

Key Changes to Proposals Between January Workshop and March 22 Staff Report

Nitrate Control Program

1. Path A: Definition of “Shallow Zone” for Discharge Categories (Table N-3)

Workshop Discussion: To determine applicable category, assessment required evaluation of impact of discharge on nitrate concentrations on groundwater in the “Shallow” Zone.

March 22 Proposal: Provides three options to calculate average nitrate concentration in the Shallow Zone.

2. Path A: Category 3 Evaluation (Table N-3: Degradation Below Trigger Level)

Workshop Discussion: The evaluation included two trend demonstrations: (a) Discharge occurs in a basin where concentrations in the volume-weighted Upper Zone are below an acceptable annual increase over a 5-year period; (b) Discharge will not cause nitrate concentrations in the Shallow Zone to exceed 75% nitrate trigger over a 20-year planning horizon.

March 22 Proposal: Removed requirement to evaluate (a) 5-year trend for Upper Zone.

3. Path B: Request for Exception to Meeting Nitrate Water Quality Objective

Workshop Discussion: N/A

March 22 Proposal: New language added and proposal modified to clarify linkage between a Management Zone and application for an Exception: A complete Management Zone Implementation Plan meets the Exception application requirements for nitrate.

4. Path B: Management Zone Implementation Plan Process

Workshop Discussion: Board would provide public notice, request comment and hold a public hearing on a Management Zone Implementation Plan within a “reasonable time period” after finding that a proposed plan or modified plan is complete.

March 22 Proposal: “Reasonable time period” defined as “not longer than six months”.

5. Path A or B: Alternative Compliance Project (ACP) Guidelines

Workshop Discussion: Incorporated guidelines into Chapter 4 of Basin Plans.

March 22 Proposal: Moved ACP guidelines to Appendix H in the Staff Report.

Salt Control Program

1. Alternative Permitting Approach: Exception Eligibility

Workshop Discussion: For groundwater/non-NPDES discharges proposal stated that permittees eligible for salinity exception.

March 22 Proposal: (a) Permittees that meet requirements of this approach are in compliance with salinity limits; (b) Exceptions Policy revised to clarify not required during Phase I.

2. Assessment Requirement (Conservative Approach)

Workshop Discussion: Permittees that elect this approach are required to submit assessment of how it will comply with the conservative permit requirements.

March 22 Proposal: Assessment requirement clarified to allow use of historic water quality information where that information adequately represents current conditions (discharge and receiving water).

3. AGR Use Protection (Conservative Approach)

Workshop Discussion: Proposal states that the Board intends to apply a conservative numeric criterion of 700 $\mu\text{S}/\text{cm}$ EC as a monthly average (where no site-specific criterion has been established).

March 22 Proposal: Clarified that the 700 $\mu\text{S}/\text{cm}$ EC is a conservative value for use under the Conservative Permitting Approach and shall not be considered a water quality objective.

4. Shallow Zone (Conservative Approach)

Workshop Discussion: Receiving water compliance determined using shallow groundwater.

March 22 Proposal: Proposed text removed; each program will continue to utilize current compliance approach during Phase I.

5. Chapter III Tulare Basin Plan – Salinity Objectives

Workshop Discussion: No modifications proposed.

March 22 Proposal: Proposed removal of Table III-4 and Figure III-1 (salinity limits for specific Hydrographic Units).

6. Chapter IV Tulare Basin Plan – Salinity Implementation

Workshop Discussion: No modifications proposed.

March 22 Proposal: Proposed revision of following sections to remove reference to EC and chloride: (a) Discharges to Navigable Waters (pg. IV-10); (b) Discharges to Land (pg. IV-11); (c) Industrial Wastewater (pgs. IV-13, IV-14); (d) Oil Field Wastewater (IV-15).

Conditional Prohibition

No substantive changes

Variance Policy

No substantive changes

Exceptions Policy

1. Application Requirements Specific to Salinity

Workshop Discussion: Application requirements specific to salinity included (a) interim performance-based effluent or groundwater permit limits; (b) demonstration of active participation in Alternative Permitting Approach and, if appropriate, (c) drought/water recycling/water conservation information to support basis for exception request.

