CV-SALTS Executive Committee Meeting  
July 21, 2011 9:00 AM to 3:00 PM  
Sacramento Regional Sanitation District Offices – Sunset Maple Room  
10060 Goethe Rd, Sacramento 95827  
Teleconference (218) 339-4600 Code: 927571#  
**Posted 7-11-11 - Revised 7-18-11**

Meeting Objective:
- To review the "Test Consensus" discussing the basis for designating, de-designating or subcategorizing AGR waters.

AGENDA

1) **Welcome and Introductions Chair**
   a) Review/Approve *Executive Committee Meeting Notes for June 23, 2011* – 2 min
   b) Committee Roll call and *Membership Roster*

2) **Review Schedule of Policy Discussions for 2011** – Tim Moore – 10 minutes

3) **Review Expected Outcomes for July 21, 2011 Session** – Tim Moore – 20 minutes

4) **Review Test Consensus Summary for AGR** – 2 hours

   **Lunch on your own**

4) **Review Test Consensus Summary for AGR** – 2 hours

5) **Set next meeting dates and objectives (August 9, and September 15, 2011)**

6) **Future Items**
   a. All administrative items are deferred to the August 9, 2011.

*CV-SALTS meetings are held in compliance with the Bagley-Keene Open Meeting Act set forth in Government Code sections 11120-11132 (§ 11121(d). The public is entitled to have access to the records of the body which are posted at [http://www.cvsalinity.org](http://www.cvsalinity.org)*
CV-SALTS Executive Committee Meeting
June 23, 2011 10:00 AM to 12:00 PM
Teleconference Only

(218) 339-4600 Code: 927571#

Attendees are listed on the Membership Roster

AGENDA

1) Welcome and Introductions Chair
   - The meeting was brought to order by Chair, Parry Klassen.
   - a. Mike Nordstrom moved to approve, and Nigel Quinn seconded, and by general
      acclamation the June 16, 2011 meeting action notes were approved
   - b. Roll call was completed.

2) Water Quality Criteria RFP Status
   - Per Daniel Cozad there are two proposals that have been received and are currently under
     review. The LSJR Committee will be ready on 7/21/11 to make a recommendation to the
     Executive Committee.

3) 2011 CV-Salts Progress Milestones Status Updated Status and Program Funding
   - Daniel Cozad provided a brief status update for the following areas:
     • Knowledge Gained Committee – on schedule to deliver expanded framework
       document in July
     • Technical Project Manager – currently on schedule
     • Best Management Practices – meeting scheduled for 6/27, also projecting a July
       completion
     • Schedule for updated Strategy and Workplan is based on the discussion at the last
       policy meeting. Daniel is working on a report outlining progress through June that will
       be presented at the next Executive Committee Administrative meeting.
     • Funding – Not much change in the obligation of Cleanup and Abatement funds.
       Member contributions for 2011 have been updated, and San Joaquin County joined as
       a new member.

4) Technical Project Manager RFQ Status
   - As of 6/23/11 no proposals have been submitted. Deadline for submission is July. Two
     firms have committed to submitting proposals.

5) Tracy v. California State Water Resources Control Board Summary
   - Tess Dunham provided a detailed overview of this decision for the Committee. Tess
     stressed that it was very important to note that this is still a narrow decision, in that it is
     applicable only to municipal dischargers discharging effluent subject to South Delta water
     quality objectives.
   - Karna Harrigfeld requested that a copy of the final decision be posted to the CV Salinity
     Coalition website.

6) Calaveras Salt-Related Regional Board Basin Plan Amendment
   - Pam Buford briefed the Committee on this potential basin plan amendment for a mine site
     in Calaveras County. She stressed it is a very site specific case because of the fractured
     bedrock aquifer and is not a good comparable test case for the other ongoing de-
     designation discussions at CV-SALTS. Jim Martin is attending the scoping meeting and will
     provide a brief summary at the next CV-SALTS meeting.
   - At the end of the Calaveras discussion, Bruce Houdesheldt suggested that since a number
     of the issues being dealt with by CV-SALTS are also priority issues in the Triennial Review
that it would be valuable to schedule an update from Betty Yee. It was agreed that Daniel would schedule that update for the next CV-SALTS administrative meeting.

