

**Nitrate Control Program
Key Issues to Resolve
November 9, 2017**

Issue	Comment/Question	Additional Information for Consideration	Executive Policy Committee Recommendation
<p>Determination of Assimilative Capacity for Path A Permittees</p>	<p>Should availability of assimilative capacity be measured in</p> <ul style="list-style-type: none"> (1) Shallow Zone (?) (2) First Encountered Groundwater (FEG) (i.e., underlying groundwater)(?) <p>If shallow zone, how is it defined?</p> <ul style="list-style-type: none"> - Upper 10% of upper zone, - Upper portion of upper zone where domestic water supply wells exist - Typical distribution of domestic wells in the basin <p>Is there a default for FEG (based on available GW data) with option to use shallow if permittee requests use of shallow and makes a demonstration that is consistent with definition?</p>	<p>See LSCE figures and explanation at Executive Policy Committee Meeting</p>	
<p>Determining Potential Use of Assimilative Capacity over a 20-year period</p>	<p>How is such a calculation made?</p> <p>Is it a complex model or simple spreadsheet calculation?</p> <p>Is it used only as an estimation for categorizing</p>		

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	the discharge under Path A but not necessarily to determine ongoing compliance as it would be too difficult to track and discern?		
Evaluation of impacts to down-gradient areas	<p>Is this a general evaluation at the time of application to determine if the Management Zone boundary is appropriate?</p> <p>If Management Zone boundary is appropriate, are activities and actions moving forward for implementation of the Management Zone then based on actions within the Zone?</p>		
Definition for Zone of Contribution over 20 year planning horizon	<p>How is it defined?</p> <p>How is it determined?</p>		
Recycled Water	<p>Comment: Need to be sure to avoid creating disincentives for recycled water projects.</p> <p>A blanket exception for recycled water projects should be considered; and/or procedures for processing projects with de minimis impacts should be streamlined.</p>	<p>Is a blanket exception even legally feasible?</p> <p>How does the Regional Board implement Nitrate Control Program requirements for recycled water projects that are permitted under the State's General Order?</p>	
Issuance of new WDRs in Priority II or non-prioritized groundwater basins	Comment: Management zone may not be in development, which leaves only Path A for new/amended WDRs in these areas.	<p>Considerations:</p> <ol style="list-style-type: none"> 1) Regional Board efficiency of resources; 2) Difference in equities between existing 	

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	<p>Accordingly, should new dischargers or expanding dischargers be subject to Nitrate Control Program requirements in advance of existing dischargers in same area?</p> <p>Should Nitrate Control Program requirements only apply to new or expanded discharges of Nitrate?</p>	<p>dischargers and new dischargers;</p> <p>3) By default, means that new dischargers must meet more stringent/conservative requirements.</p>	
Special Permitting Procedures for those Outside the Valley Floor	<p>Comment: Need to add special permitting procedures for permittees outside of the valley floor.</p>	<p>What would these special permitting procedures consist of?</p> <p>Do we limit application of the Nitrate Control Program to the valley floor, or identified groundwater basins/sub-basins (i.e., those basins/sub-basins were relevant)?</p>	
Timing of Requirements	<p>Comment: Time allowances for MZs to form and perform required functions is overly optimistic.</p> <p>Can there be longer lead times for implementing Early Action Plans (currently needs to start in 60 days)?</p>		
Triggers	<p>Should they be referred to as “action levels” rather than triggers?</p>		
Non-Prioritized Basins/Subbasins	<p>Rather than including list in the Basin Plan, should it be an appendix? (List may include an estimated 150 GW basins)</p>		