Program for Control and Permitting of Salinity Discharges in the Sacramento-San Joaquin River and Tulare Lake Basins

The Program for Control and Permitting of Salinity Discharges in the Sacramento-San Joaquin River Basins and in the Tulare Lake Basin (Salinity Control Program) applies to all surface and ground waters. This Salinity Control Program will be implemented in conjunction with and not replace the requirements of the *Control Program for Salt and Boron Discharges into the Lower San Joaquin River (LSJR)* adopted by Central Valley Water Board Resolution R5-2017-0062,[1] ~~or~~ requirements of the Bay-Delta Plan, or other plans or programs.

This amendment was adopted by the Central Valley Water Board on _____ ~~April~~ May 2018, and approved by the State Water Resources Control Board on _____ 2018. The Effective Date of the Salinity Control Program shall be _____ 2018, the date of Office of Administrative Law approval. For those components subject to USEPA approval, the effective date shall be _____ 2018, the date of USEPA approval.

Program Overview

The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) ~~stakeholder~~ initiative developed a comprehensive salt and nitrate management plan (SNMP) for the Central Valley Region, which was submitted to the Central Valley Water Board in January of 2017.[2] The SNMP is the basis for the Salinity Control Program.

Based on the SNMP and its supporting studies, salt concentrations in surface and ground waters generally continue to increase over time under existing water quality management programs and strategies to control salt. Given these findings, the SNMP identified the need for implementation of a salinity management strategy with the following goals:

- Control the rate of degradation through a "managed degradation" program;
- Implement salinity management activities to achieve long-term sustainability and prevent continued impacts to salt sensitive areas;
- Where reasonable, feasible and practicable, protect beneficial uses by maintaining water quality that meets applicable water quality objectives and pursuing long-term managed restoration; and
- Protect beneficial uses by applying appropriate antidegradation requirements for high quality water.

The SNMP and supporting studies noted that in areas with significant salt concerns an evaluation of available options to manage salt locally shows that even with the use of existing management tools, the volume and mass of unmanaged salt is high. ~~current management options only address 15% of the salt accumulating in the Central Valley Region, and~~ Therefore, the need exists for local or sub-regional solutions as well as broad region-wide projects that will ~~result in the~~ export ~~of~~ salt out of the Central Valley. Additional studies are still needed to further define the range of solutions for surface and ground waters that may be deployed within each Central Valley hydrologic region to prevent continued impacts to salt sensitive areas in the Central Valley Region.

Given the need for these studies, the Regional Water Board will implement a phased Salinity Control Program consistent with the goals of the salinity management strategy. All permitted discharges shall comply with the provisions of this program. Two pathways to compliance are available during each phase (Figure 1):

[1] In the LSJR Basin, management activities are addressing salinity impact to surface water but are not sufficient to address the long-term accumulation in the basin as a whole.

