

IV. IMPLEMENTATION

The Porter-Cologne Water Quality Control Act states that basin plans consist of beneficial uses, water quality objectives and a program of implementation for achieving their water quality objectives [Water Code Section 13050(j)]. The implementation program shall include, but not be limited to:

1. A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private;
2. A time schedule for the actions to be taken; and,
3. A description of surveillance to be undertaken to determine compliance with the objectives (Water Code Section 13242).

In addition, State law requires that basin plans indicate estimates of the total cost and identify potential sources of funding of any agricultural water quality control program prior to its implementation. (Water Code Section 13141). This chapter of the Basin Plan responds to all but the surveillance requirement. That is described in Chapter V.

This chapter is organized as follows: The first section contains a general description of water quality concerns. These are organized by discharger type (e.g., agriculture, silviculture, mines, etc.). The second section lists programs, plans and policies which should result in the achievement of most of the water quality objectives in this plan. This section includes descriptions of State Water Board policies, statewide plans, statewide programs dealing with specific waste discharge problems (e.g., underground tanks, storm water, solid waste disposal sites, etc.), memoranda of understanding, management agency agreements, memoranda of agreement, Regional Water Board policies, a listing of Regional Water Board prohibition areas, and Regional Water Board guidelines addressing specific water quality problems. The third section contains recommendations for appropriate action by entities other than the Regional Water Board. The fourth section describes how; within the framework of the programs, plans and policies discussed in the second section; the Regional Water Board integrates water quality control activities into a continuing planning process. The fifth section identifies the current actions and the time schedule for future actions of the Regional Water Board to achieve compliance with water quality objectives where the programs, plans and policies in the second section are not adequate. The last section lists the estimated costs and funding sources for agricultural water quality control programs that are implemented by the Regional Water Board.

Control Action Considerations of the Central Valley Regional Water Board

Policies and Plans

The following are the Regional Water Board's policies to protect water quality in the Central Valley:

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14. *Limited-Term Exceptions from Basin Plan Provisions and Water Quality Objectives for Groundwater and for non-NPDES Dischargers to Surface Waters*

Pursuant to Water Code sections 13050 and 13240 et seq., the Regional Water Board has adopted beneficial use designations and water quality objectives that apply to surface and ground waters in the basins covered by this Basin Plan as well as programs of implementation. The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) is a stakeholder effort that developed a comprehensive salt and nitrate management plan (SNMP) that documents salt and nitrate conditions in surface and ground water in the Central Valley and identifies implementation measures and monitoring strategies to ensure environmental and economic sustainability. The SNMP identifies the need for a prioritized, long-term management strategy to address the need for providing safe drinking water while moving toward balanced loading and managed restoration where reasonable, practicable and feasible. The Regional Water Board finds that it is reasonable to grant exceptions to

the discharge requirements related to the implementation of water quality objectives for salinity, nitrate and boron for non-NPDES dischargers to surface water, and for discharges to groundwater if the permittee is actively participating in the implementation of the long-term Salt and Nitrate Control Programs and it is infeasible, impracticable or unreasonable to prohibit the discharge or it is preferable to have a discharger and/or area specific and time-limited exception rather than a more lasting water quality standard revision.

Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Salinity, Nitrate and Boron

1. Any person^a subject to waste discharge requirements and/or conditional waivers issued pursuant to Water Code 13269 that are not also NPDES permits may apply to the Regional Water Board for an exception to discharge requirements from the implementation of water quality objectives for salinity, nitrate and/or boron. Recognized third party groups may apply on behalf of its members or for multiple dischargers under a management zone. The exception may apply to the issuance of effluent limitations and/or groundwater limitations that implement water quality objectives for salinity, nitrate and/or boron in groundwater, or to effluent limitations and/or surface water limitations that implement water quality objectives for salinity, nitrate and/or boron in surface water. For the purposes of this Program, salinity and its constituents include, and are limited to, the following: electrical conductivity, total dissolved solids, chloride, sulfate and sodium. Nitrate includes total inorganic nitrogen (TIN) and total kjeldahl nitrogen (TKN). The application for such an exception(s) shall be submitted in accordance with the requirements specified in corresponding sections for salinity/boron and nitrate below (sections ### and ###, respectively).
2. An exception to discharge requirements from the implementation of water quality objectives for salinity, nitrate and/or boron imposed as limitations in either waste discharge requirements and/or conditional waivers that are not also NPDES permits shall be set for a term not to exceed 50 years. Terms for exceptions shall generally not exceed 10 years, however, the Regional Water board shall have the discretion to adopt an exception for longer than 10 years if the applicant(s) can demonstrate that it is necessary to further the management goals of the Salt or Nitrate Control Programs. The Regional Water Board has the authority to reauthorize (renew) an exception for one or more additional terms, the length of which shall be determined by the Regional Water Board but shall not exceed 50 years. The authorization of an exception, or any reauthorization, shall require approval of the Central Valley Water Board, after public notice and hearing.
3. The Regional Board will require those discharger(s) with authorized exceptions, to prepare a status report every 5 years summarizing compliance with the terms and conditions of the exception. The status reports may be presented individually for individual exceptions or collectively for multiple exceptions granted to multiple dischargers. The Regional Board will conduct its review of exceptions in a public hearing. The Regional Board may terminate an exception when the applicant(s) are not complying with the terms and conditions that are part of the exception. Any rescission of an exception may only occur after notice and hearing.
4. Exceptions are intended to facilitate long-term attainment of water quality standards under the Salt and/or Nitrate Control Program or to provide the time needed to revise an inappropriate water quality standard. The Regional Water Board will consider granting an exception to the implementation of water quality objectives for salinity, nitrate or boron under this Program if the applicant is actively participating in the Salt and/or Nitrate Control Programs as indicated by the letter required under #####, below, and meets the specific requirements for boron indicated in #####.
5. The Regional Water Board will set interim performance-based requirements when the exception is authorized.
6. Requirements associated with seeking and approving an exception shall include, but are not limited to: eligibility criteria, mitigation responsibilities, monitoring/reporting obligations, and expectations relevant to implementing the SNMP Management Goals

^a The term "person" includes, but is not limited to, "any city, county, district, the state, and the United States, to the extent authorized by federal law." (Wat. Code, § 13050, subd. (c).)

7. As a condition for reauthorizing/renewing an exception, the Regional Board will require those discharger(s) with authorized exceptions terms greater than ten years to prepare and submit a report every ten years that reassesses Best Management Practices (BMPs) and surveys available treatment technologies to determine if feasible, practicable and reasonable compliance options have become available. The Regional Board will include review of BMPs and available treatment technologies when conducting the public hearing to review compliance as described in paragraph 3 above. Following review of the BMPs and available treatment technologies, the Regional Board may revise requirements under the authorized exception..
8. Where exceptions are sought in order to provide time to develop and approve a more appropriate water quality standard (uses and/or objectives), there must be a well-defined work plan (including a schedule of milestones) and a commitment by dischargers to provide the resources needed to complete the proposed process.
9. Where existing water quality standards are unlikely to change, dischargers must explain how the proposed exception facilitates the larger long-term salt and/or nitrate strategy designed to ultimately attain those standards while in the interim allocating available resources to address more urgent water quality priorities such as provision of safe drinking water, where applicable.
10. Upon receipt of an application for an exception to the implementation of water quality objectives for any constituent under this Program, the Regional Water Board shall determine that the exception application is complete, or specify in writing any additional relevant information, which is deemed necessary to make a determination on the exception request. Failure of an applicant to submit any additional relevant information requested by the Regional Water Board Executive Officer within the applicable time period may result in the denial of the exception application.
11. Within a reasonable time period after determining that the exception application is complete, the Regional Water Board shall provide notice, request comment, and schedule and hold a public hearing on the application within a timely manner. The notice and hearing requirements shall comply with those set forth in Water Code section 13167.5. The Board will approve an exception by amending applicable waste discharge requirements and/or conditional waiver requirements.

Exception Application Provisions Specific to Salinity

1. When granting an exception to the implementation of water quality objectives for salinity or boron under this Program, the Regional Water Board shall consider including an interim performance-based effluent limitation and/or groundwater limitation that provides reasonable protection of the groundwater or the receiving water, where appropriate. When establishing such a limitation, the Regional Water Board shall take into consideration increases in salinity concentrations due to drought, water conservation, and/or water recycling efforts that may occur during the term of the exception granted.
2. When granting an exception to the implementation of water quality objectives for salinity under this Program, the Regional Water Board shall require the discharger to demonstrate active participation the Alternative Salinity Permitting Approach as specified under the Salinity Control Program.
3. A person seeking consideration of drought, water conservation and water recycling as part of an exception to the implementation of water quality objectives for salinity under this Program must include the following in the application to the Regional Board:
 - a. A description of any drought impacts, irrigation, water conservation and/or water recycling efforts that may be causing or cause the concentration of salinity to increase in the effluent, discharges to receiving waters, or in receiving waters;

