

Table ES - 1. Description of Major Components of the Proposed Salt and Nitrate Control Program

Component	Description
<p>Salinity Control Program</p>	<p>The Salinity Control Salt Control Program recommends a process for moving forward with a three-phased long-term salinity management program. Each phase is anticipated to have a duration of 10-15 years.</p> <ul style="list-style-type: none"> Phase I: Salinity Prioritization and Optimization Study (P&O Study) to convert current conceptual management projects into feasibility studies Phase II: Project Development and Acquisition of Funds Phase III: Project Implementation/Construction of Physical Project (e.g. salt management areas; treatment facilities; regulated brine line) <p>Phase I includes adoption of a proposed Interim Salinity Permitting Approach for salinity dischargers permittees who discharge salt where-by they may select to be regulated under conservative, source control limits or opt into participating in the funding and development of the P&O Study. A third party entity made up of a coalition of regulated dischargers and other entities will manage and fund the P&O Study. Timelines and milestones are identified.</p>
<p>Prioritized Groundwater Basins for Nitrate Control Program Implementation</p>	<p>Scores were assigned to one square mile grids based on the ambient nitrate as nitrogen concentration in the Upper Zone, for each basin identified in the Central Valley Hydrologic Unit Model (Faunt, 2009)). Based on the aggregate score within the basin boundaries, the basins were prioritized for implementation of the Nitrate Control Program. Permitted dischargers to groundwater within Priority 1 basins will be notified within one year of the effective date of the amendments of their need to comply with the Nitrate Control Program. Dischargers-Permittees in Priority 2 basins will received notification within two to four years of the effective date. The remaining basins will be prioritized at the discretion of the Central Valley Water Board. The Central Valley Water Board will review the priorities no later than 1 January 2024 after considering water quality-based factors and other relevant information. Nothing in the program prevents interested parties from providing additional information and requesting a review of an area's priority.</p>
<p>Groundwater Management Zone Strategy (Nitrate Specific)</p>	<p>The Nitrate Control Program recommends that the Basin Plans be amended to allow and encourage management of nitrate through the establishment of management zones. In general, a management zone would consist of multiple dischargers-permittees and other local stakeholders working collectively to first ensure safe drinking water, then to manage nitrates to create a balance within the defined management area (where reasonable and feasible), and ultimately to develop and implement a long-term plan for restoration of</p>

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	groundwater (where reasonable, feasible and practicable) to meet applicable water quality objectives. Although the Basin Plans do not currently prevent the management of nitrates through the creation of management zones, the Program defines the characteristics, intent and purpose of a Management Zone as well required components for consideration of approval by the Central Valley Water Board.
Nitrate Control Program	The Nitrate Control Program provides two pathways for compliance for permitted discharges to groundwater. Pathway A is for individual dischargers-permittees and sets conservative limitations for source control. Requirements are based on categories that take into account nitrate concentrations in the discharge as well as in the Shallow Zone of the aquifer. Pathway B is for dischargers-permittees proposing to be regulated under a Management Zone. Both Pathways have their own specific milestones and timelines. However, both Pathways require the development of an Early Action Plan (EAP) to identify means of providing short term safe drinking water supplies to users impacted by nitrate concentrations in their groundwater source which falls within the discharger's-permittee's zone of contribution. When needed, both Pathways also require development of an alternate compliance project to allow continued discharge into an-a threatened or impaired groundwater basin while the discharger-permittee develops a long-term solution to ensure safe drinking water and move toward balanced loading and restoration. The Control Program includes guidance on the minimum requirements for an alternative compliance project which relies in part on the Conditional Exceptions Policy (discussed below).
Conditional Prohibition	A Conditional Prohibition will apply to all dischargers-permittees of-discharging salt and nitrate, except dischargers-permittees regulated under the Board's Irrigated Lands Regulatory Program (ILRP) and potentially other General Orders, 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. The Central Valley Water Board will consider updating ILRP General Orders within 18 months of the effective date of the amendments. Conditions will include meeting Control Program requirements including meeting timelines for response to notice-Notices to comply <u>Comply</u> , selection of permitting pathway, submittal of justification for pathway selection, implementation of Early Action Plans when needed, and submittal of any needed Alternate Compliance Project or Management Zone Proposal and associated Implementation Plan.
Surveillance and Monitoring	The goals of the Salt and Nitrate Monitoring Program are to :- assess the effectiveness of the Control Program; develop statistically defensible-representative ambient water quality determinations and trends; and maximize the use of existing monitoring programs. Information gathered will be consolidated and evaluated by the entity leading the P&O Study <u>monitoring study</u> . Within one two years of the effective date of the Salinity-Salt and Nitrate Control Program, the lead entity will submit a Work Plan and a Quality Assurance Project Plan for Central Valley Water Board approval. Dischargers-of <u>Permittees with</u> salt and-or nitrate <u>discharges</u> must either gather needed information required by the plan for their area of contribution and provide the information to the lead entity in a readily available format or must demonstrate their support for the lead entity to gather needed information by submitting a letter of confirmation <u>documentation of such support</u> from the lead entity. An assessment of ambient water quality and trends and a review of the extent that the Nitrate Control Program facilitated the provision of safe drinking water supplies <u>overall progress of the Salt and Nitrate Control Program based on water quality trends</u> will be completed at least once every 5-years <u>or other time schedule is approved by the Central Valley Water Board</u> .

