***

ATTACHMENT H

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0010

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE WATER QUALITY CONTROL PLAN FOR THE TULARE LAKE BASIN TO ADD POLICIES FOR VARIANCES FROM SURFACE WATER QUALITY STANDARDS FOR POINT SOURCE DISCHARGERS, VARIANCE PROGRAM FOR SALINITY, AND EXCEPTION FROM IMPLEMENTATION OF WATER QUALITY OBJECTIVES FOR SALINITY

WHEREAS:

1. On June 6, 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution R5-2014-0074 amending the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans) to add policies for variances from surface water quality standards for point source dischargers, variance program for salinity, and exception from implementation of water quality objectives for salinity.

2. The Central Valley Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report, and the responses to comments complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Central Valley Water Board's findings that the amendments will result in no effect on fish, wildlife or the environment and that no mitigation measures are needed.

3. The Central Valley Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

4. The Central Valley Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board Resolution No. 68-16) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that the amendments (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. The amendments delay implementation of advanced treatment technology while planning processes are in progress which may revise the water quality standards underlying the effluent limitations. Water quality improvements that would result from implementation of

advanced treatment technology are expected to be very small. The potential increased greenhouse gas emissions of implementing advanced treatment technology coupled with the lack of water quality improvement are not consistent with the best interest of the people of the State. The amendment does not unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the amendments include requirements to maintain existing quality of water and implement pollution prevention plans, Salinity Reduction Study Work Plans or salinity-based watershed management plans that are expected to result in water quality improvement. In addition, applicants for variances or exceptions from water quality standards for salinity will be required to participate in Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) to develop and implement comprehensive salinity and nutrient management plan(s) (SNMPs) for the Central Valley. The SNMPs are expected to include regulatory approaches that result in requirements which are commensurate with the water quality benefits that can be achieved through reasonable management actions by Central Valley communities and others. The amendments allow setting an interim effluent limitation at a level higher than the current level of the constituent in the effluent to account for drought, water conservation or water recycling efforts. Such efforts are of maximum benefit to the people of the state.

5. The State Water Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that the Regional Water Quality Control Board may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the variance policy as reflected in the Basin Plan amendment is consistent with the requirements of section 303(c) of the federal Clean Water Act.

6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The water quality standards must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

7. Central Valley Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment support documentation were necessary to correct minor clerical errors or to improve clarity and consistency. The Central Valley Water Board's Executive Officer made these minor non-substantive changes in a memorandum dated February 13, 2015 (Attachment II). The memorandum adds information to the Staff Report to explain the Central Valley Water Board's findings on changing effluent disposal method from surface water discharge to land disposal.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendments to the Basin Plans as adopted under Central Valley Water Board Resolution R5-2014-0074.

2. Authorizes the Executive Director or designee to submit the amendments adopted under Central Valley Water Board Resolution R5-2014-0074 to OAL for approval of the regulatory provisions and to U. S. Environmental Protection Agency for approval of the water quality standards.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 17, 2015.

AYE:	Chair Felicia Marcus Vice Chair Frances Spivy-Weber Board Member Tam M. Doduc Board Member Steven Moore Board Member Dorene D'Adamo
NAY:	None
ABSENT:	None
ABSTAIN:	None

Jeanine Townsend

Jeanine Townsend
Clerk to the Board

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

TO: Victoria A. Whitney
Deputy Director, Division of Water Quality
State Water Resources Control Board

FROM: Pamela C. Creedon
Executive Officer
CENTRAL VALLEY WATER BOARD

DATE: 13 February 2015

SUBJECT: MINOR, NON-SUBSTANTIVE CHANGES TO THE BASIN PLAN AMENDMENTS ADOPTED UNDER CENTRAL VALLEY WATER BOARD RESOLUTION R5-2014-0074

The Central Valley Water Board adopted amendments to both of the Region's Basin Plans on 6 June 2014 under Resolution R5-2014-0074 to add policies for *Variances from Surface Water Quality Standards for Point Source Dischargers*, a *Variance Program for Salinity* and an *Exception from Implementation of Water Quality Objectives for Salinity*. The amendments are tentatively scheduled for consideration at the 17 March 2015 meeting of the State Water Board.

Central Valley Water Board Resolution R5-2014-0074 grants the Executive Officer the authority to make minor, non-substantive changes to the language of the adopted Basin Plan amendment. Based on review during the State Water Board approval process, staff determined that minor, non-substantive corrections to the record are needed for clarity or consistency.

Early on in the process, staff had considered land disposal as an additional option for publicly owned treatment works (POTWs) facing non-compliance with water quality based effluent limitations for salinity. POTWs contemplating land disposal would need to apply to the State Water Board to reduce or eliminate the discharge to surface waters and consider the affect to fish and wildlife resources. If the reduction in discharge to surface waters is approved by the State Water Board, it will still take a long time to complete the switch. In addition, while the POTW would no longer be subject to an NPDES permit, the effluent limitations for land disposal could be just as stringent as surface water discharge. Therefore, I am hereby adding the following paragraph to the end of Section 4.5.2.B of the Staff Report:

> Land Disposal
> Changing the effluent disposal method to land disposal may be a possibility for dischargers with available land area for disposal or for dischargers that may be able to recycle the wastewater. Changing effluent disposal methods is usually a permanent change that takes a long time. (CVRWQCB. 2014a.) For dischargers contemplating such

a change, there are barriers to decreasing or removing wastewater discharge to surface waters. Water Code section 1211 requires that the owner of a wastewater treatment plant obtain approval from the State Water Board prior to making any change in the point of discharge. The Central Valley Water Board commonly includes this provision in NPDES permits. (CVRWQCB. 2014b. p. 11 (Provision VI.A.2.n) and CVRWQCB. 2014c. p. 19 (Provision VI.A.2.n.).) Additionally, the discharge may provide benefit to fish and wildlife resources in the water body. (CVRWQCB. 2007a. p. F-6 to F-7). Therefore, while appropriate in certain situations, decreasing or removing a discharge into a surface water body requires careful consideration and cannot be automatically required.

I am also adding the following references to the Staff Report and to the Administrative Record as Relied-Upon References.

CVRWQCB. 2007a. Waste Discharge Requirements. City of Jackson, Wastewater Treatment Plant, Amador County. Order No. R5-2007-0133-01. October.

CVRWQCB. 2014a. Rescinding Waste Discharge Requirements and Time Schedule Order. Tuolumne Utilities District Sonora Regional Wastewater Treatment Plan and Jamestown Wastewater Treatment Plant, Tuolumne County. Order R5-2014-008. February.