[2] Insert reference for the SNMP

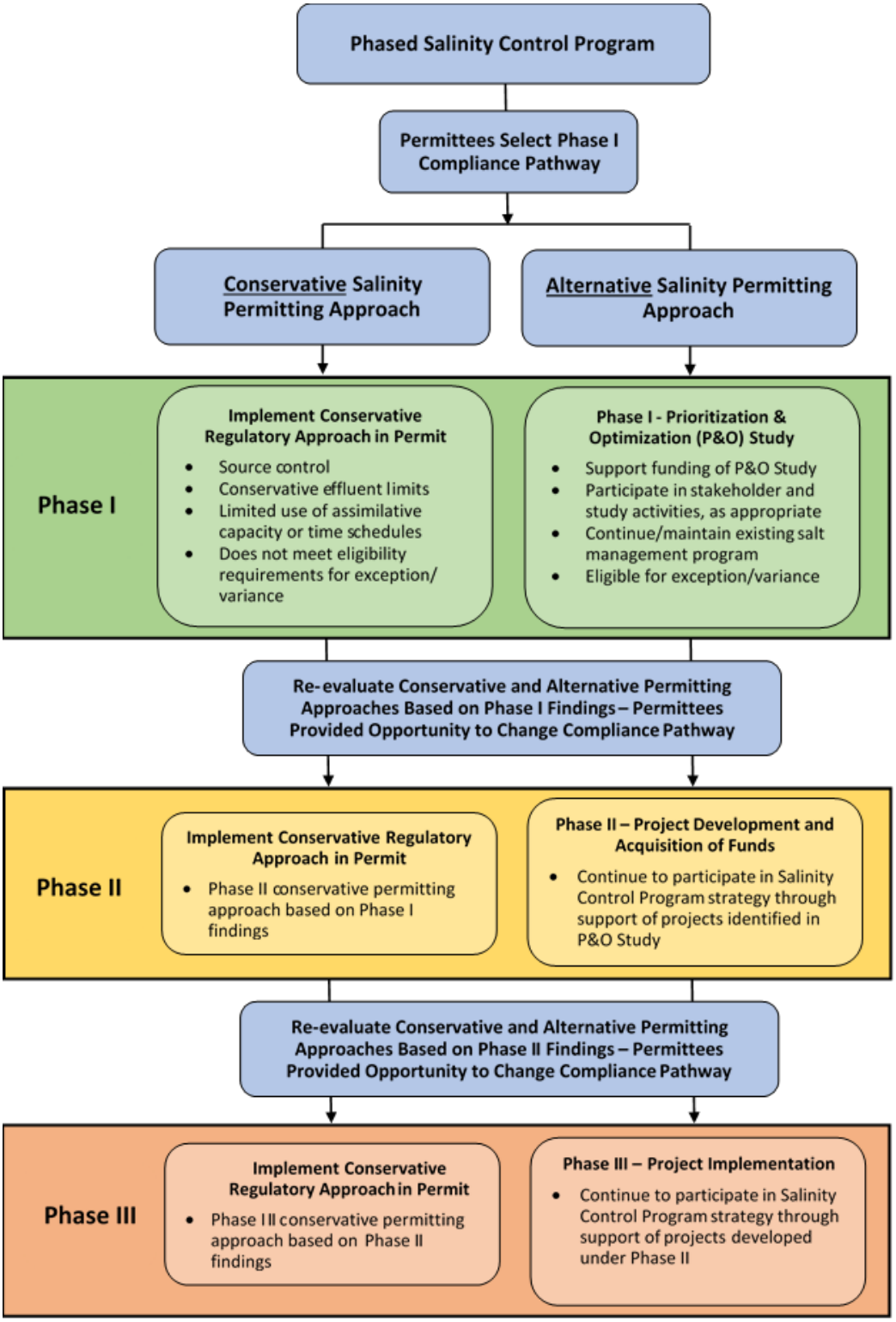

Figure 1. Salinity Control Program Pathways to Compliance

1. ***~~Standard~~ Conservative Salinity Permitting Approach***, utilizes the ~~is a conservative permitting approach. During Phase I,~~ existing regulatory structure that under Phase I ~~is utilized to~~ focuses on source control, use~~including~~ of conservative effluent limits and limited use of assimilative capacity and/or time schedule orders. Prior to initiation of Phases II and III of the ~~During future phases of the~~ Salinity Control Program, the Conservative~~Standard~~ Approach may be modified~~adjusted~~ through a Basin Plan amendment based on findings from the previous phase~~s~~.

2. ***Alternative Salinity Permitting Approach***, is an alternative approach to compliance through implementation of specific requirements during one or more phases, rather than application of conservative effluent limits. Under Phase I of this alternative, permittees must support facilitation and completion of the Salinity Prioritization and Optimization Study. General requirements under each phase ~~for~~ of the alternative approach are described below. Prior to initiation, these ~~R~~requirements ~~under Phases II and III~~ may be adjusted under Phases II and III based on findings from the previous phase~~s~~. Discharges subject to Title 27 CCR, Division 2, Subdivision 1 regulations governing discharges of hazardous and solid waste to land for treatment, storage, or disposal may not be permitted under the Alternative Salinity Permitting Approach.

Phased Control Program

The Salinity Control Program will be implemented in three phases with each of the three phases having a duration of ten to fifteen years (Figure 1). Some portions of a subsequent phase may occur or be initiated prior to the end of an existing phase. At the discretion of the Regional Water Board Executive Officer, the completion date for any phase may be modified or extended. The findings from each phase will inform the next phase, allowing for implementation of an adaptive management approach to salt management in the Central Valley Region.

The phases of the Salinity Control Program are based on the activities occurring under the Alternative Salinity Permitting Approach, as follows:

Phase I – Prioritization and Optimization Study (P&O Study) - The P&O Study will facilitate the development of a long-term Salinity Control Program to achieve the goals of the salinity management strategy by coordinating and completing tasks and securing funding. The P&O Study will develop groundwater and surface water-related salinity data and information for sensitive and non-sensitive areas for hydrologic regions within the entire Central Valley Region, including guidelines to protect salt sensitive crops; identify sources of salinity and actions that impact salinity in surface and ground waters; evaluate impacts of state policies and programs; identify and prioritize preferred physical projects for long-term salt management (e.g. regulated brine line(s), salt sinks, regional/subregional de-salters, recharge areas, deep well injection, etc.); develop the conceptual design of preferred physical projects and assess the environmental permitting requirements associated with each of these projects; identify non-physical projects and plan for implementation; and develop a governance structure and funding plan. The P&O Study will inform Phases II and III of this Salinity Control Program. Based on the findings of the P&O Study, the Regional Water Board may modify the Basin Plan to facilitate implementation of Phases II or III.

Phase II – Project Development and Acquisition of Funds - Phase II of this Salinity Control Program will begin no later than at the end of Phase I, but some activities may be initiated during Phase I. Phase II includes the following key elements:

- Using available funding sources, complete the engineering design and environmental permitting of preferred physical projects identified in Phase I;
- Initiating or continuing implementation of preferred non-physical projects identified during Phase I and, if appropriate, identification of new preferred non-physical projects and the process or milestones for implementation; and
- Securing the funding to implement the preferred physical projects.

