

Program for Control and Permitting of Salinity Discharges

	Basin Plan Element	No Action Alternative	SNMP Recommendation	Alternative Recommendations	Notes
General – Salt Control Program	1. Goals	<p>Sac R/SJR Basin Plan: Discharges must meet WQO to protect beneficial uses.</p> <p>Tulare Lake Basin Plan: Establishes a policy to allow for controlling the rate of increase of salinity (“managed degradation”).</p> <p>Both basin plans must meet antidegradation requirements.</p>	<p>Goals:</p> <ol style="list-style-type: none"> Control the rate of degradation (“managed degradation”) Achieve long-term sustainability (salt balance) where feasible, practicable and reasonable. Protect beneficial uses by meeting applicable WQOs and applying appropriate antideg concerns. 	Add clarification to SNMP recommendations.	
	2. Timeline	No phases	3-Phased Salinity Control Program with a duration of 10-15 years for each phase. Completion date for any phase may be changed by Executive Officer.		
	3. Compliance	Individual Permit – Source Control	<p>A) Salinity Compliance Pathways:</p> <p>Participate in Central Valley-wide Salinity Management Effort</p> <ol style="list-style-type: none"> Participate in P&O Study (“Alternative Pathway”): compliance through implementation of specific requirements during one or more phases. Opt out of P&O Study (“Compliance Pathway”): compliance through implementation of existing regulatory structure that focuses on source control. 		
		Not Applicable	<p>B) Salinity Compliance Selection:</p> <p>Default pathway would be to participate in P&O Study (“Alternative Pathway”), but dischargers can opt out (“Conservative Pathway”).</p> <p>Pathway Selection Changes:</p> <p>SNMP is “silent” on whether the discharger can switch pathways once a decision is made.</p>	<p><u>Alternative:</u></p> <p>Default pathway would be to participate in Conservative Pathway, but dischargers can opt into Alternative Pathway.</p> <p><u>Alternative:</u></p> <p>Permittees can switch pathways <u>in between</u> phases. Failure to comply with making a pathway selection may result in an enforcement action.</p>	

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<u>General – Salt Control Program</u>				<p>Alternative: Permittees can move to a different pathway in between <u>and during</u> phases if meet specific requirements</p>	
	Compliance	Not Applicable	<p>C) Notification and timeline to determine method of compliance:</p> <p>Specific deliverables and timelines were not described in SNMP.</p>	<p>Alternative: <i>Notice to Comply</i> – Issued by Regional Board <u>within one year</u> of effective date <i>Decision to Board</i> - <u>Within 6 months</u>, existing permittees shall notify the Board of its decision on Conservative or Alternative approach.</p> <p>Conservative Pathway: Discharger will submit to Regional Board an assessment of how their existing discharge will comply with conservative requirements along with the confirmation of their pathway decision. If Regional Board does not concur with the findings in the assessment, it will request a Report of Waste Discharge with a deadline for submittal. New or modified discharges subject to the same stipulations at the time of application.</p> <p>Alternative Pathway: Discharger will submit to Regional Board documentation of required financial or in-kind support of the P&O study along with confirmation of their pathway selection. New or modified discharges subject to the same stipulations. Failure to meet the minimum level of financial or in-kind support may result in requirements for the discharger to comply with the Conservative Permitting Approach.</p> <p>New or modified discharges subject to the same stipulations at the time of application.</p>	
	4. Prioritization	Individual permits – no prioritization	All Central Valley permitted dischargers of salt	<p>Alternative: Phase I focus on Valley Floor</p>	

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General – Salt Control Program				Alternative: Phase I focus on groundwater basins with elevated salinity.	
	5. Discharges to water body subject to beneficial use de-designation	No permit limitations based on de-designated use.	No recommendation	Permittee(s) that discharge to a surface/groundwater basin where one or more beneficial uses were de-designated shall participate in P&O Study and long-term Central Valley Salinity Management. Permittee(s) that requests the de-designation of one or more beneficial use based on salinity concentrations shall participate in P&O Study and long-term Central Valley Salinity Management.	
	6. Managed Degradation	Tulare Lake Basin Plan: “Managed degradation” by regulating both maximum increase concentration attributable to consumptive use and maximum average annual increase in groundwater salinity on a basin-specific basis. Maximum EC shall not exceed quality of source water plus 500 umhos/cm.	Remove “managed degradation” limitations in Tulare Lake Basin Plan.		
	7. Interim Permitting Approach	Revise/renew existing WDRs/Conditional Waivers, and NPDES permits. Set permitting approach for 15 years for Conservative or Alternative.			

