

Salinity Variance Policy

The CV-SALTS Salt and Nitrate Management Plan (SNMP) *Salinity Variance Policy* (Policy) recommends that the Central Valley Water Quality Control Plans (Basin Plans) be amended to revise the existing Salinity Variance Program (Program).

Purpose and Need for the Policy

Recognizing that managing salinity in surface and ground waters is a major challenge for dischargers, the Central Valley Water Board adopted amendments to the Basin Plans to establish the Salinity Variance Program for surface waters on June 6, 2014. The State Water Resources Control Board approved these amendments on March 17, 2015. Because this Program applies to surface waters, and is considered a water quality standards action under the federal Clean Water Act, the Program was subject to approval by the United States Environmental Protection Agency (US EPA). US EPA approved the Program on July 8, 2016., but specifically limited application of the Program to effluent limitations being adopted to protect the Agricultural Supply (AGR) beneficial use. Further, the finding was made that the Program applies only to municipal publicly owned treatment works (POTWs) that have a situation similar to or comparable to the case study cities included in the Central Valley Water Board supporting documents for adoption of the Program.

The Program applies to salinity water quality standards for only the following constituents: electrical conductivity, total dissolved solids, chloride, sulfate, and sodium. The current Program prohibits the Central Valley Water Board from approving any salinity variance after June 30, 2019. The sunset date was included because the Central Valley Water Board intended that any extension, or permanent, long-term Program should be developed through the CV-SALTS process and that stakeholders needed to make appropriate recommendations for such a policy in the SNMP. Accordingly, as part of the development of the SNMP, CV-SALTS developed this Policy to recommend modifications to the existing Program.

Policy Summary

The Policy recommends that the current Program be amended to provide the Central Valley Water Board with the necessary authority and flexibility to permit salinity discharges in a manner deemed appropriate and consistent with the SNMP and its Salinity Management Strategy (For more information, refer to the separate overview of the Salinity Management Strategy). Specific recommendations include:

- Change the Program end date (after which the Central Valley Water Board would be prohibited from authorizing new salinity variances or reauthorizing previously approved salinity variances) from June 30, 2019 to 15 years from the effective date of Basin Plan amendments that revise the Program. The Program should be reconsidered as part of the Phase I Prioritization and Optimization Study (see Salinity Management Strategy) and it should be determined at that time (within 10 years of the effective date of the Basin Plan amendments) if the Salinity Variance Program, and the terms related thereto, should be revised to implement Phase II of the Salinity Management Strategy.

- Broaden application of the Program to water quality-based effluent limits for salinity water quality standards related to the Municipal and Domestic Supply (MUN) beneficial use, and not just the AGR beneficial use (as currently only allowed based on US EPA approval of the existing program).
- Revise the current Program to require participation in the Phase I Prioritization and Optimization Study and also possibly participation in the governing entity designated to oversee implementation of the study.
- Amend the current Program to clarify that salinity variances are intended to facilitate implementation of the phased Salinity Management Strategy, and that salinity variances are not available to individuals/permittees that wish to opt out of participating in implementation of Phase I of the Salinity Management Strategy.

Authorization of a Salinity Variance

The SNMP recommends that salinity variances be authorized by the Central Valley Water Board in a similar manner as set forth in the current Program. Salinity variances may be granted by the Central Valley Water Board for individual dischargers, or for multiple dischargers under a watershed based National Pollutant Discharge Elimination System (NPDES) permit for salinity discharges. The terms and conditions associated with the granting of a salinity variance would be incorporated into relevant NPDES permits, and failure to comply with such terms and conditions may result in the termination of the variance and/or an enforcement action.

More information on this policy and other SNMP recommendations may be found at:
www.cvsalinity.org