

VALLEY WATER MANAGEMENT COMPANY7500 MEANY AVE.
BAKERSFIELD, CALIFORNIA 93308

August 13, 2018

VIA EMAIL - commentletters@waterboards.ca.govChair Marcus and Board Members
Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000Re: Comment Letter — Salt and Nitrate Control Program Basin Plan Amendment

Dear Chair Marcus and State Water Board Members:

Valley Water Management Company (Valley Water), a non-profit oil field produced water management organization in Kern County, has been participating in CV-SALTS since late 2015 and is currently a member of the Executive Board and of the Central Valley Salinity Coalition (CVSC). Although not all of its requested changes were made by the Central Valley Regional Water Quality Control Board, Valley Water supports approval of the proposed Basin Plan Amendments related to the Salt and Nitrate Control Programs, which represent many years of stakeholder and Regional Board staff involvement and compromise.

However, Valley Water would request that the State Water Board encourage the Regional Board to:

- 1) continue its work to create a streamlined approach to addressing groundwater basins that are not properly designated as an existing Municipal and Domestic Supply (MUN) use; and
- 2) incorporate boron into the salinity control program as requested by Valley Water and other dischargers.

In addition, as discussed in a previous State Water Board public forum on July 10, 2018, Valley Water also encourages the State Water Board to address the current legal loopholes that exist with the adoption of Maximum Contaminant Levels (MCLs) for drinking water purposes that automatically transform into ambient water quality objectives for surface water and groundwater under current Basin Plan language that prospectively incorporates by reference such MCLs.

When Valley Water raised this issue with the Regional Board during this Basin Plan Amendment process, the response to comments stated:

The issue of whether adequate public notice and opportunity for public comment has been provided should be addressed by DDW during the revision of Title 22 MCLs. The commenter is entitled to raise concerns about how any proposed change to the MCLs might be translated into a water quality objective through the existing “prospective incorporation by reference” provision of the Basin Plans when a new MCL comes before the State Water Board for approval.

Although this issue did not become part of the Basin Plan Amendments now before the State Water Board for approval, Valley Water reiterates the importance of addressing this issue not only in the Central Valley Region, but statewide to avoid violations of the California Environmental Quality Act (CEQA) and Water Code section 13241 and 13242 for MCLs that have not undergone proper analysis to be utilized as water quality objectives.

The continued use of the prospective incorporation-by-reference method of adopting water quality objectives further violates the requirement that affected state and local agencies be consulted with and their concerns be considered, the applicable public notice and participation requirements of the Water Code, and the requirement that changes to a Basin Plan must be approved by the State Board before those changes become effective. *See* Water Code §§13240, 13244, and 13245. Regional Water Board cannot defer its required analysis to any analysis previously undertaken by another entity, particularly where the current analysis performed by DDW in adopting MCLs does not comply with explicit Water Code or CEQA requirements.

Thank you very much for your consideration of these comments.

Respectfully submitted,



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