CV-SALTS Oil and Gas/BPA Committee Meeting

When: Friday August 18 - 8:30 AM to 9:30 AM
Location: Teleconference Only
Conference #: (641) 715-3580 Code: 279295#

Agenda

1. Welcome, Introductions
   - Follow-up Materials from 7/13 Meeting
     8/2 Email, Org Chart, Participation, Meeting Notes

2. Formative Questions
   a. Do participants find the Committee of value, should it continue?
   b. If so, what should it be called?
   c. Recommendations to the Executive Committee/Chair or Co-Chairs

3. Purposes for the Committee – which of the purposes are supported
   a. Coordinate Oil and Gas issues related to CV-SALTS Participation
   b. Plan and Coordinate Oil and Gas and other Basin Plan Amendments for Designations
   c. Assist with common issues related to the above

4. Basin Plan Amendments for Dedesignations – All
   - Oil and Gas General Orders
   - ILRP and other Dedesignations
   - Coordination recommendations to CV-SALTS Executive Committee
   - Who is in to participate?

5. CV-SALTS Alternate Compliance Projects and Management Zone Policy for Oil and Gas dischargers under General Order 2 Policy Fact Sheet Links:
   - Groundwater Management Zone Policy Summary
   - Salinity Management Strategy Policy Summary
   - Exceptions Policy Summary
   - ACP Guidelines Policy Summary

6. CV-SALTS Participation and Costs for CVSC membership –All
   a. Representation and membership follow-up

7. Recap Next Steps
   a. Committee Standing/Membership
   b. Meeting next steps

8. Set Next Meeting, if appropriate

9. Adjourn

One or more Central Valley Regional Water Quality Control Board members may attend.
Oil and Gas Meeting Participants:

From: Daniel Cozad [mailto:dcozad@cvsalinity.org]

Next meeting August 18th 8:30 AM.

An org chart is attached for CV-SALTS and CVSC. In addition, below is a short explanation of the entities and their origins. Also attached is the active participation policy for CV-SALTS with references to the Regional Water Quality Control Board resolution as discussed on the call. The July meeting notes are also attached.

CV-SALTS and CVSC

CV-SALTS is an initiative to modernize the Regional Water Quality Control Board's Basin Plans to allow both stakeholders (permittees) and regulators to better manage salt and nitrate to achieve short term drinking water and longer term beneficial use goals in the Central Valley. Central Valley Salinity Coalition (CVSC) is a 501 C (6) nonprofit corporation formed as the business entity for CV-SALTS and is funded by 30 members from all areas and industries from the Central Valley. The relationship between the entities is shown in the attached org chart and was documented in a 3 party MOA between CVSC, the Regional Water Board and State Water Board. The nonprofit purpose of CVSC is to fund the programs and manage the process of developing and implementing CV-SALTS. The members elect an inclusive board of directors (28) members, and 3 member executive committee (Chair, Secretary and Treasurer, with 18 or more members representing CVSC Stakeholders on the CV-SALTS Executive Committee. To date CVSC members have contributed nearly $7 million in dues support for CV-SALTS studies and projects matching the $6 million received in grant funds from the State Water Board. CVSC and CV-SALTS are developing final Basin Plan Language with the Regional Water Board Staff for Regional Board and State Board approval in 2018.

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CV SALTS INITIATIVE
ORGANIZATIONAL AND REPORTING CHART

CV SALTS EXECUTIVE COMMITTEE

Initiative Leadership
Maximum of 30 members

- CVSC
  Chair + members
  Up to 18 members

- Committee Chairs
  Up to 6 members

- Federal, State
  Agencies and NGOs
  Up to 6 members

Committees
Members representing stakeholders (including State and Regional Board staff)

- Public Education
  and Outreach

- Technical

- Economic and
  Social Cost

- Funding

- Regional

Technical Subcommittees:
- BMP
- Assessment/Evaluation
- Others

Regional Subcommittees:
- Lower San Joaquin
  River
- Others
Active Participation in CV-SALTS