Phase III – Project Implementation - During Phase III, construction of all preferred physical projects will be completed, unless already completed during Phase II. For large-scale capital projects, such as construction of a regulated brine line, construction may occur over multiple phases and additional time may be required to complete full build-out of the project.

Salinity Control Program Implementation

Permittees will be subject to Phase I of the Central Valley Salinity Control Program until **date*** (ten years from the effective date of the Basin Plan Amendments). Phase I may be extended up to five years at the discretion of the Regional Water Board Executive Officer based on the need to develop ~~supporting~~ Basin Plan Amendments to support implementation of Phase II, reduction in anticipated staff resources, or other factors. Table 1 depicts the key components of the two pathways to regulatory compliance under the Phase I Salinity Control Program. The Regional Water Board retains its discretion to adjust the established requirements on a case by case basis. However, because the Regional Water Board finds that implementation of the Salinity Control Program is best achieved through implementation of the Alternative Salinity Permitting Approach, application of such discretion will be limited under the ~~Standard~~ Conservative Salinity Permitting Approach.

When Phase I of the Salinity Control Program is initiated, permittees will elect to be permitted either under the Conservative Salinity Permitting Approach or the Alternative Salinity Permitting Approach for the duration of Phase I. However, ~~I~~it is the intent of the Regional Water Board to encourage permitted surface water and groundwater dischargers to choose to participate in the Alternative Salinity Permitting Approach in order to address long-term management of salinity throughout the Central Valley. ~~Permittees will be provided the option to participate in each phase of the Alternative Salinity Permitting Approach.~~

Upon completion of each phase and prior to the implementation of the next phase of the Salinity Control Program, the Regional Water Board may modify the Conservative and Alternative Salinity Permitting Approaches. Permittees will be provided the opportunity to change their compliance pathway selection at the beginning of Phases II and III. ~~that participate in Phase I of the Alternative Approach may transition from compliance with the Salinity Control Program through the Alternative Approach to the Standard Approach during future phases of the Salinity Control Program.~~

For Discussion: As written and as shown in Figure 1, switching compliance pathways may only be done *between* phases. Do we want to incorporate language that allows permittees to make a special request to the Executive Officer to change compliance pathways *during* implementation of a phase?

Table 1. Comparison between the ~~Standard~~ Conservative and Alternative Salinity Permitting Approaches during Phase I

~~Standard~~ Conservative Salinity Permitting Approach	Alternative Salinity Permitting Approach
All Discharges • Apply conservative assumptions for interpretation of the narrative objectives and application of numeric water quality objectives to protect AGR and MUN beneficial uses • Limited availability of a compliance or time schedule to meet a salinity-related effluent limit or waste discharge requirement Groundwater Discharge and Non-NPDES Discharge • Limited~~No~~ new or expanded allocation of assimilative capacity in groundwater • Receiving water compliance determined using shallow groundwater • Does not meet eligibility requirements for an exception NPDES Surface Water Discharge • A new or expanded allocation of assimilative capacity may be authorized only where a discharger can show that the impact of the discharge is temporary or *de minimus* • Does not meet eligibility requirements for a variance	All Discharges • Participate in the Phase I Prioritization and Optimization Study throughout its duration • Continue implementing reasonable, feasible and practicable efforts to control salinity using performance-based limits, including: - Salinity management practices - Existing pollution prevention, watershed, and/or salt reduction plans - Monitoring - Maintenance of existing discharge concentration or loading levels of salinity Groundwater and Non-NPDES Discharges • Deemed in compliance with salinity limits/eligible for a salinity exception NPDES Surface Water Discharges • Eligible for a salinity variance

For Discussion: Not yet addressed is the situation where a permittee(s) seeks to de-designate MUN and/or AGR from a groundwater basin. Should language be included in Table 1 and in relevant sections below to state that proponents of a de-designation proposal must be participating in the P&O study?

Phase I Conservative Salinity Permitting Approach

The ~~Standard~~ Conservative Salinity Permitting Approach applies to all permitted dischargers, unless the discharger elects to participate in the Phase I Alternative Salinity Permitting Approach. Under the Conservative~~Standard~~ Salinity Permitting Approach, the Regional Water Board shall develop permit conditions based on the requirements established below. ~~Unless the Standard Salinity Permitting Approach is modified after completion of Phase I, these requirements shall continue to apply in subsequent phases of the Salinity Control Program.~~

Groundwater and Non-NPDES Surface Water Discharges

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to groundwater, or for authorization of discharges of salinity to surface waters that are not subject to NPDES permits under the federal Clean Water Act.

1. *Interpreting Narrative and Numeric Water Quality Objectives* – When the Regional Water Board interprets or applies water quality objectives for the purpose of establishing waste discharge requirements or conditions in a conditional waiver, the Regional Water Board shall use conservative assumptions. Where site-specific water quality objectives have been adopted in the Basin Plan for a waterbody, these objectives are not affected by the Salinity Control Program.

   (a) AGR Beneficial Use Protection - The Regional Water Board shall apply a conservative, protective agricultural goal for electrical conductivity. The Regional Water Board ~~will select a scientifically defensible value that is protective of salt sensitive crops, and~~ intends to utilize a conservative goal of 700 µS/cm electrical conductivity (EC) (as a monthly average) during Phase I of the Salinity Control Program. For discharges where a site-specific agricultural goal has been developed and/or previously applied to the discharge, the Regional Water Board shall continue to apply that value, as appropriate.

