

MEETING SUMMARY

CV-SALTS EXECUTIVE COMMITTEE POLICY SESSION NOTES – APRIL 13, 2018

PREPARED FOR: Kern River Watershed Coalition Authority (KRWCA)

PREPARED BY: Casey Gudel/Land IQ
Stephanie Tillman/Land IQ

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INTRODUCTION

The purpose of this meeting summary is to document the presentation and discussion items from the April 13, 2018 CV-SALTS Executive Committee Policy Session. The main purpose of this meeting was to resolve remaining language issues for the Staff Report. The Board received several comments from the Executive Committee on Basin Plan language, and Board staff reviewed the changes to the Basin Plan Staff Report (that will inform the Board members) that will be implemented.

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	SMCL – Secondary Maximum Contaminant Level
GSA – Groundwater Sustainability Agency	SNMP – Salt and Nutrient Management Plan
IAZ – Initial Analysis Zone	SSALTS – Strategic Salt Accumulation Land and Transport Study
ICM – Initial Conceptual Model	WQO – Water Quality Objective
ILRP – Irrigated Lands Regulatory Program	
LSJR – Lower San Joaquin River	
MUN – Municipal beneficial use	

SUMMARY AND RELEVANCE TO KRWCA

- **Basin Plan Staff Report changes** – A list of changes with specific references is included on Page 27 of the Staff Report. Edits that are simply typos need to be submitted by email by April 30. Official comments are due May 7. The Regional Board hearing on May 31/June 1 will be dedicated to CV-Salts.
- **Outreach and Education** – The Drinking Water inserts were approved with minor changes.

MARCH 8 MEETING MINUTES

- The previous request to provide more concise minutes have resulted in minutes that are too concise. There is a feeling that too much valuable information is lost.

DRAFT STAFF REPORT FOR BASIN PLAN AMENDMENTS

- Jeanne Chilcott (Regional Board) explained the changes from prior drafts, which were based upon the comments received.
 - Page 27 summarizes the changes with specific references to what the change was (i.e. Chapter 3, Application Water Quality Objectives – Fourth Point (Revision))
 - There is a new section on Recommendations to Other Agencies.
 - The Guidance Document on Alternative Compliance Projects has been moved to Appendix H – this makes it easier to make changes to the guidance document when it is in the Appendix
 - The Estimated Cost to Agriculture has been added prior to the Appendix – this is a required section.
 - The Executive Summary has been completed. This section had not been included in previous versions.
 - There is new language in Chapter 3 relating to exceptions or variances.
 - Debbie Webster of the Central Valley Clean Water Association (CVCWA) had concern with the language on page 111 being very specific to metal translators

(ways to convert from one type of measured result to another type). She suggests making it more generic to other sources or leaving out the reference to metals. Pamela Creedon was not sure that could be changed as it required a deeper discussion amongst stakeholders.

- Water Quality Objectives, as it relates to groundwater, clarifies that when testing for chemical constituents, long-term averaging shall be used to evaluate groundwater quality and annual averages of sample results will be used to determine compliance for water supplied to domestic and municipal users.
- Salinity Control Program
 - Table S1 (Page38) Comparing Conservative and Alternative Salinity Permitting Approaches – Helps to address the question of whether or not you are in compliance with salinity limits when meeting the requirements of the alternative salinity permitting approach.
 - Permitted Discharge to a Water Body Subject to De-Designation of a Beneficial Use – Identifies reasons why groups should be included in P&O study.
 - Conservative Salinity Permitting Approach – clarifies that when conducting assessment, permittee may use historic water quality info when it is representative and approved by Regional Board.
 - Failure to Comply – Clarifies that if someone is coming into the P&O study after initial notice to comply, need to work with the entity doing the study.
- Nitrate Control Program
 - Table N3 relating to Nitrate Discharge Categories makes adjustments to Category 3 where the trend analysis has been removed , focusing on shallow zone instead of entire basin.
 - Tim Johnson from the California Rice Commission had some concern with Categories 3 and 4. The concern is that there will be people who will try to push rice into Category 4 to help pay for Alternative Compliance. He doesn't want his industry to be pushed into a regulatory program when there isn't an issue with groundwater. (Note: Categories are only for those in the individual permitting approach, not in the alternative approach with the P&O study.)
 - Patrick Palupa clarified that Category 3 was designed for those types in areas like the Sacramento Valley.
 - Jennifer Cleary (EJ) – still have same concerns on horizontal averaging over a management zone that could be as large as basin. Patrick – not applicable to this portion, applicable to the management zones only.
 - For Path A – Individual Permitting Approach (Page 60) Provides three different options for calculating the shallow zone, allowing for flexibility.
 - Shallowest 10% of the domestic water supply wells in Upper Zone as defined by High Resolution Mapping