CVRWQCB. 2014b. Waste Discharge Requirements. United States Department of the Interior, National Park Service, Yosemite National Park, El Portal Wastewater Treatment Facility, Mariposa County, Order R5-2014-0068. June.

CVRWQCB. 2014c. Waste Discharge Requirements. City of Visalia, Water Conservation Plant, Tulare County, Order R5-2014-0076. June.

If you have any questions regarding this matter, please contact Betty Yee of my staff at 916-464-4643 or betty.yee@waterboards.ca.gov.

cc: Central Valley Water Board Members
David Coupe, OCC
Rik Rasmussen, DWQ

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2014-0074

AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE WATER QUALITY CONTROL PLAN FOR THE TULARE LAKE BASIN TO ADD POLICIES FOR VARIANCES FROM SURFACE WATER QUALITY STANDARDS FOR POINT SOURCE DISCHARGERS, VARIANCE PROGRAM FOR SALINITY, AND EXCEPTION FROM IMPLEMENTATION OF WATER QUALITY OBJECTIVES FOR SALINITY

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) finds that:

1. In 1975 the Central Valley Water Board adopted the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (Basin Plans), which have been amended occasionally.

2. The Basin Plans may be amended in accordance with Water Code section 13240, et seq.

3. Water Code section 13242 sets forth the requirements for a program for implementation for achieving water quality objectives.

4. The Clean Water Act section 303 requires the Central Valley Water Board to review the Basin Plans at least every three years and where appropriate modify water quality standards in the Basin Plans.

5. The Central Valley Water Board prescribes waste discharge requirements (WDRs) that also serve as federal permits under the National Pollutant Discharge Elimination System (NPDES) program. Compliance schedules may be included in NPDES permits to allow dischargers time to implement actions to comply with more stringent permit limitations implementing new, revise, or newly interpreted water quality objectives or criteria in water quality standards in accordance with State Water Board Resolution 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (*Compliance Schedule Policy*). There are situations where dischargers are making progress towards achieving requirements based on water quality standards but no longer meet the criteria in the *Compliance Schedule Policy* to include a compliance schedule in the NPDES permit. In addition, because re-evaluation of water quality standards that underlie effluent limitations is not an action leading to compliance with the limitations, compliance schedules are not an appropriate regulatory mechanism

when the water quality standards may be revised so that the more stringent permit limitations are no longer applicable.

6. Guidance from the U. S. Environmental Protection Agency (USEPA) indicates that a water quality standards variance, as referenced in 40 Code of Federal Regulations section 131.13, can be used to provide a mechanism by which NPDES permits can be written where discharger compliance with the underlying water quality standards is demonstrated to be infeasible at the present time within the meaning of 40 Code of Federal Regulations section 131.10(g).

7. The Central Valley Water Board and State Water Board, working with a stakeholder coalition, are developing comprehensive salinity and nutrient management plan(s) (SNMPs) for the Central Valley. The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) is the stakeholder coalition working on a strategic initiative to address problems with salinity and nitrates in the surface waters and groundwaters of the Central Valley. The long-term plan(s) developed under CV-SALTS will identify future management measures aimed at the regulation of major sources of salt, and could include revision of certain beneficial use designations and/or current salinity standards. Under the umbrella of CV-SALTS, implementation of the SNMPs will provide appropriate and reasonable protection of beneficial uses. In addition, the State Water Board is currently reviewing the southern Delta salinity objectives included in the Bay-Delta Plan and will consider various options, including revision of those salinity objectives.

8. The need exists to set current permit limitations at a level that protects water quality but that does not compel the irretrievable commitment of major resources in advance of completion of the SNMPs. A variance from surface water quality standards for salinity is an appropriate option for addressing this situation where comprehensive region-wide salinity management plans are under development. Since a variance only applies for dischargers subject to NPDES permits, an exception is an appropriate option for dischargers subject to WDRs and conditional waivers.

9. The Central Valley Water Board has prepared draft amendments which establish authority for the Board to grant water quality standards variances to dischargers for non-priority pollutants. The draft amendments also include a salinity variance program that provides a multiple discharger variances for publicly owned treatment works (POTW) that are experiencing challenges to meeting water quality based effluent limitations for the same pollutant for the same reason. For consistency, the amendments also provide an exception program that is consistent with the concept of a variance for dischargers subject to WDRs and conditional waivers.

10. The proposed amendments will revise Basin Plan Chapter IV (Implementation) in both Basin Plans to add a Variance Policy for Surface Waters, a Variance Program for Salinity Water Quality Standards, and an Exception to Discharge Requirements Related to the Implementation for Water Quality Objectives for Salinity. The proposed amendments will also revise provisions in the Tulare Lake Basin Plan to accommodate the new policies and programs.

11. Central Valley Water Board staff developed a draft staff report and draft Basin Plan Amendments for independent, external scientific peer review in July 2013 in accordance with Health and Safety Code Section 57004. The draft staff report and amendments have been changed to conform to the recommendations of the peer reviewers or staff has provided sound rationale for why individual recommendations were not adopted.

12. The Central Valley Water Board finds that the scientific portions of the Basin Plan Amendments are based on sound scientific knowledge, methods, and practices in accordance with Health and Safety Code Section 57004.

13. The Central Valley Water Board finds that the proposed amendments are consistent with the State Water Resources Control Board (State Water Board) Resolution No. 68-16 and the federal Antidegradation Policy (40 CFR § 131.12) in that the amendments (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. The proposed amendments will delay implementation of reverse osmosis treatment technology while planning processes are in progress which may revise the water quality standards underlying the effluent limitations. Water quality improvements that would result from implementation of reverse osmosis technology are expected to be very small. The potential increased greenhouse gas emissions of implementing reverse osmosis technology coupled with the lack of water quality improvement are not consistent with the best interest of the people of the State. The proposed amendment will not unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the proposed amendments include requirements to maintain existing quality of water and the implementation of pollution prevention plans, Salinity Reduction Study Work Plans or salinity-based watershed management plans that are expected to result in water quality improvement. In addition, applicants will be required to participate in CV-SALTS to develop and implement SNMPs. The SNMPs are expected to include regulatory approaches that result in requirements which are commensurate with the water quality benefits that can be achieved through reasonable management actions by Central Valley communities and others. The proposed amendments allow setting an interim effluent limitation at a level higher than the current level of the constituent in the effluent to account for drought, water conservation or water recycling efforts. Such actions are of maximum benefit to the people of the state.

14. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).