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Phase 1—Conservative Pathway/Opting out of P&O Study	1. Salinity Management under each compliance pathway	Permits required to have Salt Minimization Plans which may include pretreatment, source control and pollution prevention practices in addition to meeting discharge limits to protect beneficial uses.	<ul style="list-style-type: none"> • Conservative limits for protection of AGR and MUN • No new allocation/expansion of assimilative capacity • Limited Time Schedules • NPDES permittees demonstrate no reasonable potential in discharges • Not eligible for exception/variance 	<u>Modification to SNMP recommendation:</u> <ul style="list-style-type: none"> • <u>Limit</u> new allocation/expansion of assimilative capacity 	
	2. Interpreting Narrative and Numeric Water Quality Objectives	<p>Narrative WQOs have generally been interpreted if SSOs do not exist.</p> <p>AGR and MUN are usually the most broadly impacted beneficial uses from elevated salt concentrations. AGR protection relies on a narrative WQO. Title 22 SMCLs tables (with numeric ranges provided for salinity) are incorporated into the Basin Plans for the protection of MUN.</p> <p>Explicit references to applying a 700 EC as conservative interpretation of the narrative AGR WQO and the Recommended SMCL of 900 EC for MUN are <u>NOT</u> included in existing basin plan language.</p>	<p>Where site specific objectives (SSOs) do not exist, the following conservative interpretation of WQOs will be used.</p> <p>700 µS/cm EC for AGR 900 µS/cm EC for MUN</p>	<u>Additional clarification to SNMP recommendation:</u> <p>The following numeric values will be considered protective of the associated beneficial use.</p> <p>For non-NPDES surface water / Groundwater: 700 µS/cm EC for AGR – 30 day running average 900 µS/cm for MUN – annual average</p> <p>For NPDES surface water: 700 µS/cm EC for AGR – monthly average 900 µS/cm for MUN – annual average</p>	
	3. Setting Permit Provisions	<p>Continued implementation of current permit provision practices/policies.</p> <p>Measure compliance in effluent and/or surface receiving water or groundwater.</p>	<ol style="list-style-type: none"> 1) Define shallow groundwater 2) Apply in effluent 3) Apply in effluent and/or receiving water as is current practice—re-evaluate under P&O Study. 	<u>Alternative:</u> <p>Continue current implementation provisions to determine where to measure compliance.</p> <u>Alternative:</u> <p>For surface water and groundwater: limitations based on WQO that protects the most sensitive beneficial use and is consistent with the Antidegradation Policy.</p>	
	4. Assimilative Capacity	Allocation of Assimilative Capacity will continue to be considered per current regulatory practices/policies.	No new or expanded allocation of Assimilative Capacity. However, if discharger has previously received allocation of Assimilative Capacity, Board may continue it if still appropriate.	<u>Modification to SNMP Recommendation:</u> <p>Limit new or expanded allocation of Assimilative Capacity. However, if discharger has previously received allocation of Assimilative Capacity, Board may continue it if still appropriate.</p>	

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Phase 1 – Conservative Pathway/Opting out of P&O Study				Board may continue previously-approved mixing zone subject to provisions under Assimilative Capacity.	
	5. Eligibility of Variances/ Exceptions	There will be no new or renewed salinity exceptions/variances after 30 June 2019.	Permittees will NOT be eligible for a variance or exception	<u>Specification to SNMP Recommendation:</u> For, groundwater and non-NPDES surface water discharges, permittees will not be eligible for an exception. For NPDES surface water discharges, permittees will not be eligible for a variance.	
	6. Time Schedules	Time Schedule Orders will continue to be considered per current regulatory practices/policies.	Limited use of Time Schedules and for minimal time periods, subject to Board discretion. Discharger should be allowed no more than 5 years for meeting a restrictive salinity limitation.	<u>Alternative:</u> Remove 5 years specification from SNMP recommendation.	

