

Guidelines for Developing Alternative Compliance Projects for Nitrate Discharges

The CV-SALTS Salt and Nitrate Management Plan (SNMP) recommends that the Central Valley Water Quality Control Plans (Basin Plans) be amended to incorporate guidelines for submittal of an Alternative Compliance Project (ACP) to support a request for an allocation of assimilative capacity or an exception.

Purpose and Need for the Policy

To meet Central Valley nitrate management goals, the SNMP proposes new nitrate management requirements applicable to dischargers of nitrates to groundwater. These requirements focus on three goals: (1) ensuring a safe drinking water supply is available for users relying on groundwater for their water supply; (2) establishing a nitrate balance where reasonable and feasible, and (3) developing and implementing a long-term plan for restoring groundwater, where reasonable and feasible, to meet applicable nitrate water quality objectives.

Traditional permitting approaches for managing nitrates may not be sufficient to achieve the SNMP nitrate management goals. Accordingly, the SNMP includes new alternative permitting approaches that may require submittal of an ACP. An ACP is a program or project(s) designed to provide the same or higher level of intended protection to water users that may be adversely affected by the discharge. For example, where a discharge is unable to comply with the nitrate water quality objectives, the discharger(s) may seek an exception and offer to provide a safe and reliable alternative water supply for nearby drinking water wells that exceed or threaten to exceed the nitrate water quality objective. An ACP is considered an alternative permitting approach because it assures protection of the beneficial use by other means, where that use actually occurs. The SNMP recommends establishing guidelines for developing an ACP proposal.

Policy Summary

Where the discharger(s) is not able to demonstrate that its discharge is not causing or contributing to nitrate degradation above thresholds established in the SNMP, the discharger(s) would have an opportunity to request either an allocation of assimilative capacity (if available) or an exception as part of an alternative permitting approach. This request would typically be accompanied by an ACP proposal. The ACP is intended to mitigate the adverse effects from the discharge until a feasible, practicable, and reasonable means to meet the nitrate water quality objective becomes available. The opportunity to prepare an ACP proposal is available to individual dischargers (including a third-party group subject to a General Order) or dischargers working collaboratively as part of a management zone. This policy would provide guidance on the submittal requirements for a proposed ACP.

Initial Evaluation of Area Proposed for an ACP

When considering the development of an ACP, the SNMP recommends that an initial evaluation be completed to guide development of the ACP. The discharger(s) should:

- Delineate the proposed preliminary boundary area that includes the anticipated zone of influence of the discharger(s) over a 20-year planning horizon; identify the stakeholders that may be affected within the zone of influence.

- Complete an initial assessment of water quality conditions within the boundary area, and identify any constituents of concern the discharger(s) intends to address besides nitrate (if applicable).
- Describe current best efforts/Best Practicable Treatment and Control (BPTC) and the need for an allocation of assimilative capacity or an approved exception from meeting the nitrate water quality standard.

Components of a Proposed ACP

Minimum components for inclusion in an ACP submittal include, but may not be limited to:

- Consistency with the SNMP management goals: (a) address short and long-term drinking water needs affected by nitrates; (b) plan for achieving balanced nitrate loadings within the area of the project (where feasible and reasonable); and (c) a plan for establishing a managed aquifer restoration program to restore nitrate levels to concentrations at or below the nitrate water quality objective (where reasonable and feasible).
- Assurance that drinking water that meets drinking water standards is available to drinking water users within the zone of influence of a discharge where there are significant nitrate concerns in groundwater.
- Outreach to stakeholders or affected communities within the zone of influence, including those with drinking water quality concerns, to provide opportunities to participate in the development of any ACP proposal.
- Identification of short-term (≤ 20 years) and long-term (> 20 years) projects and/or planning activities that are part of the ACP to make progress towards attaining the SNMP management goals within the zone of influence. These activities should be prioritized to address most significant water quality concerns first.
- Short and long-term schedules for implementing nitrate management activities with interim milestones and performance measures to assess progress, and identification of triggers for the implementing alternative procedures or measures if the interim milestones are not met.
- Surveillance and monitoring program that is adequate to assure that the ACP when implemented is achieving the expected progress towards attainment of the management goals.
- Identification of the nitrate management responsibilities for each regulated discharger, or groups of regulated dischargers, participating in the ACP.

Requirements to Grant Assimilative Capacity or an Exception – Links to other policies

As noted above, the discharger(s) prepares an ACP proposal to support a request for allocation of assimilative capacity (if available) or for granting of an exception. The SNMP recommended Groundwater Management Zone Policy and Nitrate Permitting Strategy provide the general requirements to be met by a proposal for granting assimilative capacity to a discharger or group of dischargers collaborating through a management zone. The SNMP Exceptions Policy provides information on the requirements discharger(s) should review in preparing a proposal for an exception and the Nitrate Permitting Strategy discusses the use of exceptions as part of a nitrate management strategy.

More information on this policy and other SNMP recommendations may be found at:

www.cvsalinity.org