15. The basin planning process has been certified by the Natural Resources Agency as an exempt regulatory program because its process adequately fulfills the purposes of the California Environmental Quality Act (CEQA). The Central Valley Water Board is therefore exempt from CEQA's requirements to prepare an environmental impact report, negative declaration, or initial study (Public Resources Code, section 21000 et seq.) for the proposed amendments. Central Valley Water Board staff has prepared the required documentation for adoption of Basin Plan Amendments, including a completed environmental checklist and written report (Staff Report) prepared for the Board (Cal. Code Regs., tit. 23, § 3777; Pub. Res. Code §21080.5; Cal. Code Regs., tit. 14, §15251, subd. (g)).

16. The Central Valley Water Board staff held a CEQA scoping meeting on 24 June 2011 in Rancho Cordova and on 5 July 2011 in Fresno to receive comments on the draft amendment and to identify any significant issues that must be considered. A notice of the CEQA Scoping hearing was sent to interested parties including cities and counties with jurisdiction in or bordering the Central Valley.

17. Central Valley Water Board staff has prepared a draft amendment and a staff report dated March 2014. The staff report included a description of the proposed amendment and analysis of reasonable alternatives to the proposed amendment. The staff report included a conclusion that the amendments do not require and it is not reasonably foreseeable that the amendments would require the installation of pollution control equipment.

18. Central Valley Water Board staff completed an environmental checklist that concluded that the proposed amendment results in no effect, either individually or cumulatively, on fish, wildlife or the environment.

19. Central Valley Water Board staff has circulated a Notice of Public Hearing, Notice of Filing, a written staff report, and environmental checklist, and draft proposed amendments to interested individuals and public agencies, including persons having special expertise with regard to the environmental effects involved with the proposed amendment, for review and comment in accordance with state and federal environmental regulations (Wat. Code § 13245.; Cal. Code Regs., tit. 23, § 3775; 40 CFR §§ 25 and 131).

20. Responses to all comments have been prepared and the draft amendment, staff report and environmental checklist have been revised as appropriate in response to comments.

21. The Central Valley Water Board held a public hearing on 6 June 2014, for the purpose of receiving testimony on the draft Basin Plan Amendments. Notice of the public hearing was sent to all interested persons and published in accordance with Water Code section 13244.

22. Based on the record as a whole, including the draft Basin Plan Amendments, the environmental document, accompanying written documentation, and public comments received, the Central Valley Water Board concurs with staff's conclusion that the amendments will result in no effect on fish, wildlife or the environment and therefore no mitigation measures are proposed.

23. The Basin Plan Amendments must be approved by the State Water Board, Office of Administrative Law (OAL), and the U. S. Environmental Protection Agency (USEPA). The proposed amendment becomes effective under State law after OAL approval and becomes effective under the federal Clean Water Act after USEPA approval.

24. The Central Valley Water Board finds that the amendment to the Basin Plan was developed in accordance with Water Code section 13240, et seq.

THEREFORE BE IT RESOLVED:

1. The Central Valley Water Board hereby approves the substitute environmental documentation that has been prepared in conformity with CEQA regulations pertaining to Certified Regulatory Programs.

2. Pursuant to Water Code section 13240, et seq., the Central Valley Water Board, after considering the entire record, including oral testimony at the hearing, and any late revisions, hereby approves the staff report and adopts the amendments to the Basin Plans as set forth in Attachment 1.

3. The Executive Officer is directed to forward copies of the Basin Plan Amendments to the State Water Board in accordance with the requirements of Water Code section 13245.

4. The Central Valley Water Board requests that the State Water Board approve the Basin Plan Amendments in accordance with the requirements of Water Code sections 13245 and 13246 and forward it to OAL and the USEPA. The Central Valley Water Board specifically requests USEPA approval of all Basin Plan Amendment provisions that require USEPA approval.

5. If during its approval process the Central Valley Water Board staff, State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendments are needed for clarity or consistency, the Executive

Officer may make such changes, and shall inform the Central Valley Water Board of any such changes.

6. Following approval of the Basin Plan Amendments by the OAL, the Executive Officer shall file a Notice of Decision with the Secretary for Natural Resources in accordance with Public Resources Code section 21080.5, subsection (d)(2)(E), and California Code of Regulations, title 23, section 3781.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 6 June 2014.

Original signed by
PAMELA C. CREEDON, Executive Officer

Attachments: Attachment 1: Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin to Add Policies for Variances from Surface Water Quality Standards for Point Source Dischargers, Variance Program for Salinity, and Exception from Implementation of Water Quality Objectives for Salinity

ATTACHMENT 1

RESOLUTION NO. R5-2014-0074

AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE WATER QUALITY CONTROL PLAN FOR THE TULARE LAKE BASIN TO ADD POLICIES FOR VARIANCES FROM SURFACE WATER QUALITY STANDARDS FOR POINT SOURCE DISCHARGERS, VARIANCE PROGRAM FOR SALINITY, AND EXCEPTION FROM IMPLEMENTATION OF WATER QUALITY OBJECTIVES FOR SALINITY

The proposed changes to the Basin Plans are as follows. Text additions to the existing Basin Plan language are indicated by underline and text deletions are indicated by ~~strikethrough~~. Entirely new policies are shown in their final format and are not underlined.

Revise Chapter II, Existing and Potential Beneficial Uses, page II-1.00 for both Basin Plans as follows:

Beneficial use designation (and water quality objectives, see Chapter III, or variance of a water quality standard, see Chapter IV) must be reviewed at least once during each three-year period for the purpose of modification as appropriate (40 C.F.R. 131.20).

Revise Chapter IV, Implementation, of the Sacramento/San Joaquin Rivers Basin Plan under "Control Action Considerations of the Central Valley Regional Water Board, Policies and Plans", as follows:

The following *are the Regional Water Board's* policies ~~were adopted, or are hereby adopted, by the Regional Water Board. The first four policies were adopted as part of the 1975 Basin Plan. Items 7 through 1113 are new policies:~~ *to protect water quality in the Central Valley.*

Revise Chapter IV, Implementation, under "Policies and Plans of the Control Action Considerations of the Central Valley Regional Water Board" starting on page IV-14.00 of the Sacramento/San Joaquin Rivers Basin Plan, and under the "Nature of Control Actions Implemented by the Regional Water Board" starting on page IV-19 of the Tulare Lake Basin Plan, to add the following new policy:

Variance Policy for Surface Waters

As part of its state water quality standards program, states have the discretion to include variance policies. (40 C.F.R., §131.13.) This policy provides the Regional Water Board with the authority to grant a variance from application of water quality standards under certain circumstances.

