

SNAPSHOT OF PROPOSED CHANGES TO REGULATORY PROCESS FOR SALT AND NITRATE

CURRENT SALT AND NITRATE REGULATORY PROCESS

Salt and Nitrate are Regulated where They Discharge to Surface and Ground Waters

Parts of the Central Valley have salt and nitrate accumulation problems, and in some areas, groundwater concentrations have contributed to unsafe drinking water. The State Water Resources Control Board (State Water Board) and Central Valley Regional Water Quality Control Board (Central Valley Water Board), through the issuance of Permits, WDRs, and Waivers, regulate salts and nitrates discharged into surface water and groundwater from agricultural, industrial, and municipal discharges. The state assesses fees for these permits and WDR's.

In Some Areas of the Central Valley, Complying with Regulations is Virtually Impossible

All dischargers of salts and nitrates including farmers, dairies, food processors, wastewater treatment plants, and municipal water suppliers must use best management practices to meet current safe drinking water standards. Even when implementing these practices, meeting the standard for achieving clean drinking water, is not currently possible. Recent studies show that even when using new/alternate water treatment techniques, it would likely take 50 to 100 years to fully clean-up the groundwater from the effects of nitrates. Providing safe drinking water must occur sooner.

Current regulations are uniform and do not offer the flexibility needed to account for variable soil, climate, hydrology, aquifers, crops, farming practices, and other factors to assure safe drinking water is addressed in the near-term.

Action is needed now to protect public health risk by providing safe drinking water and to add flexibility to the regulatory process to allow farmers and dairies to stay in business.

HOW WOULD IT WORK WITH THE NEW REGULATORY STRUCTURE FOR SALT AND NITRATE?

The CV-SALTS initiative started in 2006, when regulators and those being regulated, along with local government and environmental interests, began to work together to identify new, more flexible ways solve the salt and nitrate problem. Out of this work, came the *Salt and Nitrate Management Plan*, which proposes new, flexible regulatory options to keep agricultural and industrial interests in business, while providing safe drinking water, and ultimately, over a longer timeframe, rebalancing salts and nitrates and restoring groundwater quality. The Water Boards would, after public review, incorporate the new regulations into existing Basin Plans by amendment, and identify the high priority areas where drinking water is at unsafe levels and action would begin.

In the high priority areas identified in the Basin Plans, agricultural, industrial, and municipal dischargers would need to decide to: (1) continue to be regulated as an individual discharger under current permitting processes and meet standards, (2) become a part of a locally established Nitrate Management Zone, or (3) be regulated under alternative permitting process as an individual applying an alternative nitrate management plan.

EXAMPLE OF PARTICIPATING IN A NITRATE MANAGEMENT ZONE

For those not able to comply with current nitrate regulations, joining a management zone offers a new option. Once a management zone is established among dischargers, water providers, and local government, the participants develop and implement a management plan that first provides safe drinking water in the zone, and then identifies the best available management practices and controls to achieve a nitrate balance, and over the long term, to restore the water quality in the groundwater basin. The Central Valley Water Board would review, approve, and oversee the plan.

By joining a nitrate management zone, the dischargers, in exchange for first providing resources to offer safe drinking water, are granted more flexibility and time to define how their zone would achieve nitrate compliance. When the management zone develops nitrate compliance requirements based on local conditions, and implement actions collectively, then compliance is more efficiently and cost effective.

WHAT IS THE COST FOR THE NEW SALT AND NITRATE PLAN IMPLEMENTATION?

The cost of establishing a management zone, with a locally tailored management plan, cannot be estimated now. The first step toward improved and attainable nitrate management is to amend the existing Basin Plans to include the new, flexible regulatory framework proposed in the Salt and Nitrate Management Plan. Once the new recommend regulatory policies are incorporated into the Basin Plans, and subsequently approved by the State Water Board, then high priority areas within the Central Valley will be identified. In these areas, local dischargers can work individually or together to develop a tailored management plan, with oversight from the Central Valley Water Board, and estimate the cost for implementation. It is anticipated that state and federal funding can be identified to assist with implementation management plan projects.