The participation of all significant stakeholders and geographies is critical to a responsive and robust salt and nitrate management planning process. Recently the Central Valley Regional Water Quality Control Board (RWQCB) has asked the Central Valley Salinity Alternatives for Long Term Sustainability (CV-SALTS) and the Central Valley Salinity Coalition (CVSC) Chairs for help characterizing participation. Because both membership in CVSalinity Coalition (CVSC) Chairs for help characterizing participation. Because both membership in CV Salinity Coalition (CVSC) and representation at meetings can take many forms it is difficult to write rigid rules to define participation. Because some permits and other documents require participation in a region-wide salt and nutrient management plant (SNMP) effort the CV-SALTS Executive Committee should provide guidance or factors, however final regulatory permit compliance is the purview of the RWQCB.

Coalition Membership
The CVSC was formed to provide a method for stakeholders to financially participate in CV-SALTS and be represented in an organized manner. CVSC believes that both financial and process representation are critical to participation and success of CV-SALTS.

The CVSC holds that membership in the CVSC has and should be considered a primary indicator of participation. We have documented the Members of CVSC in accordance with its bylaws. We maintain an accurate listing of members on our website at http://cvsalinity.org/index.php/background/1-background/6-membership or on a link directly from the home page. Some CVSC members collaborate by industry or among their membership and while individual members not listed on the CVSC membership roster they are represented and participating in the CVSC and CV-SALTS process through their association or industry group CVSC member. Should the Board have any questions about membership, or participation of a CVSC member, they should inquire of the Chairman or Executive Director of CVSC.

Non-Member Active Participation
If a stakeholder or the RWQCB wishes to verify active participation of entities who are not CVSC members, stakeholders or the RWQCB should request a letter of participation from the Executive Committee in writing or at a regular administrative meeting. The Executive Committee may provide a letter indicating active participation and should consider the following indicators of participation, but may include others as approved by the Executive Committee. The Executive Committee is not required to make a determination and may elect not to forward a letter to the RWQCB or stakeholder. If the Executive Committee intends to submit a letter it should do so within 60 days or on the timeline needed by the requestor, if possible. Regulatory standing or permit compliance determinations will be rendered by the RWQCB.

Participation Indicators the Executive Committee and RWQCB should consider

Attendance and Engagement
All committees of CV-SALTS track attendance at meetings and the rosters are provided on the website. Frequent attendance and engagement in committees and meetings can be an indicator of participation. Many parties such as dairy and wastewater treatment collaborate to provide industry representation at CV-SALTS activities and meetings. Additional engagement indicators would be participants who chair
committees, contribute significantly to subcommittee work, or make presentations to outside groups on CV-SALTS.

**In-Kind Contributions**
CV-SALTS should also consider in-kind contributions or other support to CV-SALTS as an indicator of participation and especially those who provide studies that are in the CV-SALTS Work Plan or work product that further the Work Plan studies, monitoring or material data approved by the Executive or Technical Committee or provides material technical or policy review support.
CV-SALTS Oil and Gas Meeting ACTION NOTES

Convened: July 13, 2017 from 9:00 AM to 10:30 AM

Agenda

Item 1: Welcome & Introductions
- Participants are as indicated above.

Item 2: Initial Purposes for the Committee
- Coordinate Oil and Gas issues related to CV-SALTS Participation
- Plan and Coordinate Oil and Gas and other Basin Plan Amendments for Designations
- Assist with common issues related to the above

- Daniel Cozad presented the background issues driving the request to explore forming an Oil & Gas committee.
  - To address a number of questions that had arisen regarding needed basin plan amendments, (specifically dedesignations), and what constitutes “participation in CV-SALTS.” Discussion at the last Executive Committee proposed looking into the formation of the oil & gas committee.
  - A recommendation was made to change the name from “Oil and Gas.” Daniel advised the participants they could propose any name they wanted, and if they do choose to form a committee they will need to select a Chair/Co-Chair to help with organization and meeting facilitation.