- It was agreed that there should be a statement relating to future updates to the mapping.
 - Site specific evaluation based on available data and need for well reports
 - Equivalent alternative approved by Regional Board EO.
 - Guidelines for Proposing an Acceptable Alternative Compliance Project – The guidelines have been moved to Appendix. Including this section in the Appendix allows for revisions.
 - Requirements for Alternative Compliance Projects – Debbie Webster had concern with contradictions in language with the statement “except in limited and unique circumstances...” (page 54) and “will require a permittee to develop and implement...” (page 73). Tess Dunham clarified the latter is specific to when it is above a trigger level.
- Surveillance & Monitoring Program Requirements – numerous changes, will discuss later (was not addressed again at this meeting).
- Recommendation for Implementation to Other Agencies – This section is completely new.
- Definitions & Terminology – Appendix D includes all the different definitions proposed. A number of definitions were removed in this section.
 - Bob Gore from the Gualco Group suggested pulling out the definitions related to zones (shallow, upper, production) and including them in the Executive Summary, in addition to the Definitions & Terminology section.
- Exceptions Policy
 - Language clarifies that during Phase 1 of the Salt Control program you are in compliance if you are part of the alternative pathway, though that could change in Phase 2 and 3.
- Offsets Policy
 - Offsets will be for the same pollutant. It is too difficult to exchange between differing pollutants.
 - Provides for a step-wise process for offsets with clarifying, simplified language.
 - Debbie Webster (CVCWA) pointed out that there were several places where “improving water quality” is expressed as a measurement, but there is a need to include language that also “improves user protection”. Jeanne Chilcott stated that the offsets policy’s focus was on improving water quality, thus it should remain as “improving water quality.”
 - Similarly, on page 70 – Modifications to Management Zone Implementation Zone, and improves user protection” should be added after “changes that will benefit water quality”
- Summary of CVSC Member Comments

- Bonnie from Sacramento River Source Control is reviewing the changes and anticipate submitting written comments to Chapters 3 & 4. They hope to meet with members of the Regional Board in preparation of the May 31 meeting. Pamela Creedon suggested they provide comments to the entire stakeholder group and to be prepared to do so at the May 3 meeting or a conference call prior to that. Bonnie also asked if the Regional Board anticipates changes that would necessitate another amendment and public comment period. Staff responded that it they do not anticipate that happening. Any changes will be posted prior to the meeting.
- Lysa Voight from Sacramento Regional CSD inquired about receiving in-kind credits or monetary reimbursement for previous studies. Daniel Cozad responded that nowhere in the document does it guarantee the ability to get a credit for in-kind services. If it helps the P&O study, then yes there is the potential to get credit or payment for the work. It was intended to allow the entity leading the P&O study to determine if it can be used or if there is a value for it. Bob Gore (Gualco Group) had concern with the assumption that it is included. Pamela Creedon did not want it in Basin Plan Language, and suggested it be addressed elsewhere, possibly in the staff report or through responses to comments.
- Lysa Voigt (Sacramento Regional CSD) asked why the Irrigated Lands Regulatory Program was specifically called out under the Conditional Prohibition (pg 14). Patrick Pulupa responded that the Regional Board is currently on track to amend ILRP General Orders through State Board, thus it was easier include the program in conditional prohibitions since they are already amending them.
- Debbie Webster (CVCWA) inquired about the Conditional Prohibition and asked if it was clear enough for those that were going down Pathway A for nitrate, i.e. if you are complying with current permit when you are between getting the letter and your permit is renewed.
- Lysa Voight (Sacramento Regional CSD) pointed out that the Executive Summary says Coalition members will fund (pg 13). She feels that others should carry the burden of cost as well. Pamela Creedon suggested adding a footnote that funding can come from other parties.
- Debbie Webster (CVCWA) had concern that in the section titled “Direction to Other Agencies” (pg 80) there is no recommendation that counties, state agencies, etc. participate in the P&O study. Pamela Creedon expressed concern with rolling in the nitrate component into the salinity component.
- Bob Gore (Gualco) suggested that the Department of Conservation be included in the text of Direction to Agencies.
- There was a general comment in regards to the formatting of footnotes and spacing (Pg 82). It was suggested that those types of edits be sent as soon as possible so they can be cleaned up in the document.
- Debbie Webster (CVCWA) suggested that the MUN Supply Title 22 citation on page 11 include the short-term range of 1500 mg/l TDS.
- Richard Meyerhoff reported on the P&O Costs & Fee Setting. A sub group has been working on how to break up the cost to permittees. They have been working through the different permit types and potential costs. They will report back to the rest of coalition once they have more consensus. Pamela Creedon suggested they be prepared

to talk about the process the group is going through and be able to explain it at the May 31 hearing.