I. Variances from Surface Water Quality Standards for Point Source Dischargers

A. A permit applicant or permittee subject to an NPDES permit may apply to the Regional Water Board for a variance from a surface water quality standard for a specific constituent(s), as long as the constituent is not a priority toxic pollutant identified in 40 C.F.R., §131.38(b)(1), or temperature. The application for such a variance shall be submitted in accordance with the

requirements specified in section II of this Policy. The Central Valley Water Board may adopt variance programs that provide streamlined approval procedures for multiple dischargers that share the same challenges in achieving their water quality based effluent limitation(s) (WQBELs) for the same pollutant(s). The *Variance Program for Salinity Water Quality Standards* in section III, below, is a multiple discharger variance program. Permittees that qualify for the *Variance Program for Salinity Water Quality Standards* by meeting the criteria in section III.A. may submit a salinity variance application in accordance with the requirements specified in section III of this Policy.

B. The Regional Water Board may not grant a variance if:

(1) Water quality standards addressed by the variance will be achieved by implementing technology-based effluent limitations required under sections 301(b) and 306 of the Clean Water Act, or
(2) The variance would likely jeopardize the continued existence of any endangered species under section 4 of the Endangered Species Act or result in the destruction or adverse modification of such species' critical habitat.

C. The Regional Water Board may approve all or part of a requested variance, or modify and approve a requested variance, if the permit applicant demonstrates a variance is appropriate based on at least one of the six following factors:

(1) Naturally occurring pollutant concentrations prevent the attainment of the surface water quality standard; or
(2) Natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the surface water quality standard, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable surface water quality standards to be met; or
(3) Human caused conditions or sources of pollution prevent the attainment of the surface water quality standard and cannot be remedied or would cause more environmental damage to correct than to leave in place; or
(4) Dams, diversions, or other types of hydrologic modifications preclude the attainment of the surface water quality standard, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the surface water quality standard; or
(5) Physical conditions related to the natural features of the waterbody, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality preclude attainment of aquatic life protection of surface water quality standards; or
(6) Controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

D. In making a determination on a variance application that is based on factor (3) in paragraph C above, the Regional Water Board may consider the following:

(1) Information on the type and magnitude of adverse or beneficial environmental impacts, including the net impact on the receiving water, resulting from the proposed methodologies capable of attaining the adopted or proposed WQBEL.
(2) Other relevant information requested by the Regional Water Board or supplied by the applicant or the public.

E. In making a determination on a variance application that is based on factor (6) in paragraph C. above, the Regional Water Board may consider the following:

(1) The cost and cost-effectiveness of pollutant removal by implementing the methodology capable of attaining the adopted or proposed WQBEL for the specific constituent(s) for which a variance is being requested.
(2) The reduction in concentrations and loadings of the pollutant(s) in question that is attainable by source control and pollution prevention efforts as compared to the reduction attainable by use of the methodology capable of attaining the adopted or proposed WQBEL.
(3) The overall impact of attaining the adopted or proposed WQBEL and implementing the methodologies capable of attaining the adopted or proposed WQBEL.
(4) The technical feasibility of installing or operating any of the available methodologies capable of attaining the WQBEL for which a variance is sought.
(5) Other relevant information requested by the Regional Water Board or supplied by the applicant or the public.

F. A determination to grant or deny a requested variance shall be made in accordance with the procedures specified in section II, below. Procedures specified in section III, below, will be used for applicants that qualify for the *Variance Program for Salinity Water Quality Standards*.

G. A variance applies only to the permit applicant requesting the variance and only to the constituent(s) specified in the variance application.

H. A variance or any renewal thereof shall be for a time as short as feasible and shall not be granted for a term greater than ten years.

I. Neither the filing of a variance application nor the granting of a variance shall be grounds for the staying or dismissing of, or a defense in, a pending enforcement action. A variance shall be prospective only from the date the variance becomes effective.

J. A variance shall conform to the requirements of the State Water Board's *Antidegradation Policy*.

II. Variance Application Requirements and Processes

A. An application for a variance from a surface water quality standard for a specific constituent(s) subject to this Policy may be submitted at any time after the permittee determines that it is unable to meet a WQBEL or proposed WQBEL based on a surface water quality standard, and/or an adopted wasteload allocation. The variance application may be submitted with the renewal application (i.e., report of waste discharge) for a NPDES permit. If the permittee is seeking to obtain a variance after a WQBEL has been adopted into a NPDES permit, the WQBEL shall remain in effect until such time that the Regional Water Board makes a determination on the variance application.

B. The granting of a variance by the Regional Water Board is a discretionary action subject to the requirements of the California Environmental Quality Act. As such, the Regional Water Board may require the variance applicant to prepare such documents as are necessary so that the Regional Water Board can ensure that its action complies with the requirements set forth in the California Environmental Quality Act, or the Regional Water Board may use any such documents that have been prepared and certified by another state or local agency that address the potential environmental impacts associated with the project and the granting of a variance.

C. A complete variance application must contain the following:

(1) Identification of the specific constituent(s) and water quality standard(s) for which a variance is sought;

(2) Identification of the receiving surface water, and any available information with respect to receiving water quality and downstream beneficial uses for the specific constituent;

(3) Identification of the WQBEL(s) that is being considered for adoption, or has been adopted in the NPDES permit;

(4) List of methods for removing or reducing the concentrations and loadings of the pollutants with an assessment of technical effectiveness and the costs and cost-effectiveness of these methods. At a minimum, and to the extent feasible, the methods must include source control measures, pollution prevention measures, facility upgrades and end-of-pipe treatment technology. From this list, the applicant must identify the method(s) that will consistently attain the WQBELs and provide a detailed discussion of such methodologies;

(5) Documentation of at least one of the following over the next ten years. Documentation that covers less than ten years will limit the maximum term that the Regional Water Board can consider for the variance:

(i) That naturally occurring pollutant concentrations prevent the attainment of the surface water quality standard or

(ii) That natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the surface water quality standard, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges to enable surface water quality standards to be met; or

(iii) That human caused conditions or sources of pollution prevent the attainment of the surface water quality standard from which the WQBEL is based, and it is not feaible to remedy the conditions or sources of pollution; or

(iv) That dams, diversions, or other types of hydrologic modifications preclude the attainment of the surface water quality standard from which the WQBEL is based, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in attainment of the surface water quality standard; or

(v) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection of surface water quality standards from which the WQBEL is based; or

(vi) That installation and operation of each of the available methodologies capable of attaining the WQBEL would result in substantial and widespread economic and social impact.