Item 3: Basin Plan Amendments for Dedesignations
- Oil and Gas General Orders
- ILRP and other Dedesignations
- Priority and Staffing availability
- Coordination recommendations to CV-SALTS Executive Committee

- Clay Rodgers provided a summary of the Oil and Gas General Orders and Dedesignation processes, and the importance of streamlining, and coordination with CV-SALTS, and using the CVRWCB planning staff as efficiently as possible.
  - Two dedesignation examples, that could be used as dedesignation templates, were noted:
    - The Tulare Lake Basin Plan Amendment and
    - The Evaluation of MUN in Ag-Dominated Water Bodies
  - In response to a question regarding the “cost” of the Tulare amendment, (estimated at 350k), Daniel stressed that it was important to talk about “value” not just monetary costs.

Item 4: CV-SALTS Participation and Costs for CVSC Membership
- Voluntary participation
- Representation
- CVSC membership
- Costs of Programs
  - General
  - Archetypes and general benefit
Specific benefit projects

• Daniel outlined for the group the various levels and types of participation and representation.
  o If a committee is formed, it would report up to the Executive Committee in the same manner as the Technical Advisory Committee and the Public Education and Outreach Committee.
  o A PowerPoint presentation is available that includes a CV-SALTS organizational chart. Daniel will distribute this with the Active Participation information.
  o The revised Exceptions Policy and the Dixon Permit were noted as demonstrated CV-SALTS outcomes. Basin Plan Amendment approval is anticipated for early 2018.

Item 5: Recap Next Steps
  
  Committee future
  Membership
  Meeting next steps

• Meeting participants agreed that there was sufficient interest to move forward with formation of a committee, and a second call was scheduled for Friday, August 18th from 8:30 – 9:30.

Item 6: Set Next Meeting, if Appropriate

• Friday, August 18th @ 8:30.

Item 7: Adjourn
CV-SALTS Groundwater Management Zone Policy

As part of the Salt and Nitrate Management Plan (SNMP), CV-SALTS developed a *Groundwater Management Zone Policy* (Policy), which recommends that the Central Valley Water Quality Control Plans (Basin Plans) be amended to allow for and encourage management of nitrate through the establishment of groundwater management zones.

**Purpose and Need for the Policy**

Areas of water quality concern for nitrates in the Central Valley range from local hotspots to large geographic areas. To manage nitrates in a practical manner, the management scale should be commensurate with the regulatory and resource management decisions that must be made (geographic scale) and tied as closely as possible to local management efforts. The current Basin Plans do not (a) define clearly what constitutes a proper management zone or (b) include the criteria for the Central Valley Water Board to review and approve a management zone. While the Central Valley Water Board can currently require larger management zones to address nitrates, more specific guidance is needed.

**Policy Summary**

The SNMP recommends establishing a programmatic approach to nitrate management in the Central Valley through formation of groundwater management zones. A management zone is a defined area, e.g., a portion of a larger groundwater basins/subbasin, voluntarily proposed by regulated dischargers. The management zone would serve as a discrete regulatory compliance unit for compliance with the SNMP nitrate management requirements. In general, a management zone consists of multiple dischargers working collectively, first ensuring the availability of safe drinking water within the defined area, then managing nitrates to establish a nitrate balance within the management zone where reasonable and feasible, and then ultimately developing and implementing a long-term plan for restoring groundwater, where reasonable and feasible, to meet the nitrate water quality objective.

**Approach**

The SNMP Nitrate Permitting Strategy (Strategy) identifies two pathways to comply with its nitrate management requirements: Path A – comply as an individual discharger (in general, the traditional permitting approach); or Path B – comply by establishing a management zone among a collective group of dischargers. The decision to choose Path A or B must be made by each discharger, or collective groups of dischargers covered under a general order. (See the Nitrate Permitting Strategy for more information.)
For dischargers that choose Path B, the Policy allows establishment of a management zone to facilitate the collective management of nitrates by multiple dischargers within the management zone boundary. As part of this alternative permitting approach, to comply, dischargers within the management zone may:

- Apply for an exception and/or offset as a collective group (see Exceptions and Offsets Policies); or
- Request allocation of assimilative capacity for the management zone. (Assimilative capacity is the amount of nitrate that can be added to the upper zone portion of the groundwater within the management zone boundary and meet water quality objectives.)