7) Delta Plan Letter Consideration
   - After discussion, Nigel Quinn moved to approve, and Joe DiGiorgio seconded, and by general acclamation the letter, with David Cory’s edits, was approved with the inclusion of the additional changes:
     - Replace “forth” in line 3 with “fourth”
     - Replace “all water users should be participating with CV-SALTS” with “all users of Central Valley water should be participating with CV-SALTS”

8) South Delta Water Agency Letter
   - The letter from John Herrick was discussed and in response to the letter it was agreed that
     - Nigel Quinn would contact Mr. Herrick in an effort to clarify what is being asked from a technical standpoint, and
     - Daniel Cozad would query Pamela Creedon for her input on the matter
     - The issue will be included as a follow up item for the next Executive Committee administrative meeting.

9) Knowledge Gained Committee Update
   - Michael Steiger briefed the Committee on subcommittee progress. The Knowledge Gained Committee requested specific guidance from the Executive Committee regarding the scale to be used for the study.
   - After discussion it was agreed that the whole Central Valley is not an appropriate scale, but that there are a variety of scales that might be useful, (e.g. watersheds, groundwater basins, water districts, etc.), and that a building block approach would be best.

10) Management Practice Subcommittee Update
    - Parry Klassen provided the update; the next BMP meeting is scheduled for 6/27. 2 FREP proposals have been put forward by CURES, if funded work would begin Jan 2012:
      - Developing a template for a nutrient management plan (3 year study)
      - Development of an electronic database of salt and nitrate management studies from the FREP archives (2 year study)

11) CV-SALTS Website Subcontract Design Update
    - Preliminary wire frame due from designers this week, and will be sent to Committee members who have indicated they would like to review. Finalized design will be presented at the next Executive Committee meeting.

12) Set next meeting objectives and date (July 21, 2011) and conference call date
    - Due to the number of pending items requiring more extensive discussions the next administrative meeting will be a half-day meeting instead of a conference call. The meeting is schedule for Tuesday, August 9th.
    - Pam Buford inquired if it would be possible for Tim Moore to provide more description of what outcomes he is looking for prior to each policy session. This would help everyone prepare ahead of time in reviewing documents prior to the meeting. Daniel indicated he would talk to Tim about setting meeting objectives for the policy sessions.
## CV-SALTS Committee Rosters

### Executive Committee Membership

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### Comm. Chairs/Co-chairs

| 1 | Chair Executive Committee | Parry Klassen | ✔ ✔ ✔ ✔ ✔ ✔ ✔ |
| 2 | Vice Chair Executive Committee | Jeff Willett | ✔ ✔ ✔ ✔ ✔ ✔ ✔ |
| 3 | Technical Advisory Committee | Jobad Kabir | ✔ ✔ ✔ ✔ ✔ ✔ ✔ |
| 4 | Public Education and Outreach | Joe DiGiorgio | ✔ ✔ ✔ ✔ ✔ ✔ ✔ |
| 5 | Economic and Social Cost Committee | David Cory | ✔ ✔ ✔ ✔ ✔ ✔ ✔ |

* = Already votes as Leadership or Coalition member

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Participants also identified for 6/23:

- Erica DeHollan, LA C
- Karl Longley, CSU Fresno
- Andy Malone, Wildermuth Env.
- Geoff Anderson, DWR
- Pam Buford, CVRQCB
- Jennifer Clary, CWA
- David Miller, GEL Consultants
- Emily Alejandrinjim Martin, CVRQCB
- Karl Longley, CSU Fresno
- Stan Dean, SRCSD
- Cherd Dibble, CDFG
- Danny Merkle, California Farm Bureau
- Bruce Houdesheldt, NCWA/Sac Valley WQC
- Fern Wilson, City of Vacaville
- David Carlson, Kennedy Jenkins
- Emily Robbirt Rooney, Ag Council
- Tess Dunham, Somach
- Rob Neenan, CA League Food Proc
- Gary Carlton, Kennedy Jenkins
- Emil Robbirt Rooney, Ag Council
- Michael Steiger, EX
- Melanie Thompson, CVWA
- Jamil Ibrahim, MWA Global
- Gail Cisowski, CVRQCB
- Jean-Pierre, Jean-Jacques
- Leila Khatib, Kennedy Jenkins
- Jenny Skrell, Ironhouse Sanitary District
- Melani McConnell, CVWA
- Jay Sim, CVRQCB
- Rick Rasmussen, SWRCB
- Jenny Skrell, Ironhouse Sanitary District
- Claus Suverkropp, LWA
- Jim Martin, RWQCB
- Jodi Pontuveri, SWRCB
- Erik Alltrop SWQCB
- Stephen McLeod, LWA
- Mark Larsen, Kaweah Delta WCD
- Mark Dorman, Rainsit Water PWQA
- Cindy Paulson, CWA
- Lou Dambroso, TWG
- Mark Felton, Cullinan Water and PWQA
- Jim Moore, Risk Sciences
- Richard Stagg, Swrcrib, Water Rights
- Gene Lee, Reclamation
- Paul Martin, U.D.
- Rick Stagg, City of Fresno
- Lou Regenmorter, CDM
- Royce Cunningham, City of Vacaville
- Mark Goyed, SWRCB, Water Rights
- Ron Crites, Brown and Caldwell