(6) Documentation that the permittee has reduced, or is in the process of reducing, to the maximum extent practicable, the discharge of the pollutant(s) for which a variance is sought through implementation of local pretreatment, source control, and pollution prevention efforts; and,

(7) A detailed discussion of a proposed interim discharge limitation(s) that represents the highest level of treatment that the permittee can consistently achieve during the term of the variance. Such discussion shall also identify and discuss any drought, water conservation, and/or water recycling efforts that may cause certain constituents in the effluent to increase, or efforts that will cause

certain constituents in the effluent to decrease with a sufficient amount of certainty. When the permittee proposes an interim discharge limitation(s) that is higher than the current level of the constituent(s) in the effluent due to the need to account for drought, water conservation or water recycling efforts, the permittee must provide appropriate information to show that the increase in the level for the proposed interim discharge limitation(s) will not adversely affect beneficial uses, is consistent with state and federal antidegradation policies (State Water Board Resolution No. 68-16 and 40 C.F.R., § 131.12.), and is consistent with anti-backsliding provisions specified in section 402(o) of the Clean Water Act. If the permittee indicates that certain constituents in the effluent are likely to decrease during the term of the variance due to recycling efforts or management measures, then the proposed interim discharge limitation(s) shall account for such decreases.

(8) Copies of any documents prepared and certified by another state or local agency pursuant to Public Resources Code section 21080 et seq.; or, such documents as are necessary for the Regional Water Board to make its decision in compliance with Public Resources Code section 21080 et seq.

D. Within 60 days of the receipt of a variance application, the Regional Water Board shall determine that the variance application is complete, or specify in writing any additional relevant information, which is deemed necessary to make a determination on the variance request. Such additional information shall be submitted by the applicant within a time period agreed upon by the applicant and the Regional Water Board Executive Officer. Failure of an applicant to submit any additional relevant information requested by the Regional Water Board Executive Officer within the agreed upon time period may result in the denial of the variance application.

E. The Regional Water Board shall provide a copy of the variance application to USEPA Region 9 within 30 days of finding that the variance application is complete.

F. Within a reasonable time period after finding that the variance application is complete, the Regional Water Board shall provide public notice, request comment, and schedule and hold a public hearing on the variance application. When the variance application is submitted with the NPDES permit renewal application (i.e., report of waste discharge), the notice, request for comment and public hearing requirement on the variance application may be conducted in conjunction with the Regional Water Board's process for the renewal of the NPDES permit.

G. The Regional Water Board may approve the variance, either as requested, or as modified by the Regional Water Board. The Regional Water Board may take action to approve a variance and renew and/or modify an existing NPDES permit as part of the same Board meeting. The permit shall contain all conditions needed to implement the variance, including, at a minimum, all of the following:

(1) An interim effluent limitation for the constituent(s) for which the variance is sought. The interim effluent limitation(s) must be consistent with the current level of the constituent(s) in the effluent and may be lower based on anticipated improvement in effluent quality. The Regional Water Board may consider granting an interim effluent limitation(s) that is higher than the current level if the permittee has demonstrated that drought, water conservation, and/or water recycling efforts will cause the quality of the effluent to be higher than the current level and that the higher interim effluent limitation will not adversely affect beneficial uses. When the duration of the variance is shorter than the duration of the permit, compliance with effluent limitations sufficient to meet the water quality criterion upon the expiration of the variance shall be required;

(2) A requirement to prepare and implement a pollution prevention plan pursuant to Water Code section 13263.3 to address the constituent(s) for which the variance is sought;
(3) Any additional monitoring that is determined to be necessary by the Regional Water Board to evaluate the effects on the receiving water body of the variance from water quality standards;
(4) A provision allowing the Regional Water Board to reopen and modify the permit based on any revision to the variance made by the Regional Water Board during the next revision of the water quality standards or by EPA upon review of the variance; and
(5) Other conditions that the Regional Water Board determines to be necessary to implement the terms of the variance.

H. The variance, as adopted by the Regional Water Board in section G, is not in effect until it is approved by U.S. EPA.

I. Permit limitations for a constituent(s) contained in the applicant's permit that are in effect at the time of the variance application shall remain in effect during the consideration of a variance application for that particular constituent(s).

J. The permittee may request a renewal of a variance in accordance with the provisions contained in paragraphs A, B and C and this section. For variances with terms greater than the term of the permit, an application for renewal of the variance may be submitted with the renewal application for the NPDES permit in order to have the term of the variance begin concurrent with the term of the permit. The renewal application shall also contain information concerning its compliance with the conditions incorporated into its permit as part of the original variance and shall include information to explain why a renewal of the variance is necessary. As part of its renewal application, a permittee shall also identify all efforts the permittee has made, and/or intends to make, towards meeting the standard(s). Renewal of a variance may be denied if the permittee did not comply with any of the conditions of the original variance.

K. All variances and supporting information shall be submitted by the Regional Water Board to the U.S. EPA Regional Administrator within 30 days of the date of the Regional Water Board's final variance decision for approval and shall include the following:

(1) The variance application and any additional information submitted to the Regional Water Board;
(2) Any public notices, public comments, and records of any public hearings held in conjunction with the request for the variance;
(3) The Regional Water Board's final decision; and
(4) Any changes to NPDES permits to include the variance.

L. All variances shall be reviewed during the Regional Water Board's triennial review process of this Basin Plan. For variances with terms that are greater than the term of the permit, the Regional Water Board may also review the variance upon consideration of the permit renewal.

III. Variance Program for Salinity Water Quality Standards

The State Water Board and the Regional Water Board recognize that salt is impacting beneficial uses in the Central Valley and management of salinity in surface and ground waters is a major challenge for dischargers. In response, the Water Boards initiated the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) in 2006. The State Water Board *Recycled*

Water Policy requires the development of salt and nutrient management plans protective of ground water and submittal of these plans to the Regional Water Board by May 2016. These plans are to become the basis of basin plan amendments to be considered by the Regional Water Board by May 2017. CV-SALTS is the stakeholder effort working to develop comprehensive salt and nitrate management plans (SNMPs) that will satisfy the Recycled Water Policy's salt and nutrient management plans. CV-SALTS is undertaking technical work to analyze salt and nitrate conditions in surface and ground water in the Central Valley, identify implementation measures, and develop monitoring strategies to ensure environmental and economic sustainability. The technical work under development includes developing the models for loading and transport of salt, development and evaluation of effective management practices, and implementing activities to ensure beneficial uses are protected. Participation by all stakeholders is necessary to assure that the work is scientifically justified, supported by broad stakeholder representation, and completed in a timely fashion. The Regional Water Board has indicated its support for the comprehensive effort through CV-SALTS in Resolutions R5-2006-0024, R5-2010-0024, and R5-2013-0149 and the March 2010 Memorandum of Agreement between the Regional Water Board, the Central Valley Salinity Coalition and the State Water Board.

