

MEETING SUMMARY

CV-SALTS EXECUTIVE COMMITTEE POLICY SESSION NOTES – MAY 3, 2018

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 May 3, 2018 CV-SALTS Executive Committee Policy Session. The main purpose of this meeting was to review comments on the Draft Staff Report in preparation for the Regional Board Hearing and Adoption on May 31 – June 1, 2018.

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

- **Collection of Comments for Draft Staff Report** – The Central Valley Salinity Coalition provided their comments on the changes in the Draft Staff Report.
- **Regional Board Hearing & Adoption** – The comment period has been extended to May 7. The Regional Board Staff provided an outline of the expected protocol for the meeting.

REVIEW OF MEETING MINUTES

- A set of revised meeting notes from March 8 were provided per the request from the April 13th meeting that the notes be more complete.
 - Debbie Webster from Central Valley Clean Water Association (CVCWA) noted that the fixed dissolved solids should be added as a discussion point under the Salinity Control Program.
- The meeting notes from the April 13 will be included as a part of the May 24 meeting packet.

REVIEW OF DRAFT STAFF REPORT FOR BASIN PLAN AMENDMENTS

- Jeanne Chilcott from the Regional Board provided a recap on the timeline approaching the May 31 - June 1 meeting. Official written comments are due at Noon on Monday, May 7. The tight timeline is so that the Regional Board staff can make any changes or revisions by the following Monday, May 14 and include them in the agenda packet for the Regional Board meeting. The notice and agenda will be posted and distributed 10 days prior to the meeting, which will be held May 31.
- Tess Dunham, representing the Central Valley Salinity Coalition (CVSC), covered the Coalition's comments, which will be submitted by the deadline. The following is a recap of those comments:
 - Section 1: Introduction
 - In Section 1: Introduction, the text refers to nitrates in groundwater and surface water. This should be clarified to include just groundwater.

- Section 2: Environmental & Regulatory Setting
 - In Section 2: Environmental and Regulatory Setting, there is a reference to nutrients in surface water. The Coalition has a concern with the inclusion of biostimulants as a nutrient. It was agreed that it was taken out of context and might need some clarifications that biostimulants are being handled through another program.
 - Section 2.2.1: Central Valley Water Board Water Quality Plans (Basin Plans) should be cross referenced with Section 6: Consistency with Laws, Plans & Policies.
 - The Table 2-12: Alternate Drinking Water Supply Options (pg 178) is confusing. The Coalition suggests providing an explanation of what the table is trying to tell us or what its purpose is. Regional Board Staff explained that this table came directly from the Nitrate Implementation Study (NIMS).
 - Debbie Webster (CVCWA) pointed out that they too had concern with the use of manual filtration in the Point-of Use Treatment section.
 - Debi Ores from the Community Water Center (CWC) also has concerns with this table expressing that it reads like they are providing emergency solutions but in fact the solutions are not viable as emergency solutions.
 - It was agreed upon that the table should be removed and replaced with an explanation of NIMS.
 - Throughout the document there are references to the Regional Board’s authority to require alternative drinking water. This should be clarified that this is an enforcement authority of the alternative compliance option.
- Section 3 – Laws, Regulation, and Policies Relevant to Basin Planning
 - Policies that are subject to EPA regulation should be clarified.
 - First line of Section 3.1.1 states “all waters of United States” (page 185) should be changed to “waters of United States.”
 - Footnote 33 refers to USEPA Guidance Materials but does not state which ones. It was clarified that it was the Federal Register.
- Section 4: Alternatives
 - There is a reference to meeting the prioritized goals wherever “reasonable, feasible and practicable.” The Coalition notes that Goal #1: Ensure a Safe Drinking Water Supply does not apply to the “reasonable, feasible and practicable.”
 - Under Section 4.2.1.1.2.3: Salt Control Implementation Program, there is a reference to “permitted dischargers of salt (permittees) will be subject to the Conservative Salinity Permitting Approach...” The Coalition asked if this should be “all dischargers of salt...”
 - Additionally, it was asked if a discharger is not in the P&O study and there are no AGR or MUN designation, does the Conservative Approach still apply and

what numbers would they be regulated against if that was not the case. Regional Board staff confirmed that the Conservative Approach would still apply.