Per the proposed Policy, the Central Valley Water Board would not allocate assimilative capacity if such an allocation would result in groundwater quality in the upper zone\(^1\) exceeding 75% of the nitrate water quality objective (7.5 mg/L nitrate as N) over a 20-year time frame, unless the Central Valley Water Board finds that allocation of assimilative capacity above the 75% threshold would not result in pollution or nuisance over the longer term. In addition, to obtain an exception or to be allocated assimilative capacity, dischargers must demonstrate that nitrate-related impacts from the discharge to drinking water within the management zone, or in areas down-gradient of the management zone, have been addressed. Drinking water impacts are addressed by establishing an Early Action Plan (EAP) that includes specific actions and an implementation schedule to address the immediate needs of those drinking groundwater from public water supply or domestic wells affected by nitrates, as well as identifying long-term solutions.

**Process to Establish a Management Zone**

Dischargers that select Path B to comply with the SNMP nitrate management requirements by establishing a management zone must complete several activities and submit key deliverables to meet the SNMP requirements for establishing a management zone. Receipt of a Notice to Comply with the SNMP nitrate management requirements is the trigger for initiating these activities, as summarized in Table MZ-1.

More information on this policy and other SNMP recommendations may be found at:

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

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\(^1\) The upper zone represents the zone where the majority of domestic well use draws from in the management area.
## Table MZ-1. CV-SALTS Recommended Nitrate Management Zone Requirements

<table>
<thead>
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<th>Requirements to Establish a Management Zone</th>
<th>Description</th>
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| Interested dischargers collectively submit a Preliminary Management Zone Proposal (PMZP). *(Within 270 days or 1 year of receipt of Notice to Comply in Priority 1 and 2 Areas, respectively – see SNMP for Priority Areas)* | Key elements of a PMZP include:  
  - Initial assessment of groundwater quality conditions.  
  - Identification of public supply and/or domestic wells that exceed the nitrate drinking water quality objective.  
  - An Early Action Plan (EAP) with an implementation schedule of actions to address immediate drinking water needs where the nitrate objective is exceeded. |
| Central Valley Water Board posts PMZPs for public review. | Provides opportunity for:  
  - Comment on proposals to establish management zones.  
  - Dischargers within the developing management zone to make a final determination whether to join a management zone and work collectively with other dischargers or comply separately as an individual discharger. |
| Dischargers submit a Notice of Intent (NOI) to participate in a management zone. | Within 60 days of posting of the PMZPs, dischargers that wish to participate in a management zone shall:  
  - Submit an NOI that includes:  
    - Identification of the management zone in which they will participate.  
    - Acceptance of the commitments established in the PMZP for that zone.  
  - Begin to implement the EAP unless the Board has objected to the plan. |
| Dischargers submit a Final Management Zone Proposal (FMZP). | Within 180 days of submittal of PMZP, submit FMZP. Key elements include:  
  - Schedule to prepare Management Zone Implementation Plan.  
  - Final list of zone participants; governance structure; and funding agreements.  
  - Updated groundwater condition assessment, as needed.  
  - Proposed approach for regulatory compliance (request an allocation of assimilative capacity or authorization of an exception). |
| Dischargers develop a Management Zone Implementation Plan (MZIP) for the management zone. | Key elements of an MZIP include:  
  - Short-term (≤ 20 years) and long-term (> 20 years) projects and/or planning activities to be implemented to make progress towards achieving the SNMP nitrate management goals, with ensuring a safe drinking water supply being the highest priority.  
  - Schedule with interim milestones and identification of triggers for implementing alternative procedures if interim milestones are not met.  
  - Water quality surveillance and monitoring program to assess progress.  
  - Identification of responsibilities of dischargers within the management zone. |

After approval of the management zone and its MZIP, the Central Valley Water Board would revise the WDRs/Waivers of dischargers within the management zone to incorporate nitrate management requirements consistent with the MZIP.
Salinity Management Strategy

The CV-SALTS Salt and Nitrate Management Plan (SNMP) includes recommendations for the adoption of a *Salinity Management Strategy* (Strategy) to guide salt management activities during SNMP implementation.

