

MEETING SUMMARY

CV-SALTS EXECUTIVE COMMITTEE POLICY SESSION NOTES – AUGUST 16 AND 17, 2017

PREPARED FOR: Kern River Watershed Coalition Authority (KRWCA)

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INTRODUCTION

The purpose of this meeting summary is to document the presentation and discussion items from the August 16 and 17, 2017 CV-SALTS Executive Committee Policy Session. The main purpose of this meeting was to review the revised Basin Plan language for the nitrate and salinity control programs. In addition, the group discussed other basin plan language sections and received updates from the Public Education and Outreach subcommittee and for the recent activities of oil and gas industry representatives.

BACKGROUND

Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) is a collaborative stakeholder driven and managed program to develop sustainable salinity and nitrate management planning for the Central Valley. The goals of CV-SALTS are as follows:

- Sustain the Valley's lifestyle
- Support regional economic growth
- Retain a world-class agricultural economy
- Maintain a reliable, high-quality urban water supply
- Protect and enhance the environment

CV-SALTS includes four working groups:

1. Technical
2. Public Education and Outreach
3. Economic Social Cost
4. Other (CEQA, policy development, etc.)

ACRONYMS

AID – Alta Irrigation District Archetype	NIMS – Nitrate Implementation Measures Study
ACP – Alternative Compliance Program	P&O Study – Prioritization and Optimization Study
BP – Basin Plan	SGMA – Sustainable Groundwater Management Act
BPTC – Best Practicable Treatment and Control	SNMP – Salt and Nutrient Management Plan
GSA – Groundwater Sustainability Agency	SSALTS – Strategic Salt Accumulation Land and Transport Study
IAZ – Initial Analysis Zone	WQO – Water Quality Objective
ICM – Initial Conceptual Model	
ILRP – Irrigated Lands Regulatory Program	
LSJR – Lower San Joaquin River	
MUN – Municipal beneficial use	

SUMMARY AND RELEVANCE TO KRWCA

- **Salinity Control Program Basin Plan Language** – The Executive Committee continues to refine the Basin Plan language drafted and revised by Richard Meyerhoff (CDM Smith), and informed by the salinity small group. Currently, one of the main concerns is how the P&O study will be funded.
- **Nitrate Control Program Basin Plan Language** – The Executive Committee continues to refine the Basin Plan language drafted and revised by Tess Dunham, and informed by the nitrate small group. There are still some unknowns related to how Management Zones will form and the timelines associated with their compliance requirements. The Regional Board is taking a “We’ll cross that bridge when we come to it” kind of approach for some of these issues because they can’t predict what they will look like. The EJ community is still concerned that the MZ process will be used to ignore DACS and “game the system”. The Regional Board EO disagrees in general because of all the requirements with which dischargers will have to comply under the new regulations, and the Board approvals that will be required for exceptions, etc.
- **Review and Development Status of other Basin Plan Sections** – Jeanne Chilcott updated the Executive Committee that other Basin Plan Sections are behind schedule because of the large number of amendments that have been adopted (Lower San Joaquin, Ag-dominated water bodies, etc.). She is concerned that the Regional Board will not be able to accomplish all that is on the agenda for CV-SALTS by the end of the year and will propose to have a separate workshop for the final Basin Plan package. As such, a workshop and comment period would potentially be after the start of the new year.
- **Outreach and Education update** – 10,000 11x17 folded information brochures have been printed for distribution. Inserts specific to permittee sectors have yet to be finalized.
- **Oil and Gas Update** – Oil and industry representatives are starting to meet to get updated on CV-SALTS status and procedures. There are numerous potential dedesignations of water bodies (from MUN and/or AGR beneficial uses) that will affect them. These designations will take a lot of work by Regional Board staff so won’t occur right away.

AGENDA ITEMS

SALINITY CONTROL PROGRAM BASIN PLAN LANGUAGE

- Reviewed revised salinity program language
- Discussion
 - Chilcott thinks it should not specifically call out only waters that have MUN and/or AGR designation – limits Board and might create holes in regulatory landscape
 - Dischargers are concerned that some would have to comply even though there are not applicable WQOs associated with designations
 - Chilcott also concerned that 3rd goal of restoration should be written specifically into Basin Plan to allow for the possibility of it, even though we know it may not always be possible.
 - Should 95th percentile of max growth be used for most sensitive crops? That approach was eliminated when the interim approach was developed; the threshold value of 700 mg/l TDS was taken out so it could not be misconstrued as a WQO. Chilcott concerned that staff resources would be spent on finding specific lit for specific dischargers. But dischargers should be able to spend their own resources to provide scientific info. Webster is concerned that POTWs would have to comply with several WQOs that might apply to different crops.
 - Terms “default” and “traditional” and “interim” will be replaced with Phase 1 and Phase 1 Alternative, or something similar
 - What is now called the interim salinity permitting approach has to be separated into surface water, because it is federally regulated, and groundwater, which is currently only regulated by these regulations (state).
 - This approach is actually a type of exception – compliance with new regulations is not required as long as dischargers participate and do certain specific things
 - Need to determine the definition of high strength saline discharge – use Designated Waste (must go to Title 27 pond)?
 - Funding – CVSC is not mentioned in summary tables with regard to funding, but it or similar group will likely be responsible and a conduit for member funding
 - CVSC likely doesn’t currently have enough members to fund this process; need to get more members, and funding structure is needed for increased membership, and for different ways of paying fees; some commodity groups want to aggregate fees and some don’t
 - Governance needs to be spelled out more in language
 - P&O study list is intentionally general
 - Language will be clarified to say that Phase II activities don’t necessarily have to wait until Phase I activities are finished
 - Language will be clarified to say that participation in P&O (Phase I) doesn’t mean you have to participate in Phase II.