- The Coalition mirrored comments from the previous meeting regarding the use of in-lieu or in-kind contributions (page 218) for participation in the P&O study that additional language was needed.
- Pg 220-222 – Specific to Tulare Lake Basin amendments. Comment with respect to Option 1 - maintain boron in the implementation section but exclude the 1 mg/l limit because it is not a WQO.
- In Section 4.2.1.3: Recommendations, the second bullet point for items to address through the P&O study is to determine whether consumption use guidelines are an appropriate compliance measure (pg 222). The Coalition inquired that if it is known that the consumption guidelines aren't working, should the P&O study include it.
- In Section 4.2.2.1.2.3: Prioritized Approach, there should be a process for the Regional Board to review and adjust priorities in the future (pg 228).
- In Section 4.2.2.1.2.4: Nitrate Control Program Implementation
 - There is a reference to the “allocation of assimilative capacity over 10% of that available...” (pg 234). The Coalition was under the impression that degradation over the trigger amount would fall under Category 3. There is similar concern on pg 248.
 - In the portion related to Implementation of Permitting Approaches (pg 236), there is a reference to how many permittees would be notified. The Coalition feels that there should be some clarification to explain how dairy and irrigated agriculture are included so there isn't an assumption that they have been left out.
 - Debbie Webster (CVCWA) inquired about how people with individual septic systems are included. Will County approval process include a reference to comply with Salt & Nutrient plans? The Regional Board staff confirmed that the Regional Board will be collecting information and be able to report back in 2020. At that point, Counties will be updating ordinances to comply with CV-Salts. Individuals will not be regulated, except through the larger community/county.
 - Debi Ores (CWA) was concerned with disadvantaged communities being able to pay for a solution.
- Guidelines for Proposing an Acceptable Alternative Compliance Project
 - Coalition seeks clarification on Option 1 (pg 248) and the use of “should” and “guidelines.”
- In Section 4.2.2.3: Recommendation, the text reads, “It is recommended that the Guidelines for Alternative Compliance Projects be expanded to include the

following criteria from Alternative 3...”(pg 259). The criteria from Alternative 3 are not listed.

- In Section 4.2.9.1: Alternatives, the text states “Three Alternatives were identified...”, however only two are listed (pg 295). Should this be two alternatives or is one missing?
- Following up on the previous meeting’s discussion related to translators, the Coalition believes it should be left open to other constituents and not specific to metals (pg 317)
 - Pamela Creedon from the Regional Board stated that a lot of work has been done on translators, specific to metals. There has not been the same level of work done with other constituents, so she is not comfortable with leaving it open.
 - Debbie Webster (CVCWA) wanted the ability to include other constituents if they do the work and the studies to substantiate including them. Pamela Creedon strongly suggested that they add language to look at other constituents with appropriate study and engagement of stakeholders through the public process.
- Section 5: Antidegradation – The Coalition will submit written comments.
- Section 6: Consistency with Laws, Plans & Procedures
 - Under Section 6.1.1.4: Requirements for Avoiding Wetland Loss, the Coalition suggests looking to the ESA language when referencing considerations for future (pg 349).
 - Under Section 6.1.4: Sustainable Groundwater Management Act, the Coalition suggests that Management Zones include more than permittees and other local authorities (pg 353).
 - Under Section 6.1.5: Assembly Bill 32 – California Global Warming Solutions Act, there should be some reference to salinity alternatives and the P&O study benefits as it relates to global warming.
 - Under Section 6.2.9: Nonpoint Source Management Plan & the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, there should be more about how the exceptions policy is consistent with the Nonpoint Source Pollution Control Program (pg 358-359).
 - Under Section 6.2.15: Onsite Wastewater Treatment, consistent language similar to what was stated above with Avoiding Wetland Loss and referencing considerations for the future (pg 362)
 - Under Section 6.3.3: Water Quality Limited Segment Policy, there should be language to ensure that exceptions are subject to evaluations.
- Patrick Palupa from the Regional Board summarized the key areas of discussion from the last two meetings that need clarification before the Regional Board meeting. These areas are 1) Category 3 discharges, 2) Dischargers that are not included in AGR/MUN and how they are regulated, 3) Secondary MCLs and metals and 4) Consumption use guidelines