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<p>Variance Policy</p>	<p>The existing conditional Salinity Variance Program applies to salinity water quality standards for the following constituents: electrical conductivity, total dissolved solids, chloride, sulfate and sodium, and was developed to allow dischargers to continue to meet performance based standard while supporting the CV-SALTS initiative. The current Salinity Variance Program prohibits the Central Valley Water Board from approving any salinity variance after June 30, 2019, because it was intended that any extension, or permanent, long-term Salinity Variance Program should be developed through the CV-SALTS process and that stakeholders needed to make appropriate recommendations for such a policy in the SNMP. The Salt and Nitrate Control Program recommends that the Salinity Variance Program be extended for an additional 15 years to allow dischargers-permittees to participate in the P&O Study. Dischargers-Permittees who do not participate <u>in the P&O Study</u> are not eligible for a <u>salinity</u> variance.</p>
<p>Exceptions Policy</p>	<p>The existing Salinity Exceptions Policy that only applies to TDS/EC, chloride, sulfate and sodium, prohibits the Central Valley Water Board from authorizing new exceptions or reauthorizing previously approved exceptions after June 30, 2019. This Salt and Nitrate Control Program recommends revising the existing Exceptions Policy by amending the Basin Plans to (a) add nitrate to the list of chemical constituents for which the Central Valley Water Board may authorize an exception; (b) expand/revise conditions or authorization of an exception to reflect the requirements of the Salt and Nitrate Control Program (<u>no exception needed if meeting Phase I Alternative Salinity Compliance participation in the P&O Study requirements</u> and implementation of an approved alternate <u>nitrate</u> compliance project, respectively); (c) remove the existing sunset provision that prohibits the granting of exceptions beyond June 30, 2019; and (d) delete the current provision limiting the term of an exception to no more than 10 years and add a new provision stating that when authorizing an exception, the Central Valley Water Board shall generally not exceed a term of 10-years but may only exceed 50-years if management practices under the exception is-are resulting in significant and measurable improvements in water quality. Exception application provisions specific to boron are also included.</p>
<p>Drought and Water Conservation Policy</p>	<p>The effects of drought and the implementation of encouraged or mandated water conservation practices can significantly impact effluent quality in discharges to surface water or groundwater and compliance issues for some dischargers-permittees because of increased TDS/EC and other salinity-related constituents in influent and effluent. Historically, WDRs/Conditional Waivers rarely have included any special provision or consideration for variations in effluent quality, directly or indirectly related to recurrent drought conditions that are beyond the control of the discharger-permittee or for ongoing, expanding and sometimes mandated conservation practices. The Salt and Nitrate Control Program proposes interim salinity effluent limits during periods of drought or increased implementation of water conservation practices. During periods of drought the interim effluent limit for electrical conductivity (EC) is not to exceed 2,200 uS/cm as a 30-day running average. The limits may be established in terms of concentration or total dissolved solids (TDS) loading. Interim limits for conservation efforts shall be based on either not exceeding the receiving water concentration and not causing down gradient impacts or maintaining TDS loading consistent with <u>historical</u> load (with consideration given to reasonable increment of use or change in source water salinity concentration while not exceeding the numeric limitations noted above. <u>The Drought and Conservation Policy is proposed to guide interim effluent limits as needed under the Variance Policy during Phase 1 of the Salt Control Program and may become generally applicable during future phases based upon review of the overall program.</u></p>
<p>Offsets Policy</p>	<p>An offset is an alternative means of achieving compliance with a WDR, either alone or in combination with other actions, for a given pollutant or pollutants. An offset allows for the management of other sources and loads (not directly associated with the regulated discharge) so that the combined net effect on receiving water quality from the discharge and the offset is functionally-equivalent to or better than that which would have occurred by requiring the discharger-permittee to comply with its WDR at the point-of-discharge. The Salt and Nitrate Control Program includes an Offsets Policy, which recommends that the Basin Plans be amended to provide authority for the Central Valley Water Board to allow the use of offset projects to comply with WDRs, but only for groundwater. In general, offsets are to</p>