NITRATE CONTROL PROGRAM BASIN PLAN LANGUAGE

- Comments from nitrate small group were incorporated into language
- Language was condensed
- Addresses existing vs. new dischargers
- Footnote 3 addresses how Regional Board communicates notices to comply with water quality coalitions and their members
- Timelines for notifications were addressed and summarized
- Discussion
 - Total nitrogen was added to introductory language but it should be expanded to say different forms/measures of nitrogen – nitrate, nitrate plus nitrite, etc.
 - Existing dischargers in Priority 1 Basins – what happens if you have groups of/individual dischargers who are going down different paths – are their timeframes different because individuals need an opportunity to make an informed choice after seeing what the management zone looks like – so would their timeframe be extended? The EO has discretion to extend 270-day limit. Currently an individual discharger has to submit its NOI to say they are or are not participating within 60 days of the management zone proposal submittal. So if MZ gets extension, does that push everybody else’s schedule out too because then regional board has to notify everybody. We could give individual dischargers a hard deadline (60 days after the 270-day proposal timeframe) but then give them an option later to join the MZ – will be revised as such.
 - If you join the MZ and then decide later that you want to be permitted as an individual discharger you can do that, but do they have to meet original timelines or is there a different schedule.
 - If a discharger remains silent then the default is that they are an individual discharger.
 - Existing dischargers in all other basins – no comments
 - New Dischargers or those seeking a substantial or material change
 - How will timelines work for new dischargers when they need to submit a ROW so they can start discharging, re what basin they are in, etc.
 - What if they want to be in a management zone but there isn’t one yet formed?
 - Does it make sense to have a discharger in a low priority basin comply with the new requirements? How will this impact Board staff?
 - Board’s intent is to have most dischargers comply without making a specific time schedule for them – so they are just complying with general time schedules, because this creates more work for the board
 - Language should say something about new permits having provisions to allow discharger to participate in a later formed MZ, per EO discretion
 - Applicants can always ask for the decision to go to the Board even if EO has discretionary power

- Language should say that new dischargers should meet the new requirements unless there is some good reason they can't right away
 - Non-MZ compliance
 - The necessity of early action plans is uncertain for Category 1, so language will be modified to reflect that (it won't say that they need them or that they don't need them)
 - Legacy nitrates are not specifically addressed in this language but they will likely be a topic of the initial assessment; may create another category of discharge to address those dischargers/sites that have legacy nitrate but no currently impacting nitrate
 - EJ is concerned that initial assessment can't capture who/where will be impacted down the road; so there should be some mechanism for re-evaluation written into language.
 - Board can only allocate assimilative capacity based on shallow zone; but upper zone is addressed in Categories to acknowledge that impact to whole upper zone should be evaluated. That's why both shallow zone and upper zone terms are used in Category descriptions.
 - Board findings by Category – text based on language in SNMP.
 - Management Zone compliance option
 - EJ wants to see more specific definition/criteria for MZs because they are afraid that gerrymandering will occur. Creedon says that it's the Board's job to make sure that doesn't happen, plus it has to be a public process to get them approved, so doesn't see how it could happen.
 - EJ is worried that without a system of box-checking things will get missed; they base this opinion on experience with SGMA, where whole cities were missed on GSA notifications, for example.
 - At this point we don't know what MZ formation will look like, so we don't know what criteria should be.
 - EJ is worried that gerrymandering (around a DAC) could occur unintentionally, but Creedon mentioned that if Board found out after the fact that it happened, it has the authority to go back to the MZ to change it.
 - Palupa submitted that review of MZ will necessarily occur through review of WDRs, so it would be caught there too.
 - Final Management Zone Proposal
 - Chilcott wants some language to indicate that Board can and may initiate communication within the 270-day period so they know what's going on with the permittee's process; they don't want to wait until the end to find out. This should also be part of instructions in notice to comply
 - Chilcott also wants to see a requirement or similar to summarize existing practices, monitoring etc. because she wants to ensure that previous/existing work is acknowledged. Tess Dunham expressed concern that for multiple dischargers in a

MZ, this would take a lot of culling and review work to summarize for the whole MZ area/dischargers. After discussion it was decided that a brief summary of current management activities will be included in the final management zone proposal.

OUTREACH AND EDUCATION UPDATE

- Daniel Cozad briefly discussed 11x17 folded info sheet for the public (included in agenda packet). 10,000 have been printed.
- Inserts for different permittee sectors (ag, industry, municipal, etc.) are not finalized.

OIL AND GAS UPDATE

- Oil and gas industry representatives have met (via conference call) to get updated on CV-SALTS status and procedures and to discuss impending dedesignations of water bodies.
- They are considering a request to form a sub-committee for oil and gas. However, no other permittee sector (ag, municipal, etc.) has subcommittees. The Executive Committee would have to approve this request, and more oil and gas representatives would need to become CVSC members to help pay for consultant fees, etc.