Regional San Comments to SNMP and Policies 11-23-16

SNMP Section 3: Salt & Nitrate in the Central Valley: 3.2.2.4 is missing discussion of soil uptake / retention of nitrate and TDS, including in the mass balance. Could add this as a bullet item above Figure 3-6.

SNMP Section 3.3.2.1 uses the term “ambient concentrations”. Make sure this is defined consistent w/ the use of the term.

SNMP 4.3.1 states that the default assimilative capacity is based on 1000mg/l TDS (1560 uS/cm).

SNMP Section 4, goal 2 should use words “where reasonable and feasible”.

SNMP Section 4: Salt & Nitrate Management Strategy: 4.2.2.1 page 4-5 last paragraph: says where feasible – need to change to “where reasonable and feasible” – in two places within this paragraph.

SNMP Page 4-29, section 4.3.2.1 Early Action Plans (EAP) states

“If impacted, and where the discharger is causing or contributing to an exceedance of nitrate in the groundwater, then the discharger shall submit an EAP that includes specific actions and a schedule of implementation to address the immediate needs of those drinking groundwater from public water supply or domestic wells that exceed the drinking water standard for nitrate.”

Comment:I thought that domestic wells were intentionally excluded.

SNMP pg 4-44 last paragraph (Section 4.3.2)

In general, the Central Valley Water Board is less likely to allocate assimilative capacity to discharges where there is a reasonable. Feasible, and practicable means for achieving compliance with traditional waste discharge requirements. The Central Valley Water Board is also unlikely to prohibit discharges where no such means exist and considers this option only as a last resort.

Commented [VL(1]: Fix type-o (remove period between reasonable, feasible).

See below – missing SNMP Section 5?

Attachment A-1 GW Mgmt Zone Policy

Section 1.0 add red text

In general, a management zone would consist of multiple dischargers working collectively to ensure safe drinking water, manage nitrates to first create a balance within the defined management area, and then ultimately to develop and implement a long-term plan for restoration of groundwater (where reasonable and feasible) to meet applicable water quality objectives

The management zone policy should have text that recommends to "… encourage those responsible for other contaminants affective drinking water to participate in regional solutions."

Attachment A-2 Nitrate Permitting Strategy

A comment made in the past by me and others relates to areas where drinking water is impacted by multiple contaminants. It seems the nitrate permitting strategy should mention this. Suggested language is "Where multiple contaminants exist that threaten or affect the safety of drinking water supplies and where feasible, responsible dischargers or other parties will be ordered to jointly address and contribute to provision of safe drinking water to affected water users. " Alternatively, could state something like ""Where multiple contaminants exist that threaten or affect the safety of drinking water supplies, no discharger or group of dischargers will be held responsible for more than their fair share of mitigation or safe drinking water supplies." This should also be addressed in the management zone policy – maybe through encouraging those responsible for other contaminants affective drinking water to participate in regional solutions.

Page A2-5 states "With respect to shallow groundwater, the SNMP recommends that the term shallow groundwater refer to the following: The shallowest portion within the upper zone (e.g., uppermost 10% of the upper zone) and where groundwater would be considered to constitute an aquifer (which is defined as a "body of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant or economic quantities of groundwater to wells and springs" (DWR, 2003)). In all cases, relevant groundwater does not include perched water. "

Comment – the uppermost 10% is too limiting and approaches first encountered groundwater. What's the basis of the 10% value or cutoff? Could we use the first half (50%)of the upper zone? What did LWA use in their modeling efforts? Does the 10% correlate to any specific uses, well depths, or known data?

Page A2-6 states "In cases where assimilative capacity is being granted based on availability of assimilative capacity in the upper zone, the SNMP recommends that the Central Valley Water Board next consider whether mitigation strategies applied at any other point between the discharge and all affected down-gradient water users (e.g., well-head treatment or alternative water supply, etc.) can better assure safe drinking water to those users." This would allow the requirement of mitigation even if the GWQ is and would be below 10mg/l. The phrase "can better assure safe drinking water" is subjective/ambiguous – is 7.6mg/l considered safer than 9.0mg/l? Consider ACP when there is a significant impact to GWQ or when significant assimilative capacity is being used. Consider adding after the yellow text above "where nitrate concentrations in the groundwater basin and whether they exceed or threaten to exceed the MCL." (Note text was taken from the exceptions section page A2-11).

A3 Salinity Management Strategy

Page A-4 first paragraph, "Long-term solutions, including development of regional de-salters and a regulated brine line or other identified projects or control strategies are needed to address the other 85%."

A-4 Exceptions Policy

Comment: need to address areas where multiple contaminants or sources of contamination exist such as GW supplies impacted by septic systems and agriculture, or water contaminated by nitrates and arsenic. Could add a sentence that states something like "Where multiple contaminants exist that threaten or affect the safety of drinking water supplies and where feasible, responsible dischargers or other parties will be ordered to jointly address and contribute to provision of safe drinking water to affected water users. " Alternatively, could state something like ""Where multiple contaminants exist that threaten or affect the safety of drinking water supplies, no discharger or group of dischargers will be held responsible for more than their fair share of mitigation or safe drinking water supplies."

A-5 Agriculture GW Policy

Section 2.2.1 second paragraph recommended edit: "To recognize the significant variability in salinity concentrations in groundwater across the Central Valley, as a default groundwater basins or subbasins, or smaller groundwater zones as appropriate, will be classified into one of four AGR Classes based on the existing volume-weighted average salinity concentration in the production zone of that basin or subbasin.32 SNMP Section 3 provides the most recent calculation of existing ambient TDS water quality in the Central Valley by groundwater basin/subbasin."

Attachment A9 SMCL Policy

Page 13, first paragraph correct minor type-o: 3 The current numeric water quality objectives for SMCLs do not adequately account for the influence of these other variables. Revising the Basin Plans will afford the Central Valley Water Board more flexibility to consider all relevant factors that may affect consumer acceptance of these constituents in drinking water where raw water supplies may be influenced by wastewater discharges.

Attachment C-4 Glossary of terms:

Many terms are defined or described in terms of WDRs or groundwater but not for surface water which looks like an omission. For instance, the concept of assimilative capacity is used/discussed for surface waters in the SMCL Policy, but the glossary only contains a definition for GW. We discussed in our last policy discussion meeting that we should mention the future development of terms related to surface waters.