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Final PACKAGE Page 4
## Schedule of Regulatory Policy Discussions

for the CV-SALTS Executive Committee Meetings

*Revised: 6/21/2011*

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Policy Area/Work Area</th>
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<tbody>
<tr>
<td>Mar. 17</td>
<td>Kickoff Meeting to Confirm Priority Tasks</td>
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<tr>
<td>Apr. 12</td>
<td>Clarifying the MUN Use Designation</td>
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<tr>
<td>May 12</td>
<td>Clarifying the AGR Use Designation</td>
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<tr>
<td>June 16</td>
<td>MUN Redraft and AGR Consensus Document Review</td>
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<td>July 21</td>
<td>AGR Consensus Document</td>
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<tr>
<td>Aug. 18</td>
<td>Water Quality Objectives for MUN</td>
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<td>Sept. 15</td>
<td>Water Quality Objectives for AGR</td>
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<td>Oct. 20</td>
<td>Water Quality Objectives Consensus Documents Review</td>
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<td>Nov. 17</td>
<td>Antidegradation Reviews &amp; Maximum Benefit Demonstrations</td>
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<tr>
<td>Dec., 2011</td>
<td>Update CV-Salts Policy Framework and Strategic Workplan</td>
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Expected Outcomes for the
CV-Salts Executive Committee Meeting on 7/21/2011

1) A clear understanding the federal and/or state requirements governing subclassification or de-designation of beneficial uses.

2) Identify the specific conditions that could justify removing the AGR designation from a surface waterbody.

3) Identify the specific conditions that could justify removing the AGR designation from a groundwater basin.

4) Identify the specific conditions that could justify sub-classifying the AGR designation for a surface waterbody and the nature of the proposed sub-classification(s). Describe how the proposed sub-classification is expected to influence the development of more appropriate water quality objectives for surface waters.

5) Identify the specific conditions that could justify sub-classifying the AGR designation for a groundwater basin and the nature of the proposed sub-classification(s). Describe how the proposed sub-classification is expected to influence the development of more appropriate water quality objectives for surface waters.

6) Identify one or more real-world cases to serve as archetypical examples of each conditions described in #2 -#6 (above).

7) Describe the scientific documentation and other evidence required to support a petition for de-designation or subclassification.

8) Seek group consensus to support preparation and submission of petitions to revise the AGR beneficial use for a specific set of waterbodies (surface and ground) chosen to serve as regulatory archetypes.
DRAFT Principles for Designating Ground Waters as AGR

1) The AGR use should not be removed or downgraded if it is an existing use.
   a) AGR should be considered an existing use if the water has been extracted from groundwater to support that purpose since 1968 provided that the extraction occurred in accordance with state law.
   b) AGR should be considered an existing use if water quality meets the objectives assigned to protect that use.

2) AGR refers to commercial agricultural operations, including farming, orchards, ranches and dairies. The AGR designation is not intended to include non-commercial agricultural activities such as hobby farms, personal gardening, keeping and caring for domestic animals (e.g. dogs, cats, horses, etc.).

3) The AGR designation signifies that a ground water aquifer is suitable for the agricultural purposes (e.g. crop irrigation, animal watering) that are likely to occur given other normal considerations and constraints such as appropriate soil conditions, climate, meteorology, land slope, zoning, water rights, and water quality naturally available to the area using a weight-of-evidence approach.

4) Some crop yields may be adversely affected by elevated concentrations of total dissolved solids (TDS) or elevated concentrations of some specific ions such as boron or chloride. By reducing crop yields, excess salinity poses a potential risk for economic impairment of the beneficial use.

5) An AGR-1 subclassification indicates that the normal range of TDS concentrations in the aquifer are suitable for supporting commercial agricultural operations that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is less than or equal to approximately 700 uS/cm).

