Should the Committee seek programs and systems throughout the valley where salt can be accumulated, managed and transported for reuse or final disposal (ocean) while not impairing beneficial uses? If found and developed how should they be encouraged, incentivized, regulated and monitored? [Should the Committee encourage or promote industry efforts to find alternatives for reuse of salt?](#)
6. **Credits, Offsets or Strict Compliance** – Should the Committee seek to develop systems where regulatory flexibility can be used to allow systems for economic or other incentives or disincentives, to encourage voluntary reductions and market base compliance if it protects beneficial uses at a lower cost than permit by permit compliance? (Committee recommended development of a white paper better explaining the opportunities and needs.)
7. **Interim Targets with Ultimate Goals** – Can a regulatory or non-regulatory program be developed to set interim targets for salinity management levels (preliminary or proforma objectives) and long term “ultimate goals” for management to test what management options are possible? If a non-regulatory program could the region develop management programs that commit to physical solutions for salinity and long term protection of beneficial use where current objectives may not be met?

8. **Salinity, Nitrate and Water Use Areas** – Should it be found that encouraging sustainable water use can lead to significant salinity management improvements should the Committee advocate for policy, grants and infrastructure to support such improvements? Should the committee seek solutions in any or all of these water use areas:
- Agricultural
  - Urban/community
  - Wetlands/habitat
  - Others

Which “salt” ions or compounds should be the focus of these programs? [Should land based discharge disposal programs be treated differently and have different limits based on site conditions? What about those areas that are natural saline conditions or impacted by previous users?](#)

9. **Temporal Salt Issues** –Who has responsibility for salt and nitrate which entered the environment due to human activities before regulation of salt? Are legacy salts a public (government) responsibility or are others responsible? If government, what level of government, local, regional, state, federal? If others who, on what basis and how will that be established. Who is responsible for salts and nitrate which accumulate in soil and groundwater between the beginning of salt regulation and now? What legal framework is appropriate for this assessment/analysis?
10. **Salinity and Water Supply** – Salinity compliance is frequently concentration based, inherently both volume of water and quantity of salt are critical. Should the committee consider solutions that change source water supply? Should solutions consider quantity of water and expected changes with water conservation? Should the consideration given take into account traditional headwaters to ocean uses and how these have changed over time?
11. **Economics and affordability** – some solutions to salinity will be costly, who pays and how will they pay. What mechanisms can be use to ensure benefits and costs are reasonable and aligned, that parties paying benefit and beneficiaries pay. What level of public funding is appropriate for salinity management? Nitrate Management? Are they different?
12. **Cross Media Issues** – Should the Committee be concerned with cross media, air, toxics, traffic, development impact, climate change, energy conservation, issues? If so do these issues help factor into the maximum benefit demonstration for regional solutions. Are these items only a CEQA issue?
13. **Assets at Risk** – What assets are at risk if salinity and nitrate are not managed? What are the consequences? Who experiences the risk consequences how are they distributed? What is the magnitude of the consequences?
14. **Economic and Public Health Benefits** – Should the Committee consider the short term economic and public health benefits will the public receive from salinity management? How do they compare to the costs of management.
15. **Public Trust** – Should the Committee consider the Public Trust Benefits of salinity management? How would these benefits be quantified and what cost is associated with the benefit. Should this cost be paid differently than other management costs?
16. **Land Use and Salinity** – Should it be found that land use decisions are a significant component of salinity and nitrate management should solutions consider future land use changes, restrictions or incentives for such changes? On what basis should these be assessed? In what manner could this be implemented?

# Policy Consensus Determinations **DRAFT**

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## ***Policy Discussion 1***

### ***Spatial Issues –Regional and Subregional Organization - Developed 10-29-09***

CV-SALTS should seek regional solutions where appropriate and utilize sub-regional programs where needed. Examples of regional and subregional programs are shown below:

Regional programs include Salinity Management Toolbox, Water Quality Criteria, Credit or Trading programs and organization. Examples of sub-regional level programs would be objectives and beneficial uses, data collection and preliminary aggregation. However some regions are more mature in data and salinity orientation than others.