March 22 Proposal: Existing language replaced by paragraph that states that permittees compliant with the conditions of the Alternative Permitting Approach under the Salt Control Program are in compliance with their salinity limits under Phase I. Additional conditions for exceptions under Phases II and III of the Salt Control Program will be considered in the future.

2. Length of an Exception

Workshop Discussion: Board has the discretion to reauthorize an Exception but maximum length is 50 years: “*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.*”

March 22 Proposal: Board has the discretion to reauthorize an exception but maximum length can exceed 50 years if certain conditions are met: “*The Central Valley Water Board will have the authority to reauthorize (renew) an exception for one or more additional terms, the length of which shall be determined by the Central Valley Water Board but may only exceed 50 years if the management practices under the exception is resulting in significant, measurable and continuing improvements in water quality.*”

3. Application for an Exception for Nitrate

Workshop Discussion: NA

March 22 Proposal: Language added to clarify that the Management Zone Implementation Plan may substitute for an application for an Exception if it includes required information (same information included in Nitrate Control Program section).

4. Application for an Exception for Boron

Workshop Discussion: Paragraph (3) in that section stated that granting an Exception for boron was a discretionary action subject to the requirements of CEQA.

March 22 Proposal: Paragraph proposed for removal.

Offsets Policy

Pollutant Applicability

Workshop Discussion: Proposal stated that, “*Offsets shall be for substantially the same pollutant.*”

March 22 Proposal: Proposal states, “*Offsets shall be for the same pollutant.*”

Drought & Conservation Policy

March 22 Proposal: New paragraph added to provide purpose for the policy.

Secondary MCLs

1. Water Quality Objectives for Chemical Constituents – SW and GW

Workshop Discussion: Proposed deletion of reference to Tables in Section 64449: “*...and Tables 64449-A (Secondary Maximum Contaminant Levels -Consumer Acceptance Limits) and 64449-B (Secondary Maximum Contaminant Levels-Ranges) and of Section 64449.*”

March 22 Proposal: (a) Retained text proposed for removal; (b) added language stating some MCLs may not be appropriate for use as an untreated surface water objective without filtration or consideration of site-specific factors; (c) added text that compliance determined from annual average of sample results for surface water and groundwater supplied to user with long-term average concentration to determine ambient groundwater compliance; and (d) added reference to Drought & Conservation Policy.

2. Chapter 4 – Implementation

Workshop Discussion: Proposed to incorporate factors to be considered when developing a WDR in Chapter 4 of the Basin Plan.

March 22 Proposal: The proposed factors to be considered during WDR development have been moved to Appendix G of the Staff Report. Proposed addition of SMCL implementation text to section in Chapter 4, “Actions and Schedules to Achieve Water Quality Objectives”. The proposed text describes requirements for use of a filtered or unfiltered sample and potential development of translators.

Definitions & Terminology

Pending (Post March 22 Staff Report) – Removed definitions already defined in Water Code, e.g., pollution.

Surveillance & Monitoring Program

March 22 Proposal: New language (section not included in January Workshop materials)

Recommendations for Implementation to Other Agencies

March 22 Proposal: New language (section not included in January Workshop materials)

Agricultural Costs

March 22 Proposal: New language (section not included in January Workshop materials)

Potential Elements to Incorporate into Presentation to Respond to Board Comments at Workshop

- Shallow Zone evaluation under Path A
- Re-Prioritization of Priority Basins – Description of process to be used when Board staff re-evaluates priority basins or receives requests for change in priority
- Length of an Exception – Recognizing achieving nitrate goals may require longer than 50 years, proposal modified to allow Board discretionary authority to authorize an Exception for more than 50 years if certain conditions met (noted above)
- Secondary MCLs – Clarify that proposal reaffirms current practice; moved factors for consideration during development of WDRs to Staff Report to retain flexibility (will not require a Basin Plan amendment in the future) (noted above)
- Climate change – Comment on how proposal considers potential impacts from climate change

Additional Potential Issues

- EPA comments on Variance Policy