6) An AGR-2 subclassification indicates that the normal range of TDS concentrations in the aquifer are suitable for supporting most commercial agricultural operations except for those that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is greater than 700 uS/cm).
7) The Regional Board makes no presumption as to whether any individual aquifer is AGR-1 or AGR-2. The determination as to whether an AGR use should be subclassified as Level 1 or Level 2 is made on a case-by-case basis after considering relevant factors (such as: historical farming/ranching patterns, soil slope and type, local climate and meteorology, water quality naturally available in the area, and historical yields) using a weight-of-evidence approach.

8) Ground waters should not be designated AGR where naturally-occurring sources of pollution preclude attainment of the use. 40 CFR 131.10(g)1

9) Ground waters should not be designated AGR where low pumping yields prevent the use from being attain. 40 CFR 131.10(g)2

10) Ground waters should not be designated AGR where human-caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place. 40 CFR 131.10(g)3

11) Ground waters need not be designated AGR where dams, diversions or other types of hydrologic modifications preclude attainment of the use, and it is not feasible to restore the aquifer to its original condition or to operate such modifications in a way that would result in attainment of the use. 40 CFR 131.10(g)4

12) Ground waters need not be designated AGR controls more stringent than those required by Sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact. 40 CFR 131.10(g)6

13) The Regional Board may consider subdividing an aquifer where necessary to ensure more accurate and precise designation of beneficial uses.

14) The Regional Board may adopt appropriate wasteload allocations to ensure upgradient discharges will meet downgradient water quality objectives at the point of use.

15) Where existing water quality is better than necessary to protect the designated use, that higher water quality must be managed in accordance with state antidegradation policies. 40 CFR 131.12 and SWRCB Res. No. 68-16

16) Where AGR is determined to be a probable future beneficial use, but not an existing use, the Regional Board must establish water quality objectives that do not preclude the potential use from being attained if and when other factors constraining the use are eliminated.
DRAFT Principles for Designating Ground Waters as AGR

Submitted by Tess Dunham:

The collective comments from production agriculture and the food processing representatives on the Draft Principles for Ground Waters as AGR are as follows:

1) As an overarching comment, we would like to comment on the need to move beyond the development of principles into actually drafting and identifying the scope and content of the Basin Plan amendment. It is important to us and the members that we represent that we move quickly towards tangible results from all of our efforts. At this point in time, we are uncertain as to the direct applicability of the principles to Regional Board actions. Thus, we suggest and recommend that we begin outlining the next steps at our next meeting and move beyond the development of principles.

2) With respect to the principles themselves, we would like to suggest that it may be appropriate for number 6 to include an upper range for salinity. This is an issue that we would like to have further discussion on.

3) For numbers 8-12, we question why we are using federal regulatory factors that apply on to waters of the U.S. To groundwaters. We do not believe it appropriate to incorporate federal regulatory requirements onto the state’s groundwaters.

4) Like with our comment above, number 14 references wasteload allocations, which are requirements of federal law that apply to surface waters – not groundwater.

5) For number 15, we recommend that the reference to the federal antidegradation policy be removed.

Thank you for allowing us to comment.

Tess Dunham
DRAFT Principles for Designating Surface Waters as AGR

Submitted by Nigel Quinn

1) The AGR use may not be removed or downgraded if it is an existing use.
   
a) AGR should be considered an existing use if the water has been diverted from the surface water source to support that purpose since November 28, 1975 provided that the surface water diversion occurred in accordance with state and federal law.
   
b) AGR should be considered an existing use if water quality meets the objectives assigned to protect that use.

2) AGR refers to commercial agricultural operations, including farming, orchards, ranches and dairies. The AGR designation is not intended to include non-commercial agricultural activities such as hobby farms, personal gardening, keeping and caring for domestic animals (e.g. dogs, cats, horses, etc.).

3) The AGR designation signifies that a surface water body is suitable for the agricultural purposes (e.g. crop irrigation, animal watering) that are likely to occur given other normal considerations and constraints such as appropriate soil conditions, climate, meteorology, land slope, zoning, water rights, and water quality naturally available to the area using a weight-of-evidence approach.

4) Some crop yields may be adversely affected by elevated concentrations of total dissolved solids (TDS) or elevated concentrations of some specific ions such as boron or chloride. By reducing crop yields, excess salinity poses a potential risk for economic impairment of the beneficial use.

5) An AGR-1 subclassification indicates that the normal range of TDS concentrations in the surface waterbody are suitable for supporting commercial agricultural operations that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is less than or equal to approximately 700 uS/cm).

Do we need to provide a numeric limit here? I would keep it general and a statement of principal in case the number gets changed in the future.