A. During the development and initial implementation of the SNMPs by CV-SALTS, permittees who qualify may apply for a variance from salinity water quality standards if they have or will have WQBELs for salinity that they are unable to meet by submitting a salinity variance application. The *Salinity Variance Program* as described specifically herein is for municipal and domestic wastewater dischargers that have or will implement local pretreatment, source control, and pollution prevention efforts to reduce the effluent concentrations of salinity constituents and are now faced with replacing the municipal water supply with a better quality water or installing costly improvements, such as membrane filtration treatment technology, such that widespread social and economic impacts are expected consistent with the justification provided for the case study cities in the *Staff Report for the Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin to add Policies for Variances from Surface Water Quality Standards for Point Source Dischargers, Variance Program for Salinity, and Exception from Implementation of Water Quality Objectives for Salinity, June 2014.* Consistent with the planned development and implementation of the SNMPs, no salinity variance under this section shall be approved after 30 June 2019. For the purposes of the *Salinity Variance Program*, salinity water quality standards are defined to only include water quality standards for the following constituents: electrical conductivity, total dissolved solids, chloride, sulfate and sodium.

B. An application for a variance for a specific salinity water quality standard may be submitted at any time after the permittee determines that it is unable to meet a WQBEL or proposed WQBEL based on a salinity water quality standard. Preferably, the salinity variance application should be submitted with the renewal application (i.e., report of waste discharge) for a NPDES permit. If the permittee is seeking to obtain a variance after a WQBEL has been adopted into a NPDES permit, the WQBEL shall remain in effect until such time that the Regional Water Board makes a determination on the variance application.

C. An application for variance from WQBELs based on a salinity water quality standard must contain the following:

(1) Identification of the salinity constituents for which the variance is sought;
(2) Identification of the receiving surface water, and any available information with respect to receiving water quality and downstream beneficial uses for the specific constituent;
(3) Identification of the WQBEL that is being considered for adoption, or has been adopted in the NPDES permit;

(4) A description of salinity reduction/elimination measures that have been undertaken as of the application date, if any;

(5) A Salinity Reduction Study Work Plan, which at a minimum must include the following:
   - (i) Data on current influent and effluent salinity concentrations,
   - (ii) Identification of known salinity sources,
   - (iii) Description of current plans to reduce/eliminate known salinity sources,
   - (iv) Preliminary identification of other potential sources,
   - (v) A proposed schedule for evaluating sources,
   - (vi) A proposed schedule for identifying and evaluating potential reduction, elimination, and prevention methods.

(6) An explanation of the basis for concluding that there are no readily available or cost-effective methodologies available to consistently attain the WQBELs for salinity.

(7) A detailed discussion explaining why the permittee's situation is similar to or comparable with the case studies supporting the *Salinity Variance Program* identified in the *Staff Report for the Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin to add Policies for Variances from Surface Water Quality Standards for Point Source Dischargers, Variance Program for Salinity, and Exception from Implementation of Water Quality Objectives for Salinity, June 2014*.

(8) A detailed discussion of proposed interim discharge limitation(s) that represents the highest level of treatment that the permittee can consistently achieve during the term of the variance. If the permittee indicates that certain constituents in the effluent are likely to decrease during the term of the variance due to efforts, then the proposed interim discharge limitation(s) shall account for such decreases.

(9) Documentation of the applicant's active participation in CV-SALTS as indicated by a letter of support from CV-SALTS.

(10) A detailed plan of how the applicant will continue to participate in CV-SALTS and how the applicant will contribute to the development and implementation of the SNMPs.

D. After the receipt of a variance application for salinity, the Regional Water Board shall determine whether the variance application is complete and whether the permittee qualifies for consideration of the variance, or specify in writing any additional relevant information that is deemed necessary to make a determination on the salinity variance request. Such additional information shall be submitted by the applicant within a time period agreed upon by the applicant and the Regional Water Board Executive Officer. Failure of an applicant to submit any additional relevant information requested by the Regional Water Board Executive Officer within the time period specified by the Executive Officer may result in the denial of the variance application for salinity.

E. After determining that the variance application for salinity is complete, the Regional Water Board shall provide notice, request comment, and schedule and hold a public hearing on the variance application for salinity. When the variance application is submitted with the NPDES permit renewal application (i.e., report of waste discharge), the notice, request for comment and public hearing requirement on the variance application may be conducted in conjunction with the Regional Water Board's process for the renewal of the NPDES permit.

F. The Regional Water Board may approve a salinity variance, either as requested, or as modified by the Regional Water Board, after finding that the permittee qualifies for the salinity variance, the attainment of the WQBEL is not feasible, the permittee has implemented or will

implement feasible salinity reduction/elimination measures and the permittee continues to participate in CV-SALTS consistent with the demonstrations based on the case studies identified in the *Staff Report for the Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin to add Policies for Variances from Surface Water Quality Standards for Point Source Dischargers, Variance Program for Salinity, and Exception from Implementation of Water Quality Objectives for Salinity, June 2014*. The Regional Water Board may take action to approve a variance and issue a new, or reissue or modify an existing NPDES permit as part of the same Board meeting. The permit shall contain all conditions needed to implement the variance, including, at a minimum, all of following:

(1) The interim effluent limitation(s) that are determined to be attainable during the term of the variance. When the duration of the variance is shorter than the duration of the permit, compliance with effluent limitations sufficient to meet the water quality criterion upon the expiration of the variance shall be required;
(2) A requirement to implement the Salinity Reduction Study Work Plan submitted with the variance application as required by paragraph C.5, above;
(3) A requirement to participate in CV-SALTS and contribute to the development and implementation of the SNMPs in accordance with the plan required by paragraph C.10, above.
(4) Any additional monitoring that is determined to be necessary to evaluate the effects on the receiving water body of the variance from water quality standards;
(5) A provision allowing the Regional Water Board to reopen and modify the permit based on any revision to the variance made by the Regional Water Board during the next revision of the water quality standards;
(6) Other conditions that the Regional Water Board determines to be necessary to implement the terms of the variance.

G. Permit limitations for a substance contained in the applicant's permit that are in effect at the time of the variance application shall remain in effect during the consideration of the variance application for that particular substance.

H. The permittee may request a renewal of a salinity variance in accordance with the provisions contained in paragraphs B and C of this section. For variances with terms greater than the term of the permit, an application for renewal of the salinity variance may be submitted with the renewal application for the NPDES permit in order to have the term of the variance begin concurrent with the term of the permit. The renewal application shall also contain information concerning its compliance with the conditions incorporated into its permit as part of the original variance, and shall include information to explain why a renewal of the variance is necessary. As part of its renewal application, a permittee shall also identify all efforts the permittee has made, and/or intends to make, towards meeting the standard. Renewal of a variance may be denied if the permittee did not comply with the conditions of the original variance.

I. All variances shall be reviewed during the Regional Water Board's triennial review process of this Basin Plan. For variances with terms that are greater than the term of the permit, the Regional Water Board may also review the variance upon consideration of the permit renewal.

