

Exceptions Policy – 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 groundwater 	<ul style="list-style-type: none"> Expand to include elimination of sunset date for the Salinity Variance Program for NPDES permit dischargers. 	
<ul style="list-style-type: none"> Exceptions policy currently limited to salinity, and it is being recommended that it be revised to include nitrate. 	<ul style="list-style-type: none"> Expand Exceptions Policy to include Boron. 	
<ul style="list-style-type: none"> Limits term of an exception to 10 years, with the ability to renew the exception at the end of ten years. 	<ul style="list-style-type: none"> Remove limitation for a term of 10 years. Leave term of exception to the Regional Board based on project(s) being proposed. Maintain requirement for “check-in” every 5 years. 	
<ul style="list-style-type: none"> Policy references the development of Regional Board Guidance for criteria associated with seeking and approving an exception. 	<ul style="list-style-type: none"> Eliminate reference to Regional Board Guidance if it will not be available for evaluation under CEQA/Antidegradation. Develop Regional Board Guidance as soon as possible. 	
<ul style="list-style-type: none"> 2.2, paragraph 4 requires dischargers to assure that an adequate supply of drinking water is available as a condition of authorizing the exception. 	<ul style="list-style-type: none"> Exception should be allowed as long as there is a plan for assuring safe drinking water, which may include plans developed by more than just the discharger but others in the community as well. 	
<ul style="list-style-type: none"> One justification for allowing an exception is because compelling the discharge to comply with a water quality objective would not significantly improve water quality. 	<ul style="list-style-type: none"> Delete this justification. 	
	<ul style="list-style-type: none"> Add new language that states regardless of the circumstances for granting an exception, all exceptions must include the following conditions: <ul style="list-style-type: none"> BPTC Participation in a mitigation fund or other mitigation program that fully mitigates impacts to drinking water. Participation in a program that restores the aquifer to meet water quality objectives. 	
<ul style="list-style-type: none"> Renewals of an exception may occur. 	<ul style="list-style-type: none"> Require additional requirements for renewal of an exception after each 10-year time frame. Renewals may not extend beyond 50 years. 	

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<ul style="list-style-type: none"> • Must assure safe drinking water supply. 	<ul style="list-style-type: none"> • Ensure safe drinking water to residents and communities that become impacted by nitrate exceedances during the course of the exception. • Payment into a mitigation fund may constitute the default mitigation program. 	
<ul style="list-style-type: none"> • Policy is silent with respect to timeframes for achieving salt and nitrate balance, and restoration of aquifers (i.e., goals 2 and 3). 	<ul style="list-style-type: none"> • Revise exceptions policy to require time frames for achieving balance and restoration for both salinity and nitrate, but no time frame shall exceed 50 years from the date that the initial exception is granted. 	
<ul style="list-style-type: none"> • Exceptions may be granted as part of a Management Zone. 	<ul style="list-style-type: none"> • Limit exceptions to being applied on a permit-by-permit basis. 	
<ul style="list-style-type: none"> • Authorization for exceptions is silent regarding enforceable metrics and standards. 	<ul style="list-style-type: none"> • Revise policy to include requirement for enforceable metrics and standards, including demonstrations for reduced loading, nutrient balance, and long-term restoration. • Achieving balance and loading cannot exceed 50 years. • Dischargers must employ BPTC. 	
<ul style="list-style-type: none"> • Authorization for renewals are provided in policy 	<ul style="list-style-type: none"> • Expand conditions for authorizing renewal by requiring that certain specified demonstrations be made: <ul style="list-style-type: none"> ○ All parties impacted by nitrate contamination have permanent solution to safe drinking water. ○ Practices are reducing loads and conforms with timelines to achieve balance. ○ Practices will lead to long-term restoration of the aquifer. 	