

**EXCEPTIONS POLICY FOR WASTE DISCHARGES TO GROUNDWATER AND/OR NON-NPDES SURFACE WATERS**

Basin Plan Elements	No Action Alternative	SNMP Recommendations	Alternative/Modified Recommendations	Notes	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>General</b></p> <p>1. Goal/Purpose</p>	<p>Exception Policy allows for an exception to meeting salinity WQOs while the Salt and Nitrate Control Program is being developed.</p> <p>Board shall consider including interim performance-based effluent limitations or groundwater limitations that provide reasonable protection of receiving water or groundwater.</p>	<ul style="list-style-type: none"> <li>Exception Policy allows for an exception to meeting WQOs for salinity and nitrate where it is infeasible, impracticable or unreasonable to prohibit 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</li> <li>Exceptions are intended to facilitate long-term attainment of water quality objectives under the Salt and/or Nitrate Control Program or to provide the time needed to revise an inappropriate or inapplicable water quality objective or beneficial use designation</li> </ul>	<p><u>Modifications to the SNMP Recommendation:</u></p> <ul style="list-style-type: none"> <li>It is reasonable to grant exceptions to the discharge requirements related to the implementation of water quality objectives for salinity, nitrate and boron if the permittee is actively participating in the implementation of the long-term Salinity 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.</li> <li>Exceptions are intended to facilitate long-term attainment of water quality objectives under the Salt and/or Nitrate Control Program or to provide the time needed to revise an inappropriate or inapplicable water quality objective or beneficial use designation</li> <li>The Regional Board will set interim performance-based requirements when the exception is authorized</li> </ul>		
	<p>2. Permit types</p>	<p>Applies to non-NPDES dischargers of surface water and discharges to groundwater</p>	<p>No change, but clarify that an exception may be requested by individual dischargers or collective dischargers through a management zone, by a third party group on behalf of its members or other forms of collective groups of dischargers recognized by the Board</p>	<p><u>Alternative:</u> No change, but clarify that an exception may only be applied on a permit-by-permit basis, not to a management zone.</p>	
	<p>3. Constituents that apply</p>	<p>Salinity – which includes EC, TDS, chloride, sulfate and sodium</p>	<p>Nitrate which includes total inorganic nitrogen (TIN), total kjeldahl nitrogen (TKN), etc.</p> <p>Recognize that policy does not prevent considering authorization of exception for boron.</p>	<p><u>Alternative:</u> Specifically include boron in the Exception Policy along with salinity and nitrate as recommended by the SNMP</p> <p><u>Alternative:</u> Include Nitrate plus Nitrate as part of the Nitrate constituents</p>	<p>CEQA required as part of the boron application process</p>

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<p style="text-align: center;">General</p> <p>4. Term</p>	<p>Term not to exceed 10 years</p>	<p>Terms generally shall not exceed 10 years, however the Board can adopt an exception longer than 10 years given demonstration of achieving management goal. The Board has authority to reauthorize (renew) an exception. Length shall be determined by the Regional Board.</p> <p>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.</p>	<p><u>Modification to the SNMP Recommendation:</u>            Term not to exceed 50 years unless the Board finds that management practices implemented under the exception has resulted in significant and measureable improvements in water quality. 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 may only exceed 50 years if the management practices under the exception is resulting in significant and measurable improvements in water quality.</p> <p>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.</p> <p><u>Alternative</u>            Term not to exceed 50 years</p> <p><u>Alternative:</u>            Retain existing 10-year limit for exception term but allow exceptions to be renewed at 10-year intervals with no end date</p> <p><u>Alternative</u>            Term not to exceed 10-years with up to three renewals</p>	