6) An AGR-2 subclassification indicates that the normal range of TDS concentrations in the surface waterbody are suitable for supporting most commercial agricultural operations.
Similarly can we remove the numeric limit example here also? Keep it general and a statement of principal in case the number gets changed in the future.

While all surface waters are believed to be capable of supporting an AGR use, the Regional Board makes no presumption as to whether any individual waterbody is AGR-1 or AGR-2. The determination as to whether an AGR use should be subclassified as Level 1 or Level 2 is made on a case-by-case basis after considering relevant factors (such as: historical farming/ranching patterns, soil slope and type, local climate and meteorology, water quality naturally available in the area, and historical yields) using a weight-of-evidence approach.

This makes more sense when numeric limits are not assigned.

Surface waters need not be designated AGR where naturally-occurring sources of pollution preclude attainment of the use. 40 CFR 131.10(g1)

Surface waters need not be designated AGR where ephemeral, intermittent or frequent low flows and hydrologic modifications prevent the use from being attained. 40 CFR 131.10(g2)

Surface waters need not be designated AGR where human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place. 40 CFR 131.10(g3)

Surface waters need not be designated AGR where dams, diversions or other types of hydrologic modifications preclude attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modifications in a way that would result in attainment of the use. 40 CFR 131.10(g4)

Surface waters need not be designated AGR if controls, more stringent than those required by Sections 301(b) and 306 of the Act, would result in substantial and widespread economic and social impact. 40 CFR 131.10(g6)

The Regional Board will consider segmenting a waterbody where necessary to ensure more accurate and relevant designation of beneficial uses.

The Regional Board may adopt appropriate wasteload allocations to ensure upstream discharges will meet water quality objectives at the point of downstream use.

Where existing water quality is better than necessary to protect the designated use, that higher water quality must be managed in accordance with federal and state antidegradation policies. 40 CFR 131.12 and SWRCB Res. No. 68-16
This may get us into trouble as discussed in the MUN beneficial use discussion. Will this be a strict or reasonable interpretation of the antidegradation statute. In certain instances supplementing canal flow with groundwater to enhance flow is preferred even if it results in a slight elevation of ambient salinity or other constituent that affects water quality. How do we ensure reasonableness?

16) Where AGR is determined to be a probable future beneficial use, but not an existing use, the Regional Board must establish water quality objectives that do not preclude the potential use from being attained if and when other factors constraining the use are eliminated.

This isn’t clear and should be restated. How are these factors eliminated?
Road Map for Re-Designating Ground Waters as AGR

1) Under state law, there are no rules for use designations or modifications of use designations of groundwater. If the groundwater were a surface water considered to be a “waters of the United States,” the AGR use could be removed, modified or downgraded so long as it is not an existing use. Although de-designations or re-designations could be made to existing uses of groundwater, if there are existing USERS of the aquifer, there would likely be controversy about potential downgrading of uses and water quality.

When reviewing whether AGR is an existing use, the Water Boards should determine whether:

a) The water has been extracted from groundwater to support that use since 1968 and that the extraction occurred in accordance with state law; and

b) The local water quality currently meets the objectives assigned to protect that use.

If these criteria are not met, then the uses can be de-designated or re-designated more easily.

2) AGR refers to commercial agricultural operations, including farming, orchards, ranches and dairies. The AGR designation is not intended to include non-commercial agricultural activities such as hobby farms, personal gardening, keeping and caring for domestic animals (e.g. dogs, cats, horses, etc.).

3) The AGR designation signifies that a ground water aquifer is suitable for the agricultural purposes (e.g. crop irrigation, animal watering) that are likely to occur given other normal considerations and constraints such as appropriate soil conditions, climate, meteorology, land slope, zoning, water rights, and water quality naturally available to the area using a weight-of-evidence approach.

4) Some crop yields may be adversely affected by elevated concentrations of total dissolved solids (TDS) or elevated concentrations of some specific ions such as boron or chloride. If crop yields are demonstrably reduced, then excess salinity may pose a potential risk for economic impairment of the beneficial use. However, this must be weighed against the cost of compliance with the objectives set to protect that use.
5) Agricultural uses can be reclassified into categories related on the salt sensitivity of the crops/animals being watered with groundwater. Thus, an AGR-1 sub-classification would indicate salt-sensitive crops/animals that do better when the normal range of TDS or electrical conductivity (EC) concentrations in the aquifer are suitable for salt-sensitive crops or animals (generally, where EC is less than or equal to approximately 900-1000 uS/cm, depending on the crop/animal).

6) An AGR-2 subclassification indicates that the normal range of TDS concentrations in the aquifer are suitable for supporting most other commercial agricultural operations, except for those that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is greater than 1000-1200 uS/cm).