   (b) MUN Beneficial Use – For protection of this beneficial use, the Regional Water Board shall apply water quality objectives in a manner consistent with the SMCLs and intends to use the recommended SMCL of 900 µS/cm ~~electrical conductivity~~EC (as an annual average) as a ~~reasonable~~ conservative effluent limit during Phase I of the Salinity Control Program.

2. *Setting Permit ~~Limits~~ Provisions* — Establishment of permit ~~limits~~ provisions will consider the following:

   (a) Surface Water — The discharge cannot cause or contribute to an exceedance of the salinity objective in the receiving water.

   (b) Groundwater — The discharge cannot cause or contribute to an exceedance of a salinity objective within the shallow groundwater.

3. *Allocation of Assimilative Capacity* – The Regional Water Board will limit new or expanded allocations of assimilative capacity. If a discharger has previously received an allocation of assimilative capacity, and the allocation was granted with the support of an antidegradation study or analysis, then the Regional Water Board may consider continuing the previously approved assimilative capacity, as appropriate.

~~3.~~4. *Salinity Exception* - Permittees operating under the Phase I Conservative Salinity Permitting Approach do not meet eligibility requirements for a salinity exception.

~~4.~~5. *Issuance of Time Schedules* – The Regional Water Board will limit use of time schedules for achieving compliance with salinity limitations and will use its discretion to limit the time allowed in the event that a time schedule is deemed necessary under the particular circumstances associated with that discharge. ~~In general, a discharger shall be allowed no more than five years to meet a salinity limitation in order to allow time to complete capital improvements.~~

NPDES Surface Water Discharges

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to surface waters that are subject to NPDES permit provisions as required by the federal Clean Water Act.

1. *Interpreting Narrative and Numeric Water Quality Objective* - When the Regional Water Board interprets or applies water quality objectives for the purpose of conducting a reasonable potential

analysis and establishing a permit effluent limit (if reasonable potential is found), the Regional Water Board shall select applicable salinity water quality objectives using conservative assumptions. Where site-specific water quality objectives have been adopted for a waterbody in the Basin Plan, these objectives are not affected by the Salinity Control Program.

(a) AGR Beneficial Use Protection - The Regional Water Board shall apply a conservative, protective agricultural goal for electrical conductivity. The Regional Water Board ~~will select a scientifically defensible value that is protective of salt sensitive crops, and~~ intends to utilize a conservative goal of 700 µS/cm EC (as a monthly average) during Phase I of the Salinity Control Program. For discharges where a site-specific criterion has been developed and/or previously applied to the discharge, the Regional Water Board shall continue to apply that value, as appropriate.

(b) MUN Beneficial Use – For protection of this beneficial use, the Regional Water Board shall apply water quality objectives in a manner consistent with the SMCLs and intends to use the recommended SMCL of 900 µS/cm EC (annual average) as a ~~reasonable~~ conservative effluent limit during Phase I of the Salinity Control Program.

2. *Setting Permit ~~Limits~~Provisions*—Unless previously allocated assimilative capacity, permit ~~limits~~provisions shall be established to ensure that the discharge- cannot cause or contribute to an exceedance of the salinity objective in the receiving water~~meets the salinity objectives in the receiving water~~.

3. *Allocation of Assimilative Capacity (i.e., mixing zone/dilution credit)* – The Regional Water Board will limit new or expanded allocation of assimilative capacity in surface water (i.e., mixing zone/dilution credit) and will consider whether a discharger can show that the impact of the discharge is temporary or *de minimus*, such that reduction of water quality will be spatially localized or temporally limited with respect to the waterbody. The Regional Water Board may consider maintaining any previously approved allocations of assimilative capacity, if there have been no material changes to the discharge.

4. *Salinity Variance* – Dischargers operating under the Phase I ~~Standard~~ Conservative Salinity Permitting Approach do not meet eligibility requirements for a salinity variance.

5. *Compliance Schedule* – Where a reasonable potential finding has been made and the discharger is unable to comply with a water quality-based effluent limit, the Regional Water Board will use its discretion to limit the use of ~~time~~compliance schedules authorized by the State Water Board Compliance Schedule Policy for achieving compliance with salinity-based effluent limits, and will use its discretion to limit the time allowed in the event that a ~~time~~ compliance schedule is deemed necessary under the particular circumstances associated with the discharge. ~~In general, a discharger shall be allowed no more than five years to meet a salinity limitation in order to allow time to complete capital improvements.~~

Phase I Alternative Salinity Permitting Approach

Dischargers may elect to be permitted for discharges of salinity by participating in the Phase I Alternative Salinity Permitting Approach. Permittees electing to participate in the Phase I Alternative Salinity Permitting Approach are given the opportunity to participate collectively in the P&O Study with other permittees, the Regional Water Board and other stakeholders, including those importing and benefitting from water

supplies from the Central Valley, to work toward full implementation of the Salinity Control Program. Key milestones for the P&O Study are identified in Table 2 and outlined in Figure 2.

