

## MEETING SUMMARY

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# CV-SALTS EXECUTIVE COMMITTEE POLICY SESSION NOTES – OCTOBER 11 AND 12, 2017

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

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

**DATE:** October 24, 2017

## INTRODUCTION

The purpose of this meeting summary is to document the presentation and discussion items from the October 11 and 12, 2017 CV-SALTS Executive Committee Policy Session. The main purpose of this meeting was to review revised Basin Plan language for the nitrate and salinity control programs and clarifications regarding the drought and water conservation policy. In addition, new language from the revised exception policy was presented, and an update from the Public Outreach and Education Committee. The objective of the work leading up to this meeting was to identify inconsistencies between language, and to identify any circular references between pieces of the Basin Plan (that each point to another to clarify policy).

In November, these clarifications and additions to the Basin Plan language will be finalized. The Draft Basin Plan will be presented to Regional Board in January 2018, followed by a public hearing in March. Comments on the current versions presented at these meetings are due Friday, October 20, 2017.

## 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** – There is still clarification needed on the definitions of shallow zone vs. upper zone vs. first encountered, though all three terms are still in the language. This is an important distinction because permittees that choose to be permitted as individuals (rather than in a management zone) have stricter regulations based on these definitions. Because of variability in hydrogeology throughout the state, the previous definition of “shallow”, meaning the top 10% of the upper zone, doesn’t always represent the depth where domestic wells are found. A new concept was discussed where a default definition could be used in the absence of the permittee demonstrating that a different definition is more applicable.
- **Exceptions Policy** – New language related to adding boron and nitrate to the exceptions policy was presented.
- **Public Outreach and Education Committee** - Community/industry inserts for brochures were presented for approval and review, including Dairy, POTWs and Oil & Gas (see Agenda Package for Thursday, October 12).

## AGENDA ITEMS

### SALINITY MANAGEMENT STRATEGY

- Revisions were made to call out intended consistency with other regulatory programs; to address anti-degradation in program goals
- Discussion about extent of review moving from Phase 1 to Phase 2; Rice submitted that there should be some assurance that after participating in the P&O study, Board will consider those findings and reevaluate for Phase 2; otherwise the incentive to participate in the alternative approach will be lessened.
- Figure has been added that shows pathways and phases.

- Discussion around inconsistency between shallow groundwater, first-encountered groundwater, etc. – discussion continued on October 12.
- Discussion around AGR beneficial use protection for sensitive crops at 700 mg/L TDS. Rice submits that Basin Plan should ensure that sensitive crop threshold should not be used if there are no sensitive crops in the area.
- Discussion noted that there is no specificity about timelines for averaging for MUN and AGR beneficial uses – should be clarified. Monthly for AGR and yearly for MUN suggested.
- Language doesn't currently address site-specific objectives – will be clarified.
- Lengthy discussion around allocating assimilative capacity. Too much language that says “as appropriate” and needs to be specified.
- Under alternative program, Board wants to retain discretion for high strength discharges, but this represents uncertainty for dischargers if they are not sure what Board is going to do. Language will be clarified to indicate that this is only possible with high strength discharges.
- Recommendations with other agencies – discussion with other agencies still to occur.
- What should be done about organizations that have already invested time, effort and money to improve their systems (to treat salt)? Should they be required to pay as much to participate in P&O study? Also need to consider dischargers applying for dedesignation, or are in the middle of that process.

## **SECONDARY MCLS**

Water purveyors still want requirements to be changed re sample filtering. They maintain that filtering with a 45-micron filter does not accurately represent the filtering in most water treatment plants using methods such as coagulation, sand filtering, etc. They think the sample should be collected whole; however, the lab standard is for this type of filtering and there is no other standard to refer to. This group will meet with Board staff at the end of the month.

## **DROUGHT AND WATER CONSERVATION POLICY**

Outlines conditions for conditional variance or exception under drought conditions, or during water conservation or recycling efforts.

## **SALINITY VARIANCE**

No discussion.

## **GENERAL DISCUSSION POINTS**

See Agenda Package p. 10 (Wednesday October 11).

## **NITRATE CONTROL PROGRAM, PERMITTING PATHWAYS A AND B**

- Definition of shallow zone needs to be clarified.
  - Should be clarified in glossary of terms for whole Basin Plan.
  - Dischargers permitted under the individual permitting option (Path A) have to determine their impact to the shallow zone, which is why it's important to have it consistently defined. Board doesn't want to have inconsistencies between what the shallow zone is and how to

evaluate it between different dischargers. The term “first-encountered” groundwater has also been used in the language.