7) The Regional Board currently makes no designation as to whether any individual aquifer is AGR-1 or AGR-2. The determination as to whether an AGR use should be subclassified as Level 1 or Level 2 should be made on a case-by-case basis after considering relevant factors (such as: historical farming/ranching patterns, soil slope and type, local climate and meteorology, water quality naturally available in the area, and historical yields) using a weight-of-evidence approach.

8) Further, the Water Boards could use surface water de-designation rules, which although not directly applicable to groundwater, as guidance to provide a template for de- or re-designation. Under these rules:

   a) Ground waters need not be designated AGR where naturally-occurring sources of pollution preclude attainment of the use. See accord 40 CFR 131.10(g)[1].

   b) Ground waters need not be designated AGR where low pumping yields prevent the use from being attain. See accord 40 CFR 131.10(g)[2].

   c) Ground waters need not be designated AGR where human-caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place. See accord 40 CFR 131.10(g)[3]. This is also consistent with Central Valley Regional Board rules that if the background groundwater levels exceed the applicable objectives, the background becomes the objective.

   d) Ground waters need not be designated AGR where hydrologic modifications preclude attainment of the use, and it is not feasible to restore the aquifer to its original condition or to operate such modifications in a way that would result in attainment of the use. See accord 40 CFR 131.10(g)[4].

   e) Ground waters need not be designated AGR controls more stringent than those required by Sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact. See accord 40 CFR 131.10(g)[6].
| 9) | The Regional Board may consider subdividing an aquifer where necessary to ensure more accurate and precise designation of beneficial uses. |
| 10) | The Regional Board may adopt **apportion loads within the area overlying the aquifer** to ensure upgradient discharges will meet downgradient water quality objectives at the point of use. |
| 11) | Where existing water quality is better than necessary to protect the designated use, that higher water quality must be managed in accordance with state antidegradation policies. *See SWRCB Res. No. 68-16; see accord 40 CFR 131.12.* |
| 12) | Where AGR is determined to be a probable future beneficial use, but not an existing use, the Regional Board must establish water quality objectives, *after considering the Water Code §13241 factors,* that would not preclude that use from being attained in the future if and when other factors constraining the use are eliminated. *Provisions of the implementation plan for those objectives could address these factors as to any particular discharger or land use affecting groundwater.* |
DRAFT Principles for Designating Ground Waters as AGR

1) The AGR use should not be removed or _downgraded_ if it is an existing use.
   a) AGR should be considered an existing use if the water has been extracted from groundwater to support _commercial agriculture_ since 1968 provided that the extraction occurred in accordance with state law.
   b) AGR should be considered an existing use if water quality meets the objectives assigned to protect that use _at some point since 1968._

2) AGR refers to commercial agricultural operations, including farming, _orchards, ranches and dairies, horticulture, or ranching including, but not limited to irrigation (including leaching of salts), stock watering or support of vegetation for range grazing._ The AGR designation is not intended to include non-commercial agricultural activities such as hobby farms, personal gardening, keeping and caring for domestic animals (e.g. dogs, cats, horses, etc.).

3) The AGR designation signifies that a ground water aquifer is suitable for the agricultural purposes (e.g. crop irrigation, animal watering) that are likely to occur given other normal considerations and constraints such as appropriate soil conditions, climate, meteorology, land slope, zoning, water rights, and water quality naturally available to the area using a weight-of-evidence approach.

4) Some crop yields may be adversely affected by elevated concentrations of total dissolved solids (TDS) or elevated concentrations of some specific ions such as boron or chloride. By reducing crop yields, excess salinity poses a potential risk for economic impairment of the beneficial use. (** Later discussion: What yield loss is “acceptable”? **)

5) An AGR-1 subclassification indicates that the normal range of TDS concentrations in the aquifer are suitable for supporting commercial agricultural operations that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is less than or equal to approximately 700 uS/cm).

6) An AGR-2 subclassification indicates that the normal range of TDS concentrations in the aquifer are suitable for supporting most commercial agricultural operations.
except for those that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is greater than 700 μS/cm).