~~In the event the~~Where the P&O Study does not meet the milestones established in Table 2 or where the Regional Water Board finds that participating permittees are not making reasonable progress towards achieving the milestones, the Regional Water Board will notify participating permittees of its findings through public notice that includes a required schedule for completion of the P&O Study milestones. Failure to comply with the notice will result in all permittees that elected to be permitted under the Phase I Alternative Salinity Permitting Approach to be subject to the requirements of the Conservative Salinity Permitting Approach. ~~unless otherwise extended by the Regional Water Board Executive Officer, all permittees that elected to be permitted under the Phase I Alternative Salinity Permitting Approach will be subject to the Standard Salinity Permitting Approach.~~

Table 2. Key Phase I Prioritization and Optimization Study Milestones

Implementation Schedule	Milestone/ Deliverable	Minimum Requirements
6 ~~—~~ months from effective date	Phase I Workplan	*Workplan to include*: • Detailed P&O Study task descriptions • Cost estimate for each task • Task completion schedule • Stakeholder participation elements
Within ~~18~~ 12 months from effective date	Phase I Funding & Governance Plan	*Complete Phase I implementation planning:* • Establish the entity and procedures for governance of the P&O Study • ~~plan to s~~Secure sufficient funding to complete the P&O Study
Annually upon anniversary of effective date	Annual Progress Report	*Annual Report to summarize*: • Progress on Workplan execution • Status of Phase I funding and expenditures • Stakeholder participation
5 years from effective date	Interim Project Report	*By Central Valley Hydrologic Region, identify*: • Recommended preferred physical projects with recommended next steps for development • Recommended non-physical projects and a schedule for implementation
9 years from effective date	Long-term Governance Plan for Phases II and III	*Governance Plan that establishes*: • How Phase II & III will be implemented • Governance structure including: - Stakeholder roles and responsibilities - Committees responsible for development of policies, technical documents, BMPs and funding
9 years from effective date	Long-term Funding Plan for Phases II and III	*Funding Plan that establishes*: • Financial approach for long-term funding including sources and funding types (grants, bonds, loans, etc.) • Approach for the equitable management and funding of long-term, large-scale salinity management projects
9 years from effective date	Basin Plan Amendment Recommendations	*As needed, recommended amendments to Basin Plans to:* • Facilitate implementation of Phase II of the Salinity Control Program • As appropriate, modify the ~~Standard~~ Conservative or Alternative Salinity Permitting Approaches;
10 years from effective date	Final Project Report	• *For preferred physical projects*: - Conceptual designs - Assessment of environmental permitting requirements • Status of implementation of non-physical projects per Interim Project Report with recommendations for modifications, as needed

~~Notwithstanding a permittee's election and desire to participate in the Alternative Salinity Permitting Approach, the Regional Water Board retains its discretion to require more stringent controls than those identified here on high priority saline discharges and/or in salt sensitive areas. Salinity discharges shall be implemented in a manner consistent with state and federal antidegradation policies (State Water Board Resolution No. 68-16 and 40 CFR §131.12), as applicable.~~ The Regional Water Board shall develop salinity-related permit conditions based on the requirements established below. Permitted ~~S~~salinity discharges shall be implemented in a manner consistent with state and federal antidegradation policies (State Water Board Resolution No. 68-16 and 40 CFR §131.12), as applicable. Discharges subject to Title 27 CCR, Division 2, Subdivision 1 regulations governing discharges of hazardous and solid waste to land for treatment, storage, or disposal may not be permitted under the Alternative Salinity Permitting Approach

Groundwater and Non-NPDES Surface Water Discharges

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to groundwater, or for authorization of discharges of salinity to surface waters that are not subject to NPDES permits under the federal Clean Water Act.

1. *Participation in P&O Study* - Dischargers electing the Alternative Salinity Permitting Approach shall be required to participate in efforts related to conducting the P&O Study including providing the minimum required level of financial support. The level of participation would vary based on salinity in the discharge, local conditions or other factors. The needed level of participation would be established by the lead entity (i.e., Central Valley Salinity Coalition [CVSC]) that is overseeing the P&O Study. The lead entity must confirm adequate participation by the discharger(s) until the P&O Study is completed; or, until such time that the Regional Water Board otherwise revises the applicable waste discharge requirements and/or conditional waiver. The timeframe for completion of the P&O Study is expected to be ten years from the effective date of this Salinity Control Program but may be extended by the Regional Water Board Executive Officer for a period of up to five years.

2. *Setting Permit Provisions~~Limits~~* - Adequate participation in the P&O study, as confirmed by the lead entity overseeing the P&O Study, shall be found by the Regional Water Board to provide compliance with effluent limitations, receiving water limits, or other applicable provisions based on salinity.

