

## **CV-SALTS EXECUTIVE COMMITTEE POLICY SESSION NOTES – JUNE 15, 2017**

**PREPARED FOR:** Kern River Watershed Coalition Authority (KRWCA)

**PREPARED BY:** Stephanie Tillman/Land IQ

**DATE:** June 20, 2017

### **INTRODUCTION**

The purpose of this meeting summary is to document the presentation and discussion items from the June 15, 2017 CV-SALTS Executive Committee Policy Session. The purpose of this meeting was to review the first draft of the Basin Plan language for the nitrate and salinity control program; to review the revised plan for spending remaining grant funds on implementation of the SNMP; and to discuss the coordination with CV-SALTS for other proposed Basin Plan amendments related to de-designation.

### **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

- **Nitrate Control Program Basin Plan Language** – At the request of the Executive Committee, Tess Dunham drafted Basin Plan language for the nitrate control program. There are still several areas of the program that are undefined because of gaps in the policy drafted for the Basin Plan. These gaps will be addressed by the Nitrate Small Group, which will meet in July. Comments to the draft language are due by the end of June.
- **Coordination with CV-SALTS on other Basin Plan Amendments** – There are several proposed Basin Plan amendments related to de-designating water bodies for municipal and/or ag use, many of which have been proposed by the oil and gas industry. The Board requires that any amendments that are proposed during the CV-SALTS process (before the Basin Plan amendments are adopted) be reviewed and coordinated with CV-SALTS. For this reason, technical review (by the CV-SALTS Technical Advisory Committee) should occur first, with a recommendation to the Executive Committee. The Executive Committee decided they needed more information on how much of an effort this would be for the currently proposed amendments, before making a decision on how to proceed.
- **Salinity Control Program Basin Plan Language** – Some points of clarification were discussed, the most important one being that participation in Phase 1 or Phase 2 does not necessitate or preclude participation in the other phase.
- **Outreach and Education update** – Finalized brochure for the public was presented in agenda packet and briefly reviewed.

## AGENDA ITEMS

### NITRATE PROGRAM BASIN PLAN LANGUAGE

- Small group for nitrate – comments on draft Basin Plan (BP) language due by end of June; small group meeting will be scheduled for first week of July (Tess drafted initial draft) – management strategy/control program – part of implementation part of BP. Board staff commented that it has to have dates and timelines. Another section of BP has policies.

- BP will be around a lot longer than the SNMP – the SNMP may change but the BP won't be opened again for a long time.
- Doesn't need explanatory language because this section can link to the SNMP for the explanatory language
- Public comment period for all BP language will be in October
- Board workshop for BP language will be in December
- Comments on draft language from meeting participants
  - Program overview – needs general definitions section
  - Prioritization for implementation – needs to have a specific methodology laid out for determining prioritization, so that if prioritization changes there is a clear reason why and it can be supported;
    - Basins won't be able to change their prioritization after the BP is adopted;
    - However, before it is adopted, basins can submit data/rationale to change their status, or Board staff can do the same; but there will be more flexibility when it comes to management zones.
    - DWR is starting another basin modification process.
    - Need a map in this section.
  - Implementation timelines – Creedon says Board needs dates/specific timelines that can be extended/flexible
  - Management Zone Policy – if you are part of a management zone you don't have to submit an individual notice of intent that you are opting in. But if you are originally part of a MZ and you then decide to opt out, you do have to notify the Board that you want to be permitted as an individual;
    - There should be flexibility to allow individual dischargers to join back in or join at a late date (grace period) because the Board wants to incentivize MZ participation;
    - In a non-priority basin, what happens to nitrate problems and current permits? Does your permit change or is discharger protected from permit change until priority for that basin comes up? Policy gap that will be addressed in nitrate small group.
    - Non-MZ compliance option is not intended to be more restrictive than current traditional permit; difficult part will be reviewing geotechnical info to determine MZ policies
    - Policy gap in SNMP re timing of MZs requesting exceptions or allocations of assimilative capacity and having them approved. Language says MZ could request when it submits final management plan, or later during implementation. At either time, Board would have discretion to grant or not.
    - But how would Board approve MZ without info about whether they want exception, assimilative capacity, etc? Board doesn't want to open permits twice – would also require CEQA, which would roadblock everything.

- Problem is that the time between the preliminary MZ implementation plan and final is not very long, so MZs won't get enough time to gather then info to apply for exception or assimilative capacity allocation. Board doesn't want MZs to go on for so long without any action or feedback from Board/Board staff. How to avoid CEQA? Will be addressed in nitrate small group.

## **COORDINATING WITH CV-SALTS FOR OTHER BASIN PLAN AMENDMENTS**

- Any changes to salt and/or nitrate plans/permits should come through CV-SALTS. Gets sent to technical committee first, then tech committee makes recommendation to policy group.
  - Tulare Lake – Mike Nordstrom; got fully integrated into CV-SALTS
  - Dixon – went through CV-SALTS approval process
  - Westside coalition (current) – submitted a draft BP amendment plan for de-designating.
- Oil and gas are also implementing recent WDRs, and want to de-designate some areas. There may be several BP amendments re de-dedesignation.
- Board wants to consolidate these requests systematically so that it doesn't take too long and overwhelm Board's and dischargers' resources. (This is likely why the de-designation items originally scheduled for the June Board hearing were postponed until the August board hearing.) Board insists that these BP amendment requests go through CV-SALTS.

## **SALINITY CONTROL PROGRAM**

- Policy overview – assume dischargers will “opt in”, so they will only have to notify the Board if they want to opt out
- Phased policy implementation – if dischargers participate in Phase 1, Phase 2 shouldn't be punitive – this comment from Tim Johnson, who is “not living the salt problem every day”.
- Language will be clarified to indicate that participating or opting out is possible for Phase 1 or Phase 2 or both, but just because you opt in for Phase 1 doesn't mean you can't opt out for Phase 2 (or vice versa).

## **OUTREACH AND EDUCATION UPDATE**

Daniel Cozad briefly discussed 11x17 folded info sheet for the public (included in agenda packet).