***Preference is to just have AGR and AGR-L (Limited) and come up with a way to calculate the appropriate water quality objectives for the “limited” designations***
7) The Regional Board makes no presumption as to whether any individual aquifer is AGR 1 or AGR 2. The Central Valley Water Board has designated AGR on all ground water basins within the Sacramento-San Joaquin Watersheds and on selected ground water Detailed Analysis Units (DAU) in the Tulare Lake Basin. The determination as to whether an aquifer's water quality in the Sacramento-San Joaquin Basins must be fully protective of salt sensitive crops unless a basin plan amendment subclasses the AGR use should be subclassified as Level 1 or Level 2 (“limited”) and/or sets site specific water quality objectives at a higher concentration than those needed to protect salt sensitive crops. Such an amendment can be made on a case-by-case or defined basin or sub-basin basis after considering relevant factors (such as: historical farming/ranching patterns, soil type, and topography, local climate and meteorology, water quality naturally available in the area, and historical yields) using a weight-of-evidence approach. A controlled annual rate of increase for salinity water quality objectives is allowed in the Tulare Lake Basin to account for degradation to the maximum benefit of the people until a mechanism to remove salt from the Basin is developed. Adjusting or replace the rate would require a basin plan amendment, made on a case-by-case basis after considering relevant factors (such as: historical farming/ranching patterns, soil type, and topography, local climate and meteorology, water quality naturally available in the area, and historical yields) using a weight-of-evidence approach.

8) Ground waters need not be designated AGR where naturally-occurring sources of pollution preclude attainment of the use. 40 CFR 131.10(g)1

9) Ground waters need not be designated AGR where low pumping yields prevent the use from being attained. 40 CFR 131.10(g)2

10) Ground waters need not be designated AGR where human-caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place. 40 CFR 131.10(g)3

11) Ground waters need not be designated AGR where dams, diversions or other types of hydrologic modifications preclude attainment of the use, and it is not feasible to restore the aquifer to its original condition or to operate such modifications in a way that would result in attainment of the use. 40 CFR 131.10(g)4

12) Ground waters need not be designated AGR controls more stringent than those required by Sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact. 40 CFR 131.10(g)6

13) The Regional Board may consider subdividing an aquifer where necessary to ensure more accurate and precise designation of beneficial uses.
14) The Regional Board may adopt appropriate wasteload allocations to ensure upgradient discharges will meet downgradient water quality objectives at the point of use after consideration of anti-degradation requirements.

15) Where existing water quality is better than necessary to protect the designated use, that higher water quality must be managed in accordance with state antidegradation policies. 40 CFR 131.12 and SWRCB Res. No. 68-16

16) Where AGR is determined to be a probable future beneficial use, but not an existing use, the Regional Board must establish water quality objectives that do not preclude the potential use from being attained if and when other factors constraining the use are eliminated.
DRAFT Principles for Designating Surface Waters as AGR

1) The AGR use may not be removed or downgraded (***please explain concept of "downgraded"***), if it is an existing use.
   a) AGR should be considered an existing use if the water has been diverted from the surface water source to support that purpose commercial agricultural production since November 28, 1975 provided that the surface water diversion occurred in accordance with state and federal law.
   b) AGR should be considered an existing use if water quality meets the objectives assigned to protect that use at some time since 1968.

2) AGR refers to commercial agricultural operations, including farming, orchards, ranches and dairieshorticulture, or ranching including, but not limited to irrigation (including leaching of salts), stock watering or support of vegetation for range grazing. The AGR designation is not intended to include non-commercial agricultural activities such as hobby farms, personal gardening, keeping and caring for domestic animals (e.g. dogs, cats, horses, etc.).

3) The AGR designation signifies that water diverted from a surface water body is suitable for the agricultural purposes (e.g. crop irrigation, animal watering) that are likely to occur given other normal considerations and constraints such as appropriate soil conditions, climate, meteorology, land slope, zoning, water rights, and water quality/quantity naturally available to the area using a weight-of-evidence approach.

4) Some crop yields may be adversely affected by elevated concentrations of total dissolved solids (TDS) or elevated concentrations of some specific ions such as boron or chloride. By reducing crop yields, excess salinity poses a potential risk for economic impairment of the beneficial use. (***Later Discussion: What yield loss is "acceptable"??***)

5) An AGR-1 subclassification indicates that the normal range of TDS concentrations in the surface waterbody are suitable for supporting commercial agricultural operations that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is less than or equal to approximately 700 uS/cm).
6) An AGR-2 subclassification indicates that the normal range of TDS concentrations in the surface waterbody are suitable for supporting most commercial agricultural operations except for those that focus on raising salt-sensitive crops or animals (generally, where electrical conductivity is greater than 700 uS/cm).