#### **1. Data Collection and Management**

What level should CV-SALTS target to collect data and integrate or implement programs? CV-SALTS will seek to collect and aggregate data based on the manner it is managed by sub-regional groups but assign it to a DWR Bulletin 118 basins and sub-basins. The Phase 1 Beneficial Use and Objective Study (BUOS) will identify these basins.

#### **2. Salinity Management Alternative Implementation**

Identified salinity control or management alternatives will be implemented where possible in the Integrated Regional Water Management Planning regions, in regions capable of addressing and implementing priority salinity and nutrient management projects. Phase 1 BUOS will show these IRWM boundaries. Where other existing regions are appropriate and the region is willing, coordination to ensure these groups are integrated with IRWM plans will occur. In areas that have no IRWM region or group capable or willing to implement the priority management alternatives, CV-SALTS may work directly with the local agencies or with other partners to fund and implement the projects.

#### **3. Existing Basin Plan Boundaries**

The existing basin plans that cover the Central Valley are the Sacramento/San Joaquin and the Tulare Lake. No reason to change these boundaries has been identified at this time. The existing boundaries will be used unless there becomes a reason to change them. The BUOS will identify these basin boundaries. The Committee will review and evaluate gaps in data collection or management alternative implementation areas or areas of overlap to avoid double counting sources and improve implementation.

#### **4. Recycled Water Policy planning areas**

The CV-SALTS process is the program process the Regional Board has approved for the development of recycled water policy Salt and Nutrient Management Plans (SNMP). Project proponents of any recycled water project for which a SNMP is beneficial shall work through CV-SALTS (Resolution \_\_\_\_). For proponents or stakeholder groups working on projects these programs will be integrated and supported in the following process:

1. Regional Board will refer the proponents to the CV-SALTS Process (Resolution \_\_\_\_)
2. SNMP groups will be coordinated active participants in CV-SALTS and financially participate in the Central Valley Salinity Coalition to support costs for the overall program, for inclusion of the project and to gain the benefits afforded in the eventual basin plan amendments.

3. SNMP groups will propose the area of benefit or impact, where they will be responsible. They will provide a work plan and timetable for the data and planning they are preparing to undertake and will incorporate issues and requirements provided by CV-SALTS in order to integrate their plan into the Basin plan amendment for the region. The workplan will be approved by CV-SALTS with participation from the Regional Board.
4. SNMP groups will be responsible for all items that are not included in the CV-SALTS Work Plan Outline.
5. SNMP groups will provide regular updates of data and progress the appropriate CV-SALTS committee.
6. A preliminary or draft report will be presented to the appropriate CV-SALTS Committee and include the required information to be integrated into the regional basin plan amendment.
7. SNMP groups will be responsible to implement such projects as required by the timeline in the implementation plan of the basin plan amendment
8. CV-SALTS commits to integrate the SNMP group projects and plans into the final Salt and Nitrate Management Plan and incorporate it into the resulting Basin Plan Amendment if all requirements and deadlines are met.

## **5. Remainder of Questions in Section 1**

The remainder questions under issue one which referred to engaging stakeholders and dealing with regions that do not have immediate critical salt and nitrate issues were moved to a section 1. A) and deferred to December/January.

## **6. Next Steps**

Antidegradation and protection levels discussions were thought to need more preparation and discussion will be planned for January 2010 meeting or when complete.

Regional Board Staff will present the Aggregation of permit required Salt and Nutrient Source Control Plans at the January 2010 meeting

# Basin Planning Selected Questions

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## **Beneficial Use**

1. Where and how should water quality be assessed to determine whether the water body has attained its designated use? Surface waters, Groundwater
2. Given that upstream discharges must protect downstream beneficial uses, where should water quality be assessed to determine whether it fully protects downstream uses?
3. What evidence is required to demonstrate that a use is not impaired?
4. What evidence is required to demonstrate that a use is impaired?
5. What evidence is required to demonstrate that a discharge will not impair the use?

## **Assimilative Capacity**

6. How should the historical ambient concentrations of TIN & TDS be calculated and validated?
7. How should groundwater basins be defined: hydrologically, geologically, water quality gradients, surface geography, politically, or a combo?
8. Should assimilative capacity be determined on a basin wide, regional, or by sub-basin?