3. *Implementation of Reasonable, Feasible, and Practicable Efforts to Control Salinity* - The Regional Water Board will require continued implementation of reasonable, feasible and practicable efforts to control levels of salinity in discharges. Such efforts may include, but are not limited to, implementation of management practices that are designed to reduce salinity in discharges; implementation of pollution prevention plans, watershed plans, and/or salt reduction plans that help to reduce salt loads in discharges to groundwater or surface water; and, monitoring for salinity in surface water or groundwater as part of existing local, watershed-based or regional monitoring programs, in coordination with monitoring under the SNMP.

4. *Maintain Current Discharge Concentrations for Salinity or Mass Loading Levels* - To the extent feasible, reasonable, and practicable (and while accounting for conservation, salinity levels in the water supply source, and some appropriate increment of growth), the Regional Water Board may use its discretion to adopt performance-based ~~effluent limitations~~limits to the extent the Regional Water Board finds it appropriate and necessary for salinity for dischargers electing the Alternative Salinity Permitting Approach.

NPDES Surface Water Discharges

The Regional Water Board shall apply the following principles to permits being issued for authorizing discharges of salinity to surface waters that are subject to NPDES permits under the federal Clean Water Act.

1. *Participation in P&O Study* - Dischargers electing the Alternative Salinity Permitting Approach shall be required to participate in efforts related to conducting the P&O Study including providing the minimum required level of financial support. The level of participation would vary based on salinity in the discharge, local conditions or other factors. The needed level of participation would be established by the lead entity (i.e., CVSC) that is overseeing the P&O Study. The lead entity must confirm adequate participation by the discharger(s) until the P&O Study is completed; or, until such time that the Regional Water Board otherwise revises the applicable NPDES permit. The timeframe for completion of the P&O Study is expected to be ten years from the effective date of this Salinity Control Program but may be extended by the Regional Water Board Executive Officer for a period of up to five years.
2. *Requirements for Ensuring Reasonable Protection of Beneficial Uses* - Adequate participation in the P&O study as confirmed by the lead entity overseeing the P&O Study shall be found by the Regional Water Board to provide compliance with receiving water limits based on salinity. To the extent that the discharge in question is found to have reasonable potential for causing or contributing to a violation of an applicable salinity water quality objective pursuant to applicable federal regulations, the discharge is eligible for a salinity variance pursuant to the Salinity Variance Policy.
3. *Implementation of Reasonable, Feasible, and Practicable Efforts to Control Salinity* - The Regional Water Board will continue to require implementation of reasonable, feasible and practicable efforts to control levels of salinity in discharges. Such efforts may include, but are not limited to, implementation of management practices that are designed to reduce salinity in discharges; implementation of pollution prevention plans, watershed plans, and/or salt reduction plans that help to reduce salt loads in discharges to surface waters; and, continued monitoring for salinity in surface water as part of existing local, watershed-based or regional monitoring programs, in coordination with monitoring under the SNMP.
4. *Maintain Current Discharge Concentrations for Salinity or Mass Loading Levels* - To the extent feasible, reasonable, and practicable (and while accounting for conservation, salinity levels in the water supply source, and some appropriate increment of growth), the Regional Water Board may use its discretion to adopt performance-based ~~effluent limitations~~limits to the extent the Regional Water Board finds it appropriate and necessary ~~-~~for salinity for dischargers electing the Alternative Salinity Permitting Approach.

Process to Select Pathway of Compliance Under Phase I of the Salinity Control Program

This section establishes the process and schedule to select a pathway of compliance under the Phase I Salinity Control Program. For permittees that select the Alternative Salinity Permitting Approach, nothing here prevents, or should be interpreted to prevent, permittees from implementing elements of the Phase I P&O Study prior to receiving a Notice to Comply.

Existing Discharges

The Regional Water Board shall issue a Notice to Comply with the Salinity Control Program to existing dischargers in the Central Valley Region within one year of the effective date of the Basin Plan Amendments. Within six months after receiving the Notice to Comply, existing dischargers shall notify the Regional Water Board of its decision of whether to be permitted under the ~~Standard~~ Conservative Salinity Permitting Approach or the Alternative Salinity Permitting Approach. Based on the selection of the permitting approach, the discharger shall comply with the following requirements:

- ~~*Standard*~~ *Conservative Salinity Permitting Approach* – A discharger that selects this approach must submit an assessment of how the discharge will comply with the conservative requirements set forth in the ~~Standard~~ Conservative Salinity Permitting Approach. The discharger shall submit this assessment to the Regional Water Board with the notification to the Regional Water Board of its permit compliance pathway decision. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.
- *Alternative Salinity Permitting Approach* – A discharger that selects this approach shall participate in the Phase I P&O Study by providing the minimum required level of financial or in-kind support throughout Phase I as determined by the lead entity overseeing the P&O Study. The discharger shall provide documentation of the required support with the notification to the Regional Water Board of its permitting decision. If the discharger has an approved salinity-related Time Schedule Order or Compliance Schedule that expires prior to the completion of the Phase I P&O Study, the Regional Water Board, at its discretion, may extend the Time Schedule Order or Compliance Schedule, as appropriate.

New or Substantively Modified Discharges

A new discharger, or existing discharger seeking a permit modification due to a substantial and/or material change to a facility, shall indicate how the discharger intends to comply with the Salinity Control Program at the time of application and provide the required information to support the decision, as described above.