***Preference is to just have AGR and AGR-L (Limited) and come up with a way to calculate the appropriate water quality objectives for the "limited" designations***
7) While all surface waters are believed to be capable of supporting an AGR use, the Regional Board makes no presumption as to whether any individual waterbody is AGR 1 or AGR 2. The Central Valley Water Board has designated AGR on specific water bodies within its Basin Plans. The AGR use is considered to also apply to tributary water bodies if not specifically named. Water quality must be fully protective of salt sensitive crops unless an amendment can be made on a case-by-case or defined basin/sub-basin basis after considering relevant factors (such as: historical farming/ranching patterns, soil slope and type, local climate and meteorology, water quality naturally available in the area, and historical yields) using a weight-of-evidence approach.

8) Surface waters need not be designated AGR where naturally-occurring sources of pollution preclude attainment of the use. 40 CFR 131.10(g)1

9) Surface waters need not be designated AGR where ephemeral, intermittent or low flows and hydrologic modifications prevent the use from being attained. 40 CFR 131.10(g)2

10) Surface waters need not be designated AGR where human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place. 40 CFR 131.10(g)3

11) Surface waters need not be designated AGR where dams, diversions or other types of hydrologic modifications preclude attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modifications in a way that would result in attainment of the use. 40 CFR 131.10(g)4

12) Surface waters need not be designated AGR controls more stringent than those required by Sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact. 40 CFR 131.10(g)6

13) The Regional Board will consider segmenting a waterbody where necessary to ensure more accurate and precise designation of beneficial uses.

14) The Regional Board may adopt appropriate wasteload allocations to ensure upstream discharges will meet water quality objectives at the point of downstream use after consideration of anti-degradation requirements.
15) Where existing water quality is better than necessary to protect the designated use, that higher water quality must be managed in accordance with federal and state antidegradation policies. 40 CFR 131.12 and SWRCB Res. No. 68-16

16) Where AGR is determined to be a probable future beneficial use, but not an existing use, the Regional Board must establish water quality objectives that do not preclude the potential use from being attained if and when other factors constraining the use are eliminated.
Actual Uses or Presumptive Uses

↓

Designated Uses (incl. sub-categories)

↓

Narrative & Numeric Water Quality Objectives

↓

Receiving Water Monitoring

↓

303(d) Listing Process

↓

TMDLs (w/ numeric targets)

↓

Waste/Load Allocations

↓

Effluent Limitations and/or Other Permit Conditions

↓

Discharge Monitoring

↓

Compliance Assessment

↓

Enforcement Actions
### CV-SALTS Annual Meeting Calendar 2011

**JANUARY**

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**APRIL**

**MAY**

**JUNE**

**JULY**

**AUGUST**

**SEPTEMBER**

**OCTOBER**

**NOVEMBER**

**DECEMBER**

**CV-SALTS Committee Meetings**

- 2/24/11 Salinity Leadership Group
- 1/20/11 Committees Meetings
- 2/10/11 Committees Meetings
- 3/17/11 Committees Meetings
- 4/12/11 Committees Meetings
- 4/22/11 Committees Meetings
- 5/12/11 Committees Meetings
- 5/24/11 Committees Meetings
- 6/16/11 Committees Meetings
- 6/23/11 Committees Meetings
- 7/21/11 Committees Meetings
- 8/9/11 Committees Meetings
- 8/11/11 Committees Meetings
- 9/15/11 Committees Meetings
- 10/20/11 Committees Meetings
- 11/17/11 Committees Meetings
- 12/15/11 Committees Meetings
- 1/11/11 LSJR Committee
- 2/17/11 LSJR Committee
- 3/24/11 LSJR Committee
- 4/28/11 LSJR Committee
- 12/30/11 Other committee Date

**ACWA Downtown**

**Cal EPA?**

**Potential Conflicting Meetings**

- 6/7/11 State Board Meeting
- 6/8/11 Regional Board Meeting
- 6/8/11 State Board Meeting
- 6/9/11 Regional Board Meeting
- 6/10/11 Regional Board Meeting
- 6/21/11 State Board Meeting
- 6/22/11 State Board Meeting
- 7/5/11 State Board Meeting
- 7/6/11 State Board Meeting
- 7/19/11 State Board Meeting
- 7/20/11 State Board Meeting
- 8/2/11 State Board Meeting
- 8/3/11 Regional Board Meeting
- 8/4/11 Regional Board Meeting
- 8/5/11 Regional Board Meeting
- 8/16/11 State Board Meeting
- 8/17/11 State Board Meeting
- 9/6/11 State Board Meeting
- 9/7/11 State Board Meeting
- 9/10/11 State Board Meeting
- 9/21/11 State Board Meeting