**Purpose and Need for the Policy**

Technical studies show that current salinity management activities may only address about 15% of the annual salt load in the Central Valley Region. Accordingly, long-term solutions, including development of regional de-salters, a regulated brine line, or other projects that would allow containment or removal of salt, are needed to address the other 85%. These long-term management solutions will require significant state and federal funding to implement.

In the meantime, the SNMP finds that the highest water quality priority is the need to address nitrate-impacted drinking water sources. To effectively allocate resources and balance water quality priorities, the SNMP recommends an approach that addresses nitrate as the immediate priority while at the same time make progress on addressing the long-term salt management needs for the Central Valley. This approach resulted in this Strategy to establish a three-phase, long-term salinity management program that considers innovative salt management strategies for both the short- and long-term and moves the Central Valley toward salt balance and restoration of affected areas, where reasonable and feasible.

**Policy Summary**

The SNMP recommends adoption of a long-term Strategy that:

- Controls the rate of degradation (“managed degradation”).
- Achieves long-term sustainability (salt balance) where feasible, practicable, and reasonable.
- Protects beneficial uses by meeting applicable water quality objectives and applying appropriate antidegradation concerns.

Due to the long-term nature of salinity management, this Strategy is phased over time. The table summarizes these phases and their purpose. Each phase is anticipated to have a duration of at least 10 years. Key elements of the Strategy include:

**Remove Existing Salinity-Related Limitations in the Tulare Lake Bed (TLB) Basin Plan** – During the current Basin Plan amendment process to facilitate SNMP implementation, the existing salinity-related limitations would be removed from the TLB Basin Plan. These limitations are replaced through implementation of the Strategy.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Purpose/Activities</th>
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<tbody>
<tr>
<td>I</td>
<td>Complete the Prioritization and Optimization Study to define long-term salt management actions.</td>
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<tr>
<td>II</td>
<td>Obtain necessary funding and complete environmental permitting and engineering/design for salt management projects identified in Phase I.</td>
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<tr>
<td>III</td>
<td>Construct salt management projects, e.g., regulated brine line, salt-sinks, regional/subregional de-salters, etc.</td>
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Complete the Phase I Prioritization and Optimization Study (Study) – This Study would undertake three primary activities for long-term salt management in the Valley:

- Further define potential regional/subregional salt management projects for long-term salt management, e.g., regulated brine line.
- Identify new projects to help manage salt.
- Identify funding sources and establish governance structures to implement large-scale projects.

The Study is anticipated to cost up to $10 million and is expected to take at least 10 years to complete. Given this level of effort and considering that the Study is a comprehensive, valley-wide effort, the SNMP recommends that all (or almost all) dischargers of salinity (to surface waters or groundwater) help fund its implementation. Further, the SNMP recommends that entities other than dischargers that would benefit from Central Valley salinity management and control activities participate in funding the Study. For dischargers, their level of participation will be determined based on ambient conditions, proportional contribution of salts, or other factors, as deemed appropriate. It is anticipated that the Central Valley Salinity Coalition (CVSC), which participated in the development of the SNMP, would lead implementation of the Study, including determining the appropriate level of financial participation for dischargers and others. Study implementation would occur in an open stakeholder process through an entity like the CV-SALTS Executive Committee.