- There were a number of comments from the group in regards to the “Definitions” section”:
 - Reasonable, feasible & practical – needs to be consistent throughout the document.
 - De Minimis – the de minimum definition reflects groundwater in this document, is it anywhere else that would be of concern?
 - Is the “Domestic Well” definition the same as the DWR definition? Yes, it is the same.
 - Melissa Thorne from Valley Water Management inquired if the Boron level of discharges (pages 51 & 52) could be taken out. Patrick Pulupa thought that was to protect ag, but needed to go back and see how this was added. Pamela Creedon asked Nicole Bell to get input from South Valley ag as to how it impacts them. Melissa inquired if there was a way to get an exception for the language.
 - Debbie Webster (CVCWA) inquired about the definition of salinity (page 85). First, should the definition include fixed dissolved solids and second, should the definition be carried out throughout the document.
 - Debbie Webster (CVCWA) stated that the definition for nitrogen speciation should be consistent. Examples are on pages 53 and 100.
 - Jennifer Cleary from Clean Water Action inquired about how the Table of Alternate Water Supplies (page 178) would be used. She has concern with the options it provides for providing clean drinking water.
 - Jennifer Cleary (CWA) also inquired about footnote 31 on page 136. She wondered if the production zone was used for granting assimilative capacity. It was clarified that there were areas of text borrowed from other places and that this would be cleaned up. Jennifer Cleary (CWA) also inquired about the statement on page 23 relating to the term “down-gradient” of the discharge(s). She asked if it should be more general using the terms “area impacted” or “area of contribution.”
 - Jennifer Cleary (CWA) has concern with the horizontal averaging of assimilative capacity across Management Zones. She states that in ILRP, they are averaging across township, while here it can be as large as a basin, and wants to know how that will work together.
 - Karen Ashby from Larry Walker & Associates stated that they have six areas that they will submit comment on, but are just focusing on two in today’s discussion. The first relates to the financial contributions or in-kind contributions. She wants to make sure that is not precluded. She suggests adding a “subject to approval of authority”.
 - Karen Ashby (LWA) also inquired about the affluent limits from a stormwater perspective. She asked what the process would be for determining that limit. She is concerned with how they are currently regulated. Tess Dunham (Somach,

Simons & Dunn) responded that the statement “permit limitations” was purposefully used to take into account current permitting processes.

- Debbie Webster (CVCWA) inquired about deleting “and it is not feasible, practicable or reasonable to prohibit that discharge” on page 23 as it relates to variances. The Regional Board staff clarified that the variance sunset on salinity is a hard deadline set by EPA and it would take a new basin plan amendment to change that. However it is expected.
- Richard Meyerhoff (GEI Consultants) stated that that Monitoring & Surveillance program on page 268 needs updating to be more consistent. He states that while the text here refers to a template provided as a part of the SAMP, other areas refer to ILRP groundwater monitoring. The Regional Board staff clarified that this is an alternative, not the final. Richard asked that it be noted as such.

PRESENTATION PREPARATION FOR MAY 31

- In planning for the upcoming meeting of the Regional Board, staff plans to focus on where the changes were, the comments received and the response to those comments.
- Staff does expect to have a couple of panels and may limit each panel to 15 minutes.
- Staff is hoping to conclude the meeting in one day, but do not want to cut off any comments.
- There was a suggestion to potentially break it up to address salts and nitrates separately.

ADMINISTRATIVE UPDATE

- The Public Education and Outreach committee presented the fourth version of two Drinking Water inserts for review (1 page and 2 pages). The Executive committee approved them with the following changes:
 - Current regulations do not “adequately” address ...
 - ...ensure safe drinking water where groundwater is high in ...strike salts.
 - A group of dischargers, representing growers.... strike “of dischargers”
- There was a reminder to please complete the outreach tracking form, on CVSC website, to track any presentations, delivery of handouts, etc.

MEETING SCHEDULE

- May 3 – Policy meeting
 - Send comments that are typos, etc. in an email by end of the month (April).
 - Please submit formal comments as soon as possible.
 - One area that they need input on is examples of the salt program that include solid numbers for the Appendices. If you have those, please include in comments.
- May 4 – Admin meeting
- May 7 – Deadline for comments