Failure to Comply

Any discharger that does not submit a response to the Notice to Comply within the required six-month period may be subject to enforcement action. Dischargers subject to enforcement for failure to respond to the Notice to Comply may still select the Alternative Salinity Permitting Approach, but may be subject to additional fees or penalties in addition to providing the minimum required level of financial support.

Dischargers that elect to participate in the Alternative Salinity Permitting Approach must continue to provide the minimum required level of financial or in-kind support to the P&O Study throughout the duration of Phase I of the Salinity Control Program. Where a discharger fails to comply with this requirement, the Regional Water Board may require the discharger to comply with the requirements of the Conservative Salinity Permitting Approach after giving appropriate notice.

Salinity Control Program - Phase I to Phase II Re-Evaluation

Upon completion of Phase I and prior to initiation of Phase II of the Salinity Control Program, the Regional Water Board will use the findings of the P&O Study, results from surveillance and monitoring programs, and progress made towards meeting the overarching goals of the Salinity Control Program to re-evaluate the

Conservative and Alternative Salinity Permitting Approaches applicable under Phase I of the Salinity Control Program. Based on the findings of this re-evaluation, the Regional Water Board may modify the Phase I permitting requirements to establish Conservative and Alternative Salinity Permitting Approaches applicable to Phase II. Where modification to the Phase I permitting approaches requires a Basin Plan amendment, this amendment will be completed prior to the initiation of Phase II of the Salinity Control Program.

Based on the outcome of the re-evaluation of the Phase I permitting approaches, upon initiation of the Phase II program permittees may elect to continue with or change their original Phase I compliance pathway selection. The process to select a compliance pathway under Phase II includes the following requirements:

- *No Changes to the Phase I Conservative or Alternative Permitting Approaches* - If the Regional Water Board makes no changes to the Phase I Conservative or Alternative Salinity Permitting Approaches prior to the initiation of Phase II, no notification to the Regional Water Board is required for permittees that plan to remain under the compliance pathway originally selected for Phase I. However, a permittee may elect to change its compliance pathway under Phase II by notifying the Regional Water Board of its decision within 90 days of initiation of Phase II and complying with the following requirements, as applicable:
  - *Change from the Alternative to the Conservative Salinity Permitting Approach* - The permittee shall submit an assessment of how its discharge will comply with the requirements of the Conservative Salinity Permitting Approach applicable at the beginning of Phase II of the Salinity Control Program. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.
  - *Change from the Conservative to the Alternative Salinity Permitting Approach* - The permittee shall comply with the requirements of the Alternative Salinity Permitting Approach applicable at the beginning of Phase II of the Salinity Control Program, and shall provide documentation to the Regional Water Board that it is providing the minimum required level of support for participation in Phase II of the Salinity Control Program.
- *Modification to the Phase I Conservative Salinity Permitting Approach* - Where the the Conservative Salinity Permitting Approach is modified prior to initiation of Phase II, the Regional Water Board will notify all permittees that elected under Phase I to be permitted under the Conservative Salinity Permitting Approach of the revised permitting requirements within 90 days after modifications to the Conservative Salinity Permitting Approach become effective. The notification will provide opportunity for the permittee to elect to continue with the Conservative Permitting Salinity Approach or change to the Alternative Salinity Permitting Approach under Phase II.
  - If the permittee elects to continue under the Conservative Permitting Salinity Approach under Phase II, within 90 days of receiving the notification the permittee shall submit an assessment of how its discharge will comply with the Phase II requirements of the Conservative Salinity Permitting Approach. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.

- If the permittee elects to change to the Alternative Salinity Permitting Approach under Phase II, it shall provide the minimum required Phase II level of financial or in-kind support throughout Phase II. The permittee shall notify the Regional Water Board of its decision within 90 days of receiving the notification and provide documentation that it has provided the required level of Phase II support.

- *Modification to the Phase I Alternative Salinity Permitting Approach* - Where the Regional Water Board modifies the Alternative Salinity Permitting Approach prior to initiation of Phase II, permittees that participated in this approach under Phase I will continue to be permitted under this approach unless the permittee elects to change its compliance pathway to the Conservative Salinity Permitting Approach.

  - Permittees that elect to continue to be permitted under the Alternative Salinity Permitting Approach under Phase II shall provide the minimum required Phase II level of financial or in-kind support throughout the duration of Phase II.

  - Permittees that elect to change their compliance pathway to the Conservative Permitting Salinity Approach under Phase II, shall submit, within 90 days after the revised Alternative Salinity Permitting Approach for Phase II becomes effective, an assessment of how its discharge will comply with the Phase II requirements for the Conservative Salinity Permitting Approach. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.