- One of the definitions using the top 10% of the upper zone, which has its own definition, doesn’t necessarily represent the depth where domestic wells are. The problem with using a generic definition is that it may not apply to the specific areas the Basin Plan refers to. Vicki K. suggests using DWR data to make the definition more specific to regions in the valley. This would be more of a data-driven definition than a generic/legal one. There has to be a definition that you can directly turn/translate into a permit.
- The database includes where the domestic wells are screened, but it doesn’t include nitrate concentrations, so we don’t know the ambient nitrate conditions associated with the wells. Location of the well in this database is to the Section level, so it’s not really precise, but it would be a start in figuring out where the shallow zone is relative to domestic wells.
- But this would only apply to individual dischargers, so probably mostly applicable to areas where there are not significant nitrate impacts. Otherwise, individuals would be joining a management zone. The current language allows the discharger to get more data if it needs to, and present to the Regional Board that the shallow zone is X and it has little nitrate impact.
- New concept discussed: definition agreed upon for basin plan would be default. Dischargers could have the option to clarify or build on what that represents for their site/area using new data. If they don’t want go to the effort and expense of collecting and analyzing new data, they would have to default to the standard definition (whatever is agreed upon for the Basin Plan).
- Universal guidelines could be given on how to define/evaluate the well data for this purpose. Recommendation is to use the DWR database, because it is the most accessible, but it doesn’t always represent the shallow zone well.
- Vicki K. suggests looking at the domestic well data in a few basins as test cases, rather than trying to look at 10% of that, so we know what we are dealing with (how much variability, etc.)
- Would find out where the domestic wells are, and how variable they are within a region. It may require that large portions of the SNMP be re-written.
- Will provide new info and further discussion at November 9 meeting.
- Other edits were made clarifying that water quality triggers are not water quality objectives; Regional Board review of basin prioritization will occur within 5 years of Basin Plan adoption; to ensure that Board doesn’t want to receive continual ad hoc requests to consider new data that might change prioritization, so if basins/management zones have pertinent data, they should supply it sooner rather than later; community request for participation in nitrate control program.
- Discussion around 20-year period for evaluating assimilative capacity use impact. POTWs have a problem with this because they are mandated with a 5-year review for NPDES, and most have NPDES permits. Might be simpler for other dischargers.
- Management zone path is considered equivalent to alternative compliance project and is subject to requirements of the latter.

- Deliverable due dates were clarified. New due dates. If you haven't joined a MZ by 270 days after notice to comply is issued, you will automatically be put into Path A (individual permit).
- Chart on Agenda Package page 22 (Wednesday). Even after MZ preliminary proposal has been submitted, an individual can still join up until the 270-day deadline has passed. If you are part of a MZ and you want to pull out, you have 60 days after it has been submitted to change your status. (See figure on Agenda Package page 22).
- How do ILRP coalitions and MZs interact? The coalition would join the MZ on behalf of its members. Can a coalition be its own MZ? If there are other discharger types within the coalition, coalition would have to work with them inside the boundaries of the coalition. But if members of the coalition don't want to be in the MZ, they would also necessarily not be able to be in the MZ.
- Coalitions could take Path A, and be treated as an individual permittee.
- Zone of influence – has a specific technical definition in DWR and hydrogeology discipline, but its use and application may be different in the SNMP language. Zone of contribution or something like that is volumetric and may be better.

## **POLICIES AND GUIDANCE SUPPORTING NITRATE CONTROL PROGRAM**

### **ALTERNATIVE COMPLIANCE**

There is still some confusion about what is an alternative compliance program and what is not. Needs clarification in all policies that refer to it; this must be consistent.

### **EXCEPTIONS POLICY**

Exception Policy – new language provided to include nitrate and boron. (Previously only included salinity.)

### **PUBLIC OUTREACH AND EDUCATION COMMITTEE UPDATE**

Community/industry inserts for brochures were presented for approval and review, including Diary, POTWs and Oil & Gas (see Agenda Package for Thursday, October 12).

**Next Executive Policy Session: November 9 at Sacramento Regional County Sanitation Districts, 9 am – 3 pm.**