Exception Application Requirements Specific to Nitrate

1. Exceptions for nitrate will *not* be considered unless an adequate supply of clean, safe, reliable and affordable drinking water is available for those who have been adversely affected by the non-compliant discharge(s).
2. An applicant seeking an exception to the implementation of water quality objectives for nitrate under this Program must submit an application to the Regional Water Board. The applicant's request shall include the following:
 - a. An explanation/justification as to why the exception is necessary, and why the discharger is unable to ensure consistent compliance with existing effluent and/or groundwater/surface water limitations associated with nitrate at this time;
 - b. A description of the alternative compliance project(s), Early Action Plan (EAP) or other implementation measures that the applicant will implement or participate in, consistent with the Nitrate Permitting Strategy of this Basin Plan for individual or collective groups of dischargers.
 - c. Copies of any documents prepared and certified by another state or local agency pursuant to Public Resources Code section 21080 et seq.; or, such documents as are necessary for the Regional Water Board to make its decision in compliance with Public Resources Code section 21080 et seq.
 - d. A work plan to provide an interim and permanent water supply for any person living in the area adversely affected by the discharge under the requested nitrate exception. The water supply work plan shall include a schedule of milestones and a description of financial commitments to assure completion of the interim and permanent water supply. Performance bonds may be required to assure timely implementation.
 - e. Documentation of the applicant's active participation in CV-SALTS as indicated by a letter of support from CV-SALTS.
 - f. A detailed plan of how the applicant will continue to participate in CV-SALTS and how the proposed implementation measures will further the management goals of the SNMPs.

Exception Application Provisions Specific to Boron

1. When granting an exception to the implementation of water quality objectives for boron under this Program the Regional Water Board shall require the discharger to prepare and implement a Boron Reduction Study Work Plan, or a boron-based watershed management plan. A Boron Reduction Study Work Plan shall at a minimum include the following:
 - a. Data on current influent and effluent boron concentrations;
 - b. Identification of known boron sources;
 - c. Description of current plans to reduce/eliminate known boron sources;
 - d. Preliminary identification of other potential sources;
 - e. A proposed schedule for evaluating sources; and
 - f. A proposed schedule for identifying and evaluating potential reduction, elimination, and prevention methods.

A boron-based watershed management plan shall at a minimum include the following:

- a. A discussion of the physical conditions that affect surface water or groundwater in the management plan area, including land use maps, identification of potential sources of boron, baseline inventory of identified existing management practices in use, and a summary of available surface and/or groundwater quality data;
- b. A management plan strategy that includes a description of current management practices being used to reduce or control known boron sources;
- c. Monitoring methods;
- d. Data evaluation; and,
- e. A schedule for reporting management plan progress.

6. When granting an exception to the implementation of water quality objectives under this Program, the Regional Water Board will include a requirement to participate in CV-SALTS and contribute to the development and implementation of the SNMPs in accordance with the plan submitted under paragraph 8.f. below.
7. The granting of an exception to the implementation of water quality objectives for boron under this Program by the Regional Water Board is a discretionary action subject to the requirements of the California Environmental Quality Act. As such, the Regional Water Board may require the applicant for the exception to prepare such documents as are necessary so that the Regional Water Board can ensure that its action complies with the requirements set forth in the California Environmental Quality Act or the Regional Water Board may use any such documents that have been prepared and certified by another state or local agency that address the potential environmental impacts associated with the project and the granting of an exception from implementation of water quality objectives for boron in groundwater and/or surface water.
8. A person seeking an exception to the implementation of water quality objectives for boron under this Program must submit an application to the Regional Water Board. The person's request shall include the following:
 - a. An explanation/justification as to why the exception is necessary, and why the discharger is unable to ensure consistent compliance with existing effluent and/or groundwater/surface water limitations associated with boron constituents at this time;
 - b. A description of salinity reduction/elimination measures that the discharger has undertaken as of the date of application, or a description of a boron-based watershed management plan and progress of its implementation;
 - c. A description of any drought impacts, irrigation, water conservation and/or water recycling efforts that may be causing or cause the concentration of boron to increase in the effluent, discharges to receiving waters, or in receiving waters;
 - c. Copies of any documents prepared and certified by another state or local agency pursuant to Public Resources Code section 21080 et seq.; or, such documents as are necessary for the Regional Water Board to make its decision in compliance with Public Resources Code section 21080 et seq.
 - d. Documentation of the applicant's active participation in the long-term salinity management strategy as indicated by a letter of support from CV-SALTS.
 - e. A detailed plan of how the applicant will continue to participate in CV-SALTS and how the applicant will contribute to the development and implementation of the SNMPs.