~~*Transition from Phase I to Phase II*~~

~~If a discharger elects to change its compliance pathway after the completion of Phase I, the discharger shall notify the Regional Water Board of this decision within six-months of the end of Phase I and comply with the following:~~

- ~~*Change to the Standard Salinity Permitting Approach* - The discharger shall submit an assessment of how the discharge will comply with the requirements of the Standard Salinity Permitting Approach applicable at the beginning of Phase II of the Salinity Control Program. If the Regional Water Board does not concur with the findings of the assessment, the Regional Water Board will request a Report of Waste Discharge with a deadline for submittal.~~

- ~~*Change to the Alternative Salinity Permitting Approach* - The discharger shall comply with the requirements of the Alternative Salinity Permitting Approach applicable at the beginning of Phase II of the Salinity Control Program, and shall provide documentation to the Regional Water Board that the required support for participation in Phase II of the Salinity Control Program has been submitted to the lead entity.~~

Recommendations to Other Agencies (Discussion with Agencies Still Occurring)

The implementation of long-term salinity management solutions to achieve a salt balance and prevent continued impacts to salt sensitive areas in the Central Valley is a statewide issue. Efforts to achieve salt sustainability will require significant participation and potentially specific actions by local, state and federal entities. It is recommended that these entities participate in the P&O Study by providing financial, technical and policy support to the P&O Study. This participation is essential as findings from the P&O Study will

direct the implementation of preferred physical and non-physical projects in the phased Salinity Control Program.

The Regional Water Board will pursue mechanisms to ensure participation in the funding and implementation of the P&O Study by entities that directly or indirectly (a) impact salt concentrations in or loadings to surface and ground waters in the Central Valley; (b) adversely affect the amount of assimilative capacity available in surface or ground waters in the Central Valley; or (c) benefit from the implementation of projects that support the salinity management goals of this Salinity Control Program. The Regional Water Board will pursue participation by local, state and federal entities in the P&O Study through the following actions or recommendations:

- The Regional Water Board will require dischargers who are not permitted under waste discharge requirements/conditional waiver or NPDES permit and that have the potential to contribute to a water quality impairment or to lower water quality because of salinity to participate in the P&O Study.
- Before granting new or modified permits for water storage or diversion ~~which~~ that involve the interbasin transfer of water, the State Water Board should consider requiring the applicant to participate in the P&O Study.
- The State Water Board should consider using its water rights authority, as appropriate, to maximize participation in the P&O Study, especially where granting water rights separates water from its watershed resulting in the accumulation of salt in inland areas.
- Through their existing authorities established in Section 13225(c) or Section 13257 of the California Water Code, the State Water Board should encourage participation in the P&O Study by:
    - Water management entities in the Central Valley Region, regardless of size, including, but not limited to, entities responsible for the management of the Delta and implementation of the Sustainable Groundwater Management Act.
    - Federal, state, or local agencies responsible for management of existing or development of new water resources facilities that have the potential to modify flows in surface waters and groundwater levels in groundwater basins.
    - Federal and state water and land management agencies, e.g., that manage aquatic and wildlife resources that will benefit from the control of salt in the Central Valley Region, e.g., U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.
- In addition to direct participation in the funding and implementation of the P&O Study, the Regional Water Board recommends that entities that oversee the issuance of grants to support water resource programs that are relevant to salinity management prioritize grant funding to support implementation of the Salinity Control Program.
- The California Department of Food and Agriculture should participate in the P&O Study to ensure that the implementation of its programs and policies are consistent with the requirements of the Salinity Control Program.
- Federal water related agencies should:

- Participate in the P&O Study to ensure that actions they plan, permit, or implement are consistent with the requirements of the Salinity Control Program.
- Allocate funding to participate in the execution of the P&O Study Workplan and support implementation of the Salinity Control Program.

~~Coordination with Other Salt and Nitrate-Related Management Policies~~

~~PLACEHOLDER for nexus with other SNMP policies related to salinity management (As needed, references/links to related sections in the new *Program for the Control of Salt and Nitrate Management in the Central Valley* or other Basin Plan Implementation Chapter sections, e.g., Salinity Variance Program, Exceptions Policy for Discharges to Groundwater, Offsets Policy, Drought & Water Conservation Policy, SMCL Guidance)~~

Figure 2. General Outline of Key Elements to be Included in Phase I P&O Study ~~A3-1. Proposed Phase I Prioritization and Optimization Study Schedule~~

Category	Year of Implementation									
	1	2	3	4	5	6	7	8	9	10
Stakeholder Coordination	Stakeholder Coordination Meetings (as needed frequency)									
	SGMA GSA Coordination Meetings (as needed frequency)									
Strategic Planning	Regulatory and Policy Evaluations								Phase II Planning, including Basin Plan amendment recommendations	
Governance	Governance Plan – Formation and Structure					Implementation and Refinement of Governance Plan				
Funding	Funding Plan and Financing Strategy					Implementation/Refinement of the Funding Plan and Financing Strategy				
Prioritization & Salinity Management Analyses	Prioritization/Salt Management Analyses to Support Identification of Salt Management Projects				Interim Report					
Conceptual Design of Salt Management Project						Concept Design for Subregional Salt Management Projects and Regional CVBL Project in Final Report				
Special Studies				Groundwater Quality Trace Constituent Stud						
			Emerging Tech Update No. 1			Emerging Tech Update No. 2			Emerging Tech Update No. 3	
						Recycled Water Imports Study				
								Stormwater Recharge Master Plan Study		