Revise Chapter IV, Implementation, under "Policies and Plans" of the "Control Action Considerations of the Central Valley Regional Water Board" starting on page IV-14.00 of the Sacramento/San Joaquin Rivers Basin Plan, and under the "Salinity" section starting on page IV-5 of the Tulare Lake Basin Plan, to add the following new policy:

Limited-Term Exceptions from Basin Plan Provisions and Water Quality Objectives for Groundwater and for non-NPDES Dischargers to Surface Waters

Pursuant to Water Code sections 13050 and 13240 et seq., the Regional Water Board has adopted beneficial use designations and water quality objectives that apply to surface and ground waters in the basins covered by this Basin Plan as well as programs of implementation. The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) is a stakeholder effort to develop comprehensive salt and nitrate management plans (SNMPs) by May 2016 that is expected to result in basin plan amendments that will be considered by the Regional Water Board by May 2017. CV-SALTS is undertaking technical work to analyze salt and nitrate conditions in surface and ground water in the Central Valley, identify implementation measures, and develop monitoring strategies to ensure environmental and economic sustainability. The technical work under development includes developing the models for loading and transport of salt, development and evaluation of effective management practices, and implementing activities to ensure beneficial uses are protected. Participation by all stakeholders is necessary to ensure that the work is scientifically justified, supported by broad stakeholder representation, and completed in a timely fashion. The Regional Water Board has indicated its support for the comprehensive effort through CV-SALTS in Resolutions R5-2006-0024, R5-2010-0024, and R5-2013-0149 and the March 2010 Memorandum of Agreement between the Regional Water Board, the Central Valley Salinity Coalition and the State Water Board. The Regional Water Board finds that it is reasonable to grant exceptions to the discharge requirements related to the implementation of water quality objectives for salinity for non-NPDES dischargers to surface water, and for discharges to groundwater in order to allow for development and implementation of the SNMPs.

Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Salinity

1. Any person[1] subject to waste discharge requirements and/or conditional waivers issued pursuant to Water Code 13269 that are not also NPDES permits may apply to the Regional Water Board for an exception to discharge requirements from the implementation of water quality objectives for salinity. The exception may apply to the issuance of effluent limitations and/or groundwater limitations that implement water quality objectives for salinity in groundwater, or to effluent limitations and/or surface water limitations that implement water quality objectives for salinity in surface water. For the purposes of this Program, salinity and its constituents include, and are limited to, the following: electrical conductivity, total dissolved solids, chloride, sulfate and sodium. The application for such an exception(s) shall be submitted in accordance with the requirements specified in paragraph 8, below.

2. An exception to discharge requirements from the implementation of water quality objectives for salinity imposed as limitations in either waste discharge requirements and/or conditional waivers that are not also NPDES permits shall be set for a term not to exceed ten years. For exception terms greater than five years, the Regional Water Board will review the exception five years after approval to confirm that the exception should proceed for the full term. The Regional Water Board review will be conducted during a public hearing. An exception may be renewed beyond the initial term if the SNMPs are still under development, and if a renewal application is submitted in accordance with the requirements specified in

[1] The term "person" includes, but is not limited to, "any city, county, district, the state, and the United States, to the extent authorized by federal law." (Wat. Code, § 13050, subd. (c).)

paragraph 8, below. A renewal must be considered during a public hearing held in accordance with paragraph 10, below.

3. The Regional Water Board will consider granting an exception to the implementation of water quality objectives for salinity under this Program if the applicant is actively participating in CV-SALTS as indicated by the letter required under paragraph 8.e., below.

4. When granting an exception to the implementation of water quality objectives for salinity under this Program, the Regional Water Board shall consider including an interim performance-based effluent limitation and/or groundwater limitation that provides reasonable protection of the groundwater or the receiving water, where appropriate. When establishing such a limitation, the Regional Water Board shall take into consideration increases in salinity concentrations due to drought, water conservation, and/or water recycling efforts that may occur during the term of the exception granted.

5. When granting an exception to the implementation of water quality objectives for salinity under this Program, the Regional Water Board shall require the discharger to prepare and implement a Salinity Reduction Study Work Plan, or a salinity-based watershed management plan. A Salinity Reduction Study Work Plan shall at a minimum include the following:

a. Data on current influent and effluent salinity concentrations;
b. Identification of known salinity sources;
c. Description of current plans to reduce/eliminate known salinity sources;
d. Preliminary identification of other potential sources;
e. A proposed schedule for evaluating sources; and
f. A proposed schedule for identifying and evaluating potential reduction, elimination, and prevention methods.

A salinity-based watershed management plan shall at a minimum include the following[2]:

a. A discussion of the physical conditions that affect surface water or groundwater in the management plan area, including land use maps, identification of potential sources of salinity, baseline inventory of identified existing management practices in use, and a summary of available surface and/or groundwater quality data;
b. A management plan strategy that includes a description of current management practices being used to reduce or control known salinity sources;
c. Monitoring methods;
d. Data evaluation; and,
e. A schedule for reporting management plan progress.

6. When granting an exception to the implementation of water quality objectives under this Program, the Regional Water Board will include a requirement to participate in CV-SALTS and contribute to the development and implementation of the SNMPs in accordance with the plan submitted under paragraph 8.f, below.

7. The granting of an exception to the implementation of water quality objectives for salinity under this Program by the Regional Water Board is a discretionary action subject to the requirements of the California Environmental Quality Act. As such, the Regional Water Board may require the applicant for

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[2] A salinity-based watershed management plan prepared to meet requirements contained within adopted waste discharge requirements, such as those contained in MRP Order R5-2012-0116, Appendix MRP-1, and that is approved by the Executive Officer of the Regional Water Board may be used in lieu of new requirements identified here.

the exception to prepare such documents as are necessary so that the Regional Water Board can ensure that its action complies with the requirements set forth in the California Environmental Quality Act or the Regional Water Board may use any such documents that have been prepared and certified by another state or local agency that address the potential environmental impacts associated with the project and the granting of an exception from implementation of water quality objectives for salinity in groundwater and/or surface water.

