

Nitrate Permitting Strategy – Options/Alternatives

August 10/11, 2016

Key Elements in Draft Policy Document	Key Proposed Options or Alternatives	Executive Committee Decision
<ul style="list-style-type: none"> Applies to discharges to groundwater 	<ul style="list-style-type: none"> Expand to include application of permitting strategy to discharges to surface waters, or at least where discharges to surface waters are impacting nitrates with respect to the MUN beneficial use. 	
<ul style="list-style-type: none"> Establishes two pathways: Individual and Management Zone 	<ul style="list-style-type: none"> Eliminate management zone pathway. 	
<ul style="list-style-type: none"> For individual pathway, provides for five categories of dischargers to determine appropriate waste discharge requirements 	<ul style="list-style-type: none"> Compress categories into three as follows: <ul style="list-style-type: none"> No degradation Category: Objective set at 7.5 mg/L rather than 10 mg/L, and sets baseline water quality as of 1968. Degradation Category: Allowance of degradation up to 7.5 mg/L will require additional monitoring and trend evaluations. Any discharge that causes the receiving water to exceed 7.5 mg/L must obtain an exception. Pollution Category: Discharges that exceed 7.5 mg/L and where first encountered groundwater is greater than 75% of the objective. Discharges in this category must seek an exception. 	
<ul style="list-style-type: none"> Need for alternative compliance pathway depends on categorization of the discharge, and the discharges impact on water quality. 	<ul style="list-style-type: none"> Any level of degradation should be required to mitigate but fee assessed may vary based on level of loading of nitrates to groundwater. 	
<ul style="list-style-type: none"> For individual pathway, provides five categories for dischargers with categories 3 and 4 determined by degradation above and below 75% of the water quality objective. 	<ul style="list-style-type: none"> Maintain five categories, but include additional trigger language to address concerns regarding trending of the water quality upwards towards the water quality objective. For category 3 - Trends should be based on causing concentrations to increase by more than 0.1 mg/L-N per year using cumulative average annual increase over a five-year period. For category 4 – Discharges are in category 4 if receiving water is above 75% of the objective, or if the receiving water is at 50% of the objective and the discharge causes groundwater to increase by more than 0.1 mg/L-N as an annual increase using cumulative average annual increase over five-year period. To allow assimilative capacity here, discharger would need to submit an alternative compliance plan. 	

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<ul style="list-style-type: none"> • Timeline for submittal of Notice of Intent is directly related to timing of needing to indicate if the discharger is going to follow path A or path B, and is required 60-days after submittal of preliminary Management Zone Proposal. In Executive Summary of SNMP, timeline for amending WDRs is essentially left to the Board. 	<ul style="list-style-type: none"> • Timeline for individuals should be shorter after decision on approach, and should be specified in the Nitrate Permitting Strategy. 	
<ul style="list-style-type: none"> • When allocating assimilative capacity, a complete antidegradation is required. 	<ul style="list-style-type: none"> • Simple antidegradation analysis should be sufficient for discharges that fall within category 1 and category 2. 	
<ul style="list-style-type: none"> • Allocation of assimilative capacity to individual should be determined at First Encountered Groundwater. 	<ul style="list-style-type: none"> • Assimilative capacity should be considered based on the production zone or the upper zone even for individuals. • When allocating assimilative capacity to an individual, and the individual is within a management zone, Regional Board will need to consider impact to available assimilative capacity in the management zone. 	
<ul style="list-style-type: none"> • As part of the Notice of Intent for an individual under path A, the individual would need to conduct an initial assessment to determine if the discharge (or collective discharges) are impacting any nearby public water supply or domestic wells for nitrates. 	<ul style="list-style-type: none"> • This portion of the initial assessment should only apply to discharges that fall within categories 3 through 5. 	