Establish an Interim Salinity Permitting Approach – During Study implementation, the SNMP recommends that the Basin Plans be amended to include an Interim Salinity Permitting Approach for discharges of salinity. This approach would provide for discharger compliance with salinity water quality objectives during participation in the Phase I Study while the discharger is in compliance with Interim Permit Provisions applicable to their discharge, including for example:

- Implement salinity management practices and/or source control efforts.
- Implement pollution prevention plans, watershed plans, and/or salt reduction plans.
- Monitor for salinity in surface/groundwater as part of existing or regional monitoring programs.
- Maintain current discharge levels of salinity to the extent feasible, reasonable, and practicable, while accounting for conservation, salinity levels in the water supply source, and some appropriate increment of growth.
- Comply with interim permit limits, to the extent that the Central Valley Water Board finds it appropriate and necessary to adopt such limits.
- Participate in efforts related to conducting the Study, and subsequent Strategy Phases II and III as applicable.

The Interim Salinity Permitting Approach is intended to be temporary. The SNMP recommends that this interim approach be established for 15 years to allow for completion of the Phase I Study and approval of any Basin Plan amendments that are determined necessary for implementation of Phase II. Even then, the Interim Salinity Permitting Approach could be extended, or adjusted, to support implementation of Phase II.

Opting Out Provision – Dischargers could opt out of participating in the Phase I Study. In general, groundwater discharge permits issued to dischargers that opt out would be based on the following principles:
When interpreting the narrative objective to protect the Agricultural Supply (AGR) use, the Board would apply a conservative electrical conductivity threshold of 700 µS/cm, unless an approved site specific objective has been previously adopted.

- No new allocation of assimilative capacity, or expansion of an existing allocation of assimilative capacity would be granted.

- Issuance of time schedules to meet salinity limitations in WDRs/Waivers would be used sparingly and for only minimal time periods.

Surface water dischargers with an NPDES permit wishing to opt out would need to show that their discharge: (1) does not have reasonable potential to exceed the applicable criteria; (2) is able to comply with a water quality-based effluent limit if there is reasonable potential to exceed; or (3) will be able to comply with a water quality-based effluent limitation subject to the terms of a compliance schedule approved by the Central Valley Water Board.

More information on this policy and other SNMP recommendations may be found at: www.cvsalinity.org
CV-SALTS Exceptions Policy

The CV-SALTS Salt and Nitrate Management Plan (SNMP) Revision of the Exceptions Policy for Waste Discharges to Groundwater (Exceptions Policy) recommends that the Central Valley Water Quality Control Plans (Basin Plans) be amended to extend the existing Central Valley Salinity Exceptions Program and include conditions to address nitrate discharges.

Purpose and Need for the Policy

An "exception" allows the Central Valley Water Board to authorize a discharge to occur even where doing so may exceed applicable water quality standards in the receiving groundwater basin. Exceptions are most commonly used as a regulatory tool when there is no feasible, practicable, or reasonable means for a discharge to meet a water quality objective and it is not feasible, practicable or reasonable to prohibit the discharge. Examples include:

- Prohibiting a discharge would do more harm than good and allowing it to continue is in the best interests of the people of the state.
- Time is required to implement other regulatory solutions (e.g., developing site-specific objectives or reevaluating the applicable beneficial use).
- Time is required to support a phased implementation program and reasonable resource allocation including the planning and permitting activities required in such programs.

Exceptions are not intended to be a permanent waiver from compliance with water quality standards and are subject to specific conditions and must be reviewed periodically.

The existing Central Valley Salinity Exceptions Program expires after June 30, 2019 and is applicable only to salt-related constituents (total dissolved solids, electrical conductivity, chloride, sulfate, and sodium). In addition, the existing exceptions program does not provide guidelines for authorization of an exception from the nitrate water quality objective.

Policy Recommendations

- Remove the existing sunset provision that prohibits the granting of salinity exceptions beyond June 30, 2019.
- Add nitrate, with associated additional considerations, to the list of chemical constituents for which the Central Valley Water Board may authorize an exception.
- Expand/revise the conditions for authorization of an exception to reflect the goals of the SNMP.
- Delete the current provision limiting an exception to no more than 10 years; instead, when authorizing an exception, the Central Valley Water Board may consider terms longer than 10 years on a case by case basis.
Application for an Exception

Individual dischargers, recognized third party groups on behalf of its members, or multiple dischargers under a management zone (For more information, refer to the separate overview of the Groundwater Management Zone Policy) may apply for an exception. Terms and conditions associated with the granting of an exception would be incorporated into the relevant waste discharge requirements (WDRs) for each discharger; failure to comply with such terms and conditions may result in the termination of the exception and/or an enforcement action.