- Bonny Starr from Sacramento River Water Source Protection explained that they are municipal water users who utilize Sacramento River water. Their primary area of concern is secondary MCLs, specifically:
 - At the March meeting there were significant changes to non-salinity MCLs approach. They do not agree with the use of dissolved metals. And while they do not oppose the translator approach, they do not understand it as written. Their comments will provide alternative language for this section with more details on purpose, who would do it, how it would apply, consequences and need for sound science. Believes that “dissolved” under represents the risk to users.
 - Pamela Creedon (Regional Board) explained that this is validating the current work and her technical staff can help explain the process. This follows the process by which they identify toxic constituents, they are following similar science to identify MCLs. They do not want to put undue burden on wastewater treatment facilities either.
 - Under Water Quality Objectives for Surface Water (page 29), Bonnie inquired if the language should be secondary MCLS when referring to “such that some MCLs may not be appropriate...”
- Jeanne Chilcott (Regional Board) wanted to make sure that there was clarification on a comment brought up by Debi Ores (CWA) in relation to the exceptions policy and that it wouldn’t be touched for 50 years. The staff tried to make it clear that it was a Phased approach and things would be revisited prior to each phase.
 - Pamela Creedon (Regional Board) referenced page 100, and the numerous checks and balances for board including public reviews, etc. She also noted that the Regional Board has ability to rescind an exception.
 - Debi Ores requested more clarity in terms of how they would look at data, where the data comes from, etc. in granting an exception over 50 years.
 - Tess Dunham clarified that there was specific language related to review of salinity program but has always assumed that the whole program would be reviewed. She suggested there be language expressing the review of the program overall.

PRESENTATION PREPARATION FOR MAY 31

- Jeanne Chilcott & Richard Meyerhoff presented a handout that covers the key changes between the January workshop and the release of the March 22 staff report. This will be the basis for presentation to the Board on May 31. The handout was included in the current meeting packet.
 - They expect further discussion on the AGR Use Protection and the Conservative Approach due to US EPA concern with numeric value of 700 not being considered a water quality objective. US EPA agrees with concept but wants to discuss language options.
 - They expect additional discussion related to the Offsets Policy and Pollutant Applicability. They will likely retain “substantially the same” with some context instead of using “the same.”
 - They expect significant discussion on the Secondary MCLs as they are receiving comments on it and had additional comments today.

- There may be discussion regarding the Re-Prioritization of Priority Basins. Language is being developed specific to process and will be presented in the Staff Report.
- Debbie Webster (CVCWA) suggested there may need some clarification throughout as there are references to Salinity Control Program, Salts Program, Salinity & Nutrient Program. Jeanne Chilcott reminded group that it is the Salt & Nitrate Control Program and requirements must be met on both. Debbie suggests that when speaking of both refer to Programs, when speaking of individual programs refer to them as such.
- The following framework was presented for the structure of the meeting:
 - Brief Reminder of Structure, Goals
 - Focus on Changes from January, especially new areas: Peer Review, CEQA and Ant Deg, Ag Costs
 - Written Comments and Responses
 - Panel Discussions
 - Three panels anticipated: EJ, Water Purveyors, Central Valley Salinity Coalition
 - 20 min presentation, 10 minutes Board discussion
 - Public Comment
 - Timeline for implementation
 - Closing comments

ADMINISTRATIVE UPDATE

- Daniel Cozad reminded the group to complete the Outreach Tracking form as it is important to the administrative record.

MEETING SCHEDULE

- May 24 – Policy meeting with Celebration Lunch at Zinfandel Grill. This meeting will be focused on the response to comments and organizing for the presentation. The intent is to end prior to lunch.