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General	5. General Expectations for applicants	Permittee must be actively participating in CV-SALTS	<ul style="list-style-type: none"> <li>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</li> <li>Dischargers are expected to continue making "best efforts" to comply with applicable WDRs</li> <li>Dischargers will be required to periodically reassess BMPs and survey available treatment technologies to determine if feasible, practicable and reasonable compliance options have become available</li> <li>Where exceptions are sought to provide time to develop and approve a new WQ standard (uses and/or objectives), there must be a well-defined work plan and commitment by dischargers to provide the needed resources</li> <li>Where existing WQ standards are unlikely to change, dischargers must explain how exception facilitates the larger long-term strategy designed to ultimately attain those standards while allocating resources to address more urgent water quality priorities</li> </ul>	<u>Modifications to SNMP Recommendations</u> Keep all of the bulleted recommendations except the second one pertaining to "best efforts"	
	6. Status Report	No language provided	Board will require dischargers to prepare a status report every 5 years summarizing compliance	<u>Alternative:</u> <ul style="list-style-type: none"> <li>Participation in a mitigation fund or other mitigation program that fully mitigates impacts to drinking water.</li> <li>Participation in a program that restores the aquifer to meet water quality objectives within 50 years.</li> </ul>	
	7. Sunset Date	No new exceptions or reauthorizing previously approved exceptions after <b>June 30, 2019</b>	Remove the June 30, 2019 sunset date		

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Exception Application Provisions Specific to Salinity	1. Salinity Reduction	Salinity Reduction Study Work Plan: <ul style="list-style-type: none"> <li>• Data on current influent and effluent concentrations</li> <li>• Identification of sources</li> <li>• Description of current plans to reduce/eliminate sources</li> <li>• Preliminary identification of other potential sources</li> <li>• Proposed schedule for evaluating sources</li> <li>• Proposed schedule for identifying and evaluating potential reduction, elimination and prevention methods</li> </ul>	Exceptions Policy should be modified to match the requirements relevant to implementing the SNMP management goals	<u>Modification to SNMP Recommendation:</u> <ol style="list-style-type: none"> <li>1. When granting and 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 in the Alternative Salinity Permitting Approach as specified under the Salinity Control Program</li> <li>2. 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:               <ol style="list-style-type: none"> <li>a. A description of any drought impacts, irrigation, water conservation, and water recycling efforts that may be causing or cause the concentration of salinity to increase in effluent, discharges to receiving waters, or in receiving waters.</li> </ol> </li> </ol>	
	2. Watershed Management	Salinity-based Watershed Management Plan: <ul style="list-style-type: none"> <li>• Physical conditions that affect surface water or groundwater</li> <li>• Management plan strategy to reduce or control known sources</li> <li>• Monitoring methods</li> <li>• Data evaluation</li> <li>• Schedule for reporting management plan progress</li> </ul>			
	3. CEQA documents	Regional Board may require applicant to prepare CEQA documents or may use documents prepared and certified by another state or local agency that addresses the potential environmental impacts associated with the project and the granting of an exception			
	4. Application requirements	Application must include: <ul style="list-style-type: none"> <li>• Explanation/justification of why exception is necessary and why limitations cannot be met</li> <li>• Description of reduction/elimination measures taken to date or description of salinity-based watershed management plan and progress of implementation</li> <li>• Description of drought impacts, irrigation, water conservation and/or water recycling efforts that may be causing or cause the concentration of salinity to increase in effluent, discharges to receiving waters, or in receiving waters.</li> <li>• Copies of any documents related to Public Resources Code section 21080 et seq.</li> <li>• Documentation of the applicants active participation in CV-SALTS</li> <li>• A detailed plan of how applicant will continue to participate in CV-SALTS and contribute to the development and implementation of SNMPs</li> </ul>			