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Phase 1 – Alternative Pathway/ Participating in P&O Study	1. Salinity Management under each compliance choice	Permits required to have Salt Minimization Plans which may include pretreatment, source control and pollution prevention practices.	Participate in Central Valley-wide Salinity P&O Study.		
	2. Funding and Oversight	Not Applicable	All (or almost all) dischargers of salinity help fund the P&O Study. Others that benefit from the control of Central Valley salinity should also assist in funding. Lead entity (i.e., Central Valley Salinity Coalition [CVSC]) will oversee the appropriate level of financial participation of dischargers and others.		
	3. Setting Permit Provisions		<ul style="list-style-type: none"> Confirmed participation in P&O study is required. Using performance-based limits, maintenance of existing salinity concentration or load will be considered in compliance and eligible for salinity exception/variance. Continuation of reasonable, feasible and practicable efforts to control salinity such as pollution prevention practices and watershed and/or salt reduction plans. Monitor for salinity in surface and groundwater as part of existing monitoring programs or through regional monitoring programs. For NPDES dischargers, when permits are renewed on their normal 5-year cycle, the Board consider approval of a salinity variance per Salinity Variance Policy. 	<u>Additional Clarification to SNMP Recommendation:</u> Participation in and progress of the P&O Study satisfies requirements for a conditional exception to salinity limits.	
	4. Assimilative Capacity	Allocation of Assimilative Capacity will continue to be considered per current regulatory practices/policies.	SNMP is “silent” on this component.	The Board may consider granting use of assimilative capacity by allowing for a mixing zone and dilution credits.	
	5. Eligibility of Variances/ Exceptions	There will be no new or renewed salinity exceptions/variances after 30 June 2019.	Participants may be eligible for exception/variance per the requirements of the Exception and Variance Policies.	<u>Specification to SNMP recommendation:</u> Groundwater and non-NPDES surface water discharges are eligible for exception. NPDES surface water discharges are eligible for variance.	

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Phase 1 Alternative Pathway/ Participating in P&O Study	6. Time Schedules / Compliance Schedules	Time Schedule Orders will continue to be considered per current regulatory practices/policies.	SNMP is "silent" on this component.	<u>Alternative:</u> If permittees has TSO that expires prior to completion of Phase I, the Board may use discretion to extend.	
	7. Key milestones outline for P&O Study	Not Applicable	<ul style="list-style-type: none"> • Stakeholder Coordination • Strategic Planning • Governance • Funding • Prioritization & Salinity Management Analyses • Conceptual Design of Salt Management Project • Special Studies <p>Milestones will take approximately 10 years. Extensions subject to EO discretion.</p>	<u>Specification to SNMP recommendation:</u> Schedule from Notice of Comply (note that bold = new addition): <ul style="list-style-type: none"> • Phase I Workplan – 6 months • Phase I Funding & Governance Plan – within 12 months • Special Studies – per workplan • Annual Progress Report – 12 months from workplan approval and annually thereafter • Interim Project Report – 5 years • Long-term Governance Plan for Phase II & III – 9 years • Long-term Funding Plan for Phase II and III – 9 years • Basin Plan Amendment Recommendations – 9 years Final Project Report – 10 years	
				<u>Specification to SNMP recommendation:</u> Same as above, but change "Annual Progress Reports" to "Periodic Reports"	

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Phase 2 & 3 Conservative Pathway/Opting out of P&O Study	1. Permitting Approach	Not Applicable	To be determined- Based on Phase 1 and 2 findings, respectively.	<p><u>Additional clarification to SNMP Recommendation:</u> Board will use findings and results from Phase I to re-evaluate the Conservative and Alternative Approaches. Based on the re-evaluation, the Board may modify Phase I permitting requirements prior to initiation of Phase II.</p> <p>Board will notify permittees of Phase II. Permittees have 180 days to submit a change in compliance approaches.</p> <ul style="list-style-type: none"> - Change from Conservative to Alternative will submit and comply with requirements of Alternative Approach. - Continuation of same approach but Board revised approach: submit assessment of compliance with revised requirements <p><u>Alternative:</u> Remove 180 day specification and process after notification.</p>	

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Phase 2 & 3 –Alternative Pathway / Participating in P&O Study	1. Permitting Approach	Not Applicable	<p>Phase 2: Continued participation via Project Development and Acquisition of Funds for projects identified in P&O study</p> <p>Phase 3: Continued participation via support of project implementation.</p>	<p><u>Additional clarification to SNMP Recommendation:</u> Board will use findings and results from Phase I to re-evaluate the Conservative and Alternative Approaches. Based on the re-evaluation, the Board may modify Phase I permitting requirements prior to initiation of Phase II.</p> <p>Board will notify permittees of Phase II. Permittees have 180 days to submit a change in compliance approaches.</p> <ul style="list-style-type: none"> - Change from Alternative to Conservative will submit and comply with requirements of the Conservative Approach. <p>Continuation of same approach shall demonstrate that it has provided minimum required Phase II level of financial or in-kind support.</p> <p><u>Additional clarification to SNMP Recommendation:</u> Same as above but remove “in-kind support”</p> <p><u>Alternative:</u> Remove 180 day specification and process after notification</p>	

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<u>Recommendations to Other Agencies</u>			<p>Recommends State Water Board to revise and implement the Bay-Delta Plan in a manner consistent with SNMP and Salinity Management Strategy.</p> <p>Amendment to Basin Plan to recognize impact of other local, state, and federal agency actions.</p> <p>Recommendations for how these agencies should interact and be part of the Salinity Management Strategy.</p>		