Authorization of an Exception

Authorization of an exception is subject to certain conditions and performance obligations by the discharger(s) and generally would include:

- Dischargers shall continue to make reasonable “best efforts” to comply with applicable WDRs. What is reasonable is determined as part of the exception proposal/authorization process.
- To reauthorize/renew an exception, dischargers must periodically reassess best management practices and survey available treatment technologies to determine if feasible, practicable, and reasonable options to comply with the relevant water quality objective have become available.
- Where exceptions are sought to provide time to establish a more appropriate water quality standard (uses and/or objectives), there must be a well-defined work plan (with milestones) and a commitment by dischargers to provide the resources needed to complete the proposed process.
- Where existing water quality standards are unlikely to change, dischargers must explain how the proposed exception facilitates the greater long-term strategy designed to ultimately attain those standards in the area where the exception would apply while, in the interim and where applicable, allocating available resources to address more urgent water quality priorities (e.g., providing safe drinking water).
- When authorizing an exception, additional considerations would apply that are specific to nitrate:
  - An exception would not be considered unless an adequate supply of clean, safe, reliable and affordable drinking water is available for those living in the area where the exception would apply, i.e., the area where the nitrate water quality objective would not be met, at least in the short-term.
  - There must be no feasible, practicable, or reasonable means for the discharger to comply with their discharge requirements for nitrate under a traditional permitting approach, and/or use of an exception as part of implementing a proposed Alternative Compliance Project (ACP) would further the goals of the SNMP more effectively than the traditional permitting approach. For example, the discharger, or group of dischargers, may propose to implement an ACP in lieu of
meeting the relevant WDRs for nitrate because the ACP provides appropriate wellhead treatment or an alternative drinking water supply to down-gradient groundwater users affected by the discharge(s).

- The discharger must continue to make reasonable best efforts, where feasible and practicable, to further reduce nitrate concentrations in the discharge.
- The discharger is participating in efforts towards implementing a long-term nitrate compliance plan.
- Allowing the discharge is in the best interests of the people of the state.

More information on this policy and other SNMP recommendations may be found at: www.cvsalinity.org
Guidelines for Developing Alternative Compliance Projects for Nitrate Discharges

The CV-SALTS Salt and Nitrate Management Plan (SNMP) recommends that the Central Valley Water Quality Control Plans (Basin Plans) be amended to incorporate guidelines for submittal of an Alternative Compliance Project (ACP) to support a request for an allocation of assimilative capacity or an exception.

Purpose and Need for the Policy

To meet Central Valley nitrate management goals, the SNMP proposes new nitrate management requirements applicable to dischargers of nitrates to groundwater. These requirements focus on three goals: (1) ensuring a safe drinking water supply is available for users relying on groundwater for their water supply; (2) establishing a nitrate balance where reasonable and feasible, and (3) developing and implementing a long-term plan for restoring groundwater, where reasonable and feasible, to meet applicable nitrate water quality objectives.

Traditional permitting approaches for managing nitrates may not be sufficient to achieve the SNMP nitrate management goals. Accordingly, the SNMP includes new alternative permitting approaches that may require submittal of an ACP. An ACP is a program or project(s) designed to provide the same or higher level of intended protection to water users that may be adversely affected by the discharge. For example, where a discharge is unable to comply with the nitrate water quality objectives, the discharger(s) may seek an exception and offer to provide a safe and reliable alternative water supply for nearby drinking water wells that exceed or threaten to exceed the nitrate water quality objective. An ACP is considered an alternative permitting approach because it assures protection of the beneficial use by other means, where that use actually occurs. The SNMP recommends establishing guidelines for developing an ACP proposal.