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Exception Application Provisions Specific to Nitrate	1. Safe, Clean Drinking Water	No language provided	<p>Exceptions Policy should be modified to match the requirements relevant to implementing the SNMP management goals</p>	<p><u>Modification to SNMP Recommendation:</u>            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).</p>	
	2. Application requirements	No language provided	<p>Exceptions for nitrate will not be considered unless an adequate supply of clean, safe, reliable and affordable drinking water is available for those living in the area adversely affected by the non-compliant discharge(s). Said availability must take the form of a detailed work plan, schedule of milestones, and financial commitments to provide interim and permanent alternative water supplies. Performance bonds may be required to assure timely implementation.</p>	<p>Application must include:</p> <ul style="list-style-type: none"> <li>• Explanation/justification of why exception is necessary and why limitations cannot be met</li> <li>• Description of alternative compliance project(s), Early Action Plan or other implementation measures that applicant will implement or participate in consistent with the Nitrate Permitting Strategy.</li> <li>• Copies of any documents related to Public Resources Code section 21080 et seq.</li> <li>• 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.</li> <li>• Documentation of the applicants active participation in CV-SALTS</li> <li>• A detailed plan of how applicant will continue to participate in CV-SALTS and contribute to the development and implementation of SNMPs</li> </ul>	

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Exception Application Provisions	1. Boron Reduction	No language provided	No boron-specific language provided	<p>Alternative:</p> <p>For obtaining an initial exception:</p> <ul style="list-style-type: none"> <li>Long-term management plans show improved water quality trends over a 10 and 20 year horizon.</li> <li>Long-term management plans show salt/nitrate balance and restoration of aquifer to meet water quality objectives in a short a time as practicable, but not to exceed 50 years.</li> </ul> <p>For obtaining renewal of exceptions:</p>	
				<ul style="list-style-type: none"> <li>Demonstration that short-term drinking water solutions were effectively implemented.</li> <li>Demonstration that mitigation fund / alternative drinking water projects have been effective and identification of additional actions, if needed.</li> <li>Demonstration that aquifer restoration / mitigation projects have been effective and identification of additional actions, if needed.</li> </ul>	
				<ul style="list-style-type: none"> <li>Long-term management plans show improved water quality trends over: 1) a 10 and 20 year horizon at first and second renewal; 2) a 20 year horizon at third and fourth renewals.</li> <li>Long-term management plans show salt/nitrate balance and restoration of aquifer to meet water quality objectives in as short a time as practicable, but not to exceed: 1) 40 years at first renewal, 2) 30 years at second renewal, 3) 20 years at third renewal, 4) 10 years at fourth renewal.</li> </ul>	
				<p><u>Modification to SNMP Recommendation:</u></p> <p>Boron Reduction Study Work Plan:</p> <ul style="list-style-type: none"> <li>Data on current influent and effluent concentrations</li> <li>Identification of sources</li> <li>Description of current plans to reduce/eliminate sources</li> <li>Preliminary identification of other potential sources</li> <li>Proposed schedule for evaluating sources</li> <li>Proposed schedule for identifying and evaluating potential reduction, elimination and prevention methods</li> </ul>	

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2. Watershed Management	No language provided	No boron-specific language provided	Boron-based Watershed Management Plan: <ul style="list-style-type: none"> <li>Physical conditions that affect surface water or groundwater</li> <li>Management plan strategy to reduce or control known sources</li> <li>Monitoring methods</li> <li>Data evaluation</li> <li>Schedule for reporting management plan progress</li> </ul>	
3. CEQA documents	No language provided	No boron-specific language provided	Regional Board may require applicant to prepare CEQA documents or may use documents prepared and certified by another state or local agency that addresses the potential environmental impacts associated with the project and the granting of an exception	
Exception Application Provisions Specific to <u>Boron</u>	No language provided	No boron-specific language provided	Application must include: <ul style="list-style-type: none"> <li>Explanation/justification of why exception is necessary and why limitations cannot be met</li> <li>Description of reduction/elimination measures taken to date or description of boron-based watershed management plan and progress of implementation</li> <li>Description of drought impacts, irrigation, water conservation and/or water recycling efforts that may be causing or cause the concentration of salinity to increase in effluent, discharges to receiving waters, or in receiving waters.</li> <li>Copies of any documents related to Public Resources Code section 21080 et seq.</li> <li>Documentation of the applicants active participation in CV-SALTS</li> <li>A detailed plan of how applicant will continue to participate in CV-SALTS and contribute to the development and implementation of SNMPs</li> </ul>	