

Key Changes to Proposed Salt and Nitrate Control Program Between January Workshop and 22 March Staff Report (May 2018 Revisions Noted Where Applicable)

Over-Arching

- Clarified that overall program review will occur consistent with Salt Control Program review (every 10 to 15 years), with the initial review no more than 15 years from the effective date of the amendments.
- Emphasized the need for entities outside of the Central Valley who benefit from Central Valley water exports to participate in developing long-term solutions.

SALT CONTROL PROGRAM (Surface and Groundwater)

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 they will comply with the conservative permit requirements.

March 22 Proposal: Assessment requirement clarified to allow use of historical and/or representative 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 utilize a conservative numeric criteria 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 (effluent, receiving water and/or combination) during Phase I.

5. Salt Control Program – Phase I to Phase II Re-Evaluation

March 22 Proposal: NA

May 2018 Revisions: Clarified that the Central Valley Water Board will re-evaluate the Conservative and Alternative Salinity Permitting Approaches after completion of Phase I and before Phase II and shall consider convening a stakeholder group to assist in the re-evaluation.

6. 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).

7. Chapter IV Tulare Basin Plan – Salinity Implementation

Workshop Discussion: No modifications proposed.

March 22 Proposal: Remove reference to EC and chloride discharge limits to allow consistency with Salt Control Program.

May 2018 Revisions: Remove the 1.0 mg/L boron limit and replace it with the term “an applicable water quality objective for boron.” Replaced provisions regarding permitting of discharges of oil field wastewater that exceeds salinity and boron limits with: “*Discharges of oil field wastewater to unlined sumps, stream channels, or surface waters shall be regulated consistent with applicable laws, regulations and policies requiring the protection of beneficial uses in surface water and groundwater and the need to prevent nuisance conditions. Limits for the White Wolf subarea are discussed in the “Discharges to Land” subsection of the “Municipal and Domestic Wastewater” section.*”

NITRATE CONTROL PROGRAM (Groundwater)

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 under the Exceptions Policy.

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.

6. Permittees Requesting Deferral for a Sub-basin or Portion of a Sub-basin

March 22 Proposal: NA

May 2018 Revisions: Added subsection to allow requests for deferral of issuance of Notices to Comply for a sub-basin or portion of a sub-basin.

CONDITIONAL PROHIBITION

March 22 Proposal: No substantive changes

May 2018 Proposed Revisions: Clarified that the Conditional Prohibition will only apply from the time the permittee receives a Notice to Comply until such time that that the permittees’ existing waste discharge requirements are updated or amended through a public hearing to reflect requirements of the Salt and Nitrate Control Program, including incorporation of any proposed Alternate Compliance Project or Management Zone Implementation Plan.

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: Exception may only 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 are 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.*”

May 2018 Proposed Revisions: Proposal states, “*Offsets shall be for the same class of constituents.*”

DROUGHT AND CONSERVATION POLICY

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

SECONDARY MAXIMUM CONTAMINANT LEVELS (SMCLs)

1. Water Quality Objectives for Chemical Constituents

Workshop Discussion: Add clarifying language from Title 22 for use of Tables 64449-A and 64449-B.

March 22 Proposal: (a) 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; (b) 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 (c) 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.

May 2018 Proposed Revisions: Revised language to specify the use of 1.5 micron filter to remove Total Suspended Solids prior to analysis for aluminum, copper, manganese, silver, zinc, color and turbidity compliance determinations for receiving waters not exempt from surface water treatment requirements and for groundwater. Also added language that The Central Valley Water Board may adjust the filter size where necessary to accurately represent site conditions, based on submitted scientific evidence, public comment and consultation with the Division of Drinking Water, and may also require unfiltered samples be analyzed concurrently to assess general trends in receiving water quality, implement the state’s Antidegradation Policy (Res. No. 68-16), and evaluate potential downstream impacts.

DEFINITIONS AND TERMINOLOGY

May 2018 Proposed Revisions: Removed definitions already defined in Water Code, e.g., pollution. Added definitions for “Domestic Well” and “Salt Management Area”. Added “fixed dissolved solids” to salinity definition. Revised Figure X-1 and combined it with Figure X-2 as a legend.

SURVEILLANCE AND 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)

May 2018 Proposed Revisions: Added language that Groundwater Sustainability Agencies (GSAs) should participate in and support Management Zones developed under the Nitrate Control Program.

COST TO AGRICULTURE

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