8. A person seeking an exception to the implementation of water quality objectives for salinity under this Program must submit an application to the Regional Water Board. The person's request shall include the following:

a. An explanation/justification as to why the exception is necessary, and why the discharger is unable to ensure consistent compliance with existing effluent and/or groundwater/surface water limitations associated with salinity constituents at this time;
b. A description of salinity reduction/elimination measures that the discharger has undertaken as of the date of application, or a description of a salinity-based watershed management plan and progress of its implementation;
c. A description of any drought impacts, irrigation, water conservation and/or water recycling efforts that may be causing or cause the concentration of salinity to increase in the effluent, discharges to receiving waters, or in receiving waters;
d. Copies of any documents prepared and certified by another state or local agency pursuant to Public Resources Code section 21080 et seq.; or, such documents as are necessary for the Regional Water Board to make its decision in compliance with Public Resources Code section 21080 et seq.
e. Documentation of the applicant's active participation in CV-SALTS as indicated by a letter of support from CV-SALTS.
f. A detailed plan of how the applicant will continue to participate in CV-SALTS and how the applicant will contribute to the development and implementation of the SNMPs.

9. Upon receipt of an application for an exception to the implementation of water quality objectives for salinity under this Program, the Regional Water Board shall determine that the exception application is complete, or specify in writing any additional relevant information, which is deemed necessary to make a determination on the exception request. Failure of an applicant to submit any additional relevant information requested by the Regional Water Board Executive Officer within the applicable time period may result in the denial of the exception application.

10. Within a reasonable time period after determining that the exception application is complete, the Regional Water Board shall provide notice, request comment, and schedule and hold a public hearing on the application within a timely manner. The notice and hearing requirements shall comply with those set forth in Water Code section 13167.5. The exception shall be issued through a resolution or special order that amends applicable waste discharge requirements and/or conditional waiver requirements.

11. There will be no new salinity exceptions and salinity exceptions will not be renewed after 30 June 2019.

Revise Page IV-3 of the Tulare Lake Basin Plan under the heading of "Irrigated Agriculture" as follows:

- Agricultural drainage may be discharged to surface waters provided it does not exceed 1,000 umhos/cm EC. 175 mg/l chloride, nor 1 mg/l boron. Other requirements also apply. An exception from the EC and/or the chloride limit for agricultural drainage discharged to surface waters may be permitted consistent with the *Program for Exception from Implementation of Water Quality Objectives for Salinity.*

Revise Page IV-10 of the Tulare Lake Basin Plan under the heading of "Discharges to Navigable Waters" in the "Municipal and Domestic Wastewater" section, as follows:

- The maximum electrical conductivity (EC) of a discharge shall not exceed the quality of the source water plus 500 micromhos per centimeter or 1,000 micromhos per centimeter, whichever is more stringent. When the water is from more than one source, the EC shall be a weighted average of all sources.

- Discharges shall not exceed an EC of 1,000 micromhos per centimeter, a chloride content of 175 mg/l, or a boron content of 1.0 mg/l.

- An exception from the EC and/or the chloride limitations identified here may be granted for municipal and domestic wastewater discharges to navigable waters if a variance is granted pursuant to the *Variance Policy for Surface Water.*

Revise Page IV-11 of the Tulare Lake Basin Plan under the heading of "Discharges to Land" in the "Municipal and Domestic Wastewater" section, as follows:

- The incremental increase in salts from use and treatment must be controlled to the extent possible. In most circumstances, ~~T~~the maximum EC shall not exceed the EC of the source water plus 500 micromhos/cm. When the source water is from more than one source, the EC shall be a weighted average of all sources. However, under certain circumstances, the Regional Board, upon request of the discharger, may adopt an effluent limit for EC that allows EC in the effluent to exceed the source water by more than 500 µmhos/cm. This request will be granted consistent with the Policy for Exception from Implementation of Water Quality Objectives for Salinity.

- In the Poso Creek Subarea, discharges shall not exceed 1,000 micromhos/cm EC, 200 mg/l chlorides, and 1.0 mg/l boron. ...

- In the White Wolf Subarea, for areas overlying Class I irrigation water, discharges shall not exceed 1,000 umhos/cm EC, 175 mg/l chlorides; 60 percent sodium, and 1.0 mg/l boron. For areas overlying Class II or poorer irrigation water, discharges shall not exceed 2,000 umhos/cm EC, 350 mg/l chlorides, 75 percent sodium, and 2 mg/l boron. In areas where ground water would be Class I except for the concentration of a specific constituent, only that constituent will be allowed to exceed the specified limits for Class I water. In no case shall any constituent be greater than those limits specified for areas overlying Class II irrigation water. ...

- Discharges to areas that may recharge to good quality ground waters shall not exceed an EC of 1,000 micromhos per centimeter, a chloride content of 175 mg/l, or a boron content of 1.0 mg/l.

- An exception from the EC and/or the chloride limit for discharges to land may be permitted consistent with the *Program for Exception from Implementation of Water Quality Objectives for Salinity.*

Revise Page IV-13 of the Tulare Lake Basin Plan under the heading of "Industrial Wastewater", as follows:

Generally, the effluent limits established for municipal waste discharges will apply to industrial wastes. Industrial dischargers shall be required to:

5. Limit the increase in EC of a point source discharge to surface water or land to a maximum of 500 umhos/cm. A lower limit may be required to assure compliance with water quality objectives.

   An exception to this EC limit may be permitted for industrial sources when the discharger technically demonstrates that allowing a greater net incremental increase in EC will result in lower mass emissions of salt and in conservation of water, provided that beneficial uses are protected.

   An exception may also be permitted for food processing industries that discharge to land and exhibit a disproportionate increase in EC of the discharge over the EC of the source water due to unavoidable concentrations of organic dissolved solids from the raw food product, provided that beneficial uses are protected. Exceptions shall be based on demonstration of best available technology and best management practices that control inorganic dissolved solids to the maximum extent feasible.

   Cull fruits and wastes from food processing generally are voluminous and may have a high water content like winder wastes. Provision should be made for thin spreading of such materials on the fields, followed promptly by disking into the soil.

   An exception from the EC limit may also be permitted consistent with the *Program for Exception from Implementation of Water Quality Objectives for Salinity.*

Revise Page IV-15 of the Tulare Lake Basin Plan under the heading of "Oil Field Wastewater" in the "Industrial Wastewater" section, as follows:

- Maximum salinity limits for wastewaters in unlined sumps overlying ground water with existing and future probable beneficial uses are 1,000 umhos/cm EC, 200 mg/l chlorides, and 1 mg/l boron, except in the White Wolf subarea where more or less restrictive limits apply. The limits for the White Wolf subarea are discussed in the "Discharges to Land" subsection of the "Municipal and Domestic Wastewater" section.

- Discharges of oil field wastewater that exceed the above maximum salinity limits may be permitted to unlined sumps, stream channels, or surface waters if the discharger successfully demonstrates to the Regional Water Board in a public hearing that the proposed discharge will not substantially affect water quality nor cause a violation of water quality objectives.

- An exception from the EC and/or the chloride limit may be permitted consistent with the *Program for Exception from Implementation of Water Quality Objectives for Salinity.*