Policy Summary

Where the discharger(s) is not able to demonstrate that its discharge is not causing or contributing to nitrate degradation above thresholds established in the SNMP, the discharger(s) would have an opportunity to request either an allocation of assimilative capacity (if available) or an exception as part of an alternative permitting approach. This request would typically be accompanied by an ACP proposal. The ACP is intended to mitigate the adverse effects from the discharge until a feasible, practicable, and reasonable means to meet the nitrate water quality objective becomes available. The opportunity to prepare an ACP proposal is available to individual dischargers (including a third-party group subject to a General Order) or dischargers working collaboratively as part of a management zone. This policy would provide guidance on the submittal requirements for a proposed ACP.

Initial Evaluation of Area Proposed for an ACP

When considering the development of an ACP, the SNMP recommends that an initial evaluation be completed to guide development of the ACP. The discharger(s) should:

- Delineate the proposed preliminary boundary area that includes the anticipated zone of influence of the discharger(s) over a 20-year planning horizon; identify the stakeholders that may be affected within the zone of influence.

February 2017
Complete an initial assessment of water quality conditions within the boundary area, and identify any constituents of concern the discharger(s) intends to address besides nitrate (if applicable).

Describe current best efforts/Best Practicable Treatment and Control (BPTC) and the need for an allocation of assimilative capacity or an approved exception from meeting the nitrate water quality standard.

Components of a Proposed ACP

Minimum components for inclusion in an ACP submittal include, but may not be limited to:

- Consistency with the SNMP management goals: (a) address short and long-term drinking water needs affected by nitrates; (b) plan for achieving balanced nitrate loadings within the area of the project (where feasible and reasonable); and (c) a plan for establishing a managed aquifer restoration program to restore nitrate levels to concentrations at or below the nitrate water quality objective (where reasonable and feasible).

- Assurance that drinking water that meets drinking water standards is available to drinking water users within the zone of influence of a discharge where there are significant nitrate concerns in groundwater.

- Outreach to stakeholders or affected communities within the zone of influence, including those with drinking water quality concerns, to provide opportunities to participate in the development of any ACP proposal.

- Identification of short-term (≤ 20 years) and long-term (> 20 years) projects and/or planning activities that are part of the ACP to make progress towards attaining the SNMP management goals within the zone of influence. These activities should be prioritized to address most significant water quality concerns first.

- Short and long-term schedules for implementing nitrate management activities with interim milestones and performance measures to assess progress, and identification of triggers for the implementing alternative procedures or measures if the interim milestones are not met.

- Surveillance and monitoring program that is adequate to assure that the ACP when implemented is achieving the expected progress towards attainment of the management goals.

- Identification of the nitrate management responsibilities for each regulated discharger, or groups of regulated dischargers, participating in the ACP.

Requirements to Grant Assimilative Capacity or an Exception – Links to other policies

As noted above, the discharger(s) prepares an ACP proposal to support a request for allocation of assimilative capacity (if available) or for granting of an exception. The SNMP recommended Groundwater Management Zone Policy and Nitrate Permitting Strategy provide the general requirements to be met by a proposal for granting assimilative capacity to a discharger or group of dischargers collaborating through a management zone. The SNMP Exceptions Policy provides information on the requirements discharger(s) should review in preparing a proposal for an exception and the Nitrate Permitting Strategy discusses the use of exceptions as part of a nitrate management strategy.

More information on this policy and other SNMP recommendations may be found at: www.cysalinity.org
CV-SALTS Meeting Calendar

2017

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Notes/Key

- Light Red conflicts
- Regional Board Workshop/Hearing
- Wed/Thurs 4th or 3rd
- Policy Related Meetings
- Policy or Admin Calls
- Yellow Salty 5
- Lower San Joaquin
- TAC Meeting
- Regional Board Presentation
- Wednesday Meetings are DRAFT
- May be held by Webinar or in person in Sacramento half day