

CV-SALTS Executive Committee Meeting - Summary Action Notes

For September 10, 2015 – 9:00 AM to 3:00 PM

Attendees are listed on the Membership Roster

AGENDA

1) Welcome and Introductions

- a) Executive Committee Chair Parry Klassen brought the meeting to order, and roll call was completed.
- b) Casey Creamer moved, and David Cory seconded, and by general acclamation the August 13th, 2015 Meeting Notes were approved.
- c) An updated SNMP Development Schedule was provided. The October meetings will now focus on “Permitting Strategy for Nitrate Discharges to Groundwater.”

2) Clarifying Definitions for Key Regulatory Words and Phrases

- During the morning session the committee discussed “Defining: Infeasible, Impracticable or Unreasonable”.
- Based on committee discussion Tim proposed revising the definitions as follows:
 1. Have to address burden of proof question. Who has to make these showings?
 2. Explicitly talk about the need, when making these findings, to review and reauthorize them periodically
 3. More detail on level of rigor and detail of the analysis expected.
 4. For the list of factors to be considered, include citations back to precedential decisions and other guidance used to derive those factors
 5. These questions may result in different answers based on conditions. What's unreasonable, impractical or unfeasible may change with site specific conditions.
 6. Economics and costs are valid considerations in this analysis. "Ability to pay," "Effectiveness of removal..."
 7. The evaluation, especially with regard to "unreasonable" can be influenced by the alternative being proposed.
 8. Layering in risk-based resource allocation.
 9. Layer in idea that feasibility/practicability have a time-based element that can affect the finding.
 10. Be very thoughtful about where already have legitimate legal authority to execute and all need to do is make these findings, vs. where we need new authority.
 11. Incorporate the concept of proportionality. The level of demonstration varies with....
 12. Separating the application of all concepts when applying as a WDR consideration, vs. a restoration to water quality objectives. Separate for clarity.
 13. Take compliance schedule off the list, so there is no mistaking we are trying to change anything regarding compliance schedules.
 14. Put in some interpretative rules, specifically when to use simple vs. complex showings.
 15. Add some discussion regarding who these things will apply to, and how. Consider all potential discharge situations where these questions might be asked.
 16. Take Tam Doduc’s suggestion and try less to find precise definitions, and focus more on describing what process to use.

3) Continue Review and Discussion of Key Definitions

- During the afternoon session the committee discussed the “Naturally Occurring” or “Natural Background Concentration,” “not unreasonably affected,” and the “BPTC...” proposed definitions.

- Pamela Creedon and Patrick Pulupa will provide further clarification to Tim on the “naturally occurring” and “natural background concentration” definitions.
- After a long discussion regarding how to best allocate assimilative capacity, Tim suggested to the committee that allocation of assimilative capacity may not be viable for large irrigated lands programs which might be better addressed through the exceptions policy.

4) Set next meeting date

- The next Admin Meeting will be October 9th. October Policy Sessions will be 10/21 (Afternoon Only), and 10/22.