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	<p>be utilized in the same groundwater basin/sub_basin where the discharge occurs, however, offsets may also be used to incentivize implementation of some large-scale projects such as a regional regulated brine line. Offsets may be proposed to support a request for either an allocation of available assimilative capacity or an exception but cannot result in unmitigated localized impairments. Offsets must be (1) proposed by <u>discharger-permittee</u> (individual or group of <u>dischargers-permittees</u>) as an Alternative Compliance Project (ACP, see below); (2) approved by the Central Valley Water Board; and (3) enforceable through a WDR or other orders issued by the Board. The approved offset must specify the time period for which it applies, a monitoring and reporting program, and remedial actions that must be undertaken by the <u>discharger-permittee</u> if the offset project fails.</p>
<p>Revised-Clarified Water Quality Objectives and Guidance to Implement Secondary Maximum Contaminant Levels</p>	<p>The Salt and Nitrate Control Program proposes to incorporate guidance into the Basin Plans to support to clarify implementation of SMCLs (from Title 22) in permits for discharge to surface water and groundwater. These recommendations include:</p> <ul style="list-style-type: none"> ■ Under Chapter 3 Water Quality Objectives: incorporate guidance from Title 22 for utilizing the applicable “Recommended”, “Upper”, or “Short Term” concentrations included in <u>Title 22 tables Table 64449-B; clarify consideration of natural background concentrations; and specify annual averaging for surface water and appropriate long-term averaging for groundwater.</u> ■ Under Chapter 4 Implementation: <ul style="list-style-type: none"> • Consider “Recommended” concentrations as goals and allow concentrations ranging to the “Upper” level if it is demonstrated that it is neither reasonable nor feasible to achieve lower levels. “Short Term” level may be authorized on a temporary basis consistent with Title 22 or with the Drought and Conservation Policy • <u>Provide flexibility to determine compliance with SMCLs using tests other than total-Clarify the use of filtered samples using a 1.5-micron filter to remove suspended solids to measure compliance for aluminum, color, copper, iron, manganese, silver, turbidity and zinc. The Central Valley Water Board may adjust the filter size where necessary to more accurately represent site-specific conditions based on scientific evidence submitted for their consideration and after consultation with Division of Drinking Water and public comment</u> • <u>Determine compliance based on annual average of sample results</u>
<p>Guidance for Developing Alternative Compliance Projects (ACP) for Nitrate Discharges</p>	<p>When an individual or group of <u>dischargers-permittees</u> is unable to demonstrate that their discharge is not individually or collectively causing or contributing to nitrate degradation above the triggers identified in the <u>Central Valley SNMPNitrate Control Program</u>, they have an opportunity to request either allocation of available assimilative capacity or an exception. In most cases, the request for the granting of assimilative capacity⁴ or an exception in these circumstances requires submittal of a proposed ACP. This request may be made as an individual <u>discharger-permittee</u> (which includes a third party group subject to a general order) or <u>dischargers-permittees</u> working collaboratively as part of a groundwater management zone. Any proposed ACPs submitted for consideration must contain specific components; accordingly, <u>the SNMP recommends the adoption of guidance is provided</u> that describes the <u>minimum-components required-recommended</u> for submittal of an ACP for approval. At a minimum any proposed ACP must include <u>but is not limited to:</u></p> <ul style="list-style-type: none"> • Identification of public water supply and domestic wells <u>that are contaminated by nitrate</u>-within the discharge area zone of contribution <u>that exceed the nitrate water quality objectives</u> • Milestones and timelines to address the drinking water issues <u>(short and long-term)</u> • Milestones and timelines to meet long term management goals of balanced loading and restoration, which may be phased over time

⁴ Conditions with respect to granting of assimilative capacity will vary, depending on how the receiving water is defined for the discharge(s) in question. In some cases, the receiving water will be considered to be shallow groundwater, while in others, it may be the upper zone or production zone (see Table ES-1).

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SMCL Considerations when Developing WDRs	Source water protection is a critical component to protect drinking water consumers. Since clarifications are proposed to address the application of SMCLs to protect MUN, guidance is also proposed on considerations when evaluating permit conditions related to SMCLs in order to clarify the current process of evaluating potential individual and cumulative impacts on instream and downstream beneficial uses.
Definitions Specific to Salt and Nitrate Control Program	A series of definitions have been proposed for incorporation as part of the Salt and Nitrate Control Program amendment in order to add clarity and provide consistency in implementation.

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