

APPENDIX I

Summary Salt Control Program with Examples

The Salt Control Program (“Program”) establishes new regulations for the control and permitting of salt discharges to surface water and groundwater. All permitted dischargers (permittees) in the Central Valley Region are subject to this Program, which will be implemented in three phases, each lasting ten to fifteen years.

- Phase I is the Prioritization and Optimization Study (P&O Study), which will facilitate development of a long-term Program that includes identification of salinity control projects for implementation. The Phase I P&O Study will be funded through the collection and administration of fees by the Central Valley Salinity Coalition (CVSC) or other lead entity;
- Phase II (Project Development and Acquisition of Funds); and,
- Phase III (Project Construction)

Phase II and III will implement the findings from Phases I. The overall approach is summarized in Figure K-1.

During Phase 1 of the Program, a Conditional Prohibition shall apply to all permittees discharging salt pursuant to Board-issued waste discharge requirements and conditional waivers that are not regulated under the Irrigated Lands Regulatory Program (ILRP). The Conditional Prohibition shall apply from the time permittees receive a Notice to Comply from the Central Valley Water Board until such time that permits are updated to reflect the requirements of the Salt Control Program. Permittees regulated under an IRLP General Order will comply with Phase I of the Program as required by the General Order, which will be amended to incorporate the Program.

In general, the timing and nature of the Notice to Comply will depend on whether the permitted discharge is to groundwater or surface water and the type of permit, e.g., if the permittee discharges to surface water under the NPDES Program and is subject to federal requirements. The Notice to Comply will require permittees to select from one of two compliance pathways to comply with the Program:

- *Conservative Permitting Approach* –The permittee will achieve compliance through source control and application of conservative salinity permit limits. The permittee will have limited ability to use assimilative capacity or make use of regulatory tools such as a variance/exception or a compliance or time schedule.
- *Alternative Permitting Approach* – The permittee will achieve compliance by participating in the Phase I P&O Study and continuing implementation of performance based measures and the permittee’s existing salinity management program(s)/best management practices.

Within six months of receiving a Notice to Comply, permittees must submit a Notice of Intent that either provides documentation on how they will meet conservative salinity limits or confirms that they have elected to and are fully participating in the alternative permitting approach (i.e. the P&O Study). Permittees that do not provide the Notice of Intent are subject to enforcement

actions that may include prohibition of discharge. The Notice of Intent must include the necessary supporting documentation as described below for each pathway.

Documentation to Support Selection of the Conservative Permitting Approach

The permittee must submit an assessment of how its discharge to groundwater or surface water will comply with the requirements of this permitting approach. The assessment should include or consider the following:

- Characterization of the discharge to groundwater or surface water for electrical conductivity (measured as $\mu\text{S}/\text{cm}$). Data from at least two years prior to the date of the Notice to Comply should be utilized for the assessment. Historical (within the past 5-7 years) and/or regional data may be used if local and/or current data is not available, if the data is representative of current discharge and receiving water conditions. Data from a longer period may be necessary if the salinity characteristics of the discharge are highly variable.
- Evaluation of the beneficial use(s) applicable to the receiving water(s) named in the permit. In most situations, this evaluation will require, at a minimum, an evaluation of the MUN and AGR beneficial uses. Unless the receiving water has a site-specific numeric water quality objective that is more stringent, the evaluation should rely on the following numeric values:
 - AGR Beneficial Use - 700 $\mu\text{S}/\text{cm}$ electrical conductivity (EC), as a monthly average
 - MUN Beneficial Use – 900 $\mu\text{S}/\text{cm}$ EC, as an annual average
- Evaluation to determine if the discharge causes or contributes to an exceedance of the applicable numeric values in the receiving water.
- Limitations on the authorization of new or expanded allocations of assimilative capacity by the Regional Water Board or the use of other regulatory tools to achieve compliance with water quality objectives or numeric values. Therefore,
 - The assessment should assume that water quality objectives or numeric values shall be met at the point of discharge, that is, without an allocation of assimilative capacity in groundwater or use of a mixing zone in surface water or does not cause or contribute to an exceedance in the receiving water. If the permittee's existing permit already has an approved allocation of assimilative capacity or mixing zone, supported by a previously accepted antidegradation study or analysis, the Regional Water Board may consider continuing the previously approved assimilative capacity allocation.
 - The use of a time or compliance schedule to come into compliance with water quality objectives or numeric values will be limited.
 - The permittee will not be able to apply for an exception from the implementation of a water quality objective for groundwater or a variance from a surface water quality standard.

Documentation to Support Selection of the Alternative Permitting Approach

Participation in the P&O Study requires the permittee meet the requirements of the Study's lead entity including any minimum level of financial support. Needed level of participation as well as governance procedures and stakeholder participation elements will be established by the lead entity. The level of participation may vary based on salinity in the discharge, local conditions or

other factors. The permittee should contact the lead entity (as identified in the Notice to Comply) to determine the requirements to participate in the P&O Study initially and throughout the duration of Phase I. To respond to the Notice to Comply, the permittee shall submit documentation to the Regional Water Board that the permittee is fully participating in the P&O Study. In addition, throughout the duration of Phase I the permittee shall:

- Continue to contribute support to the P&O Study, as required to remain a participant in the Study; and
- Consider actively participating in the ongoing activities of the P&O Study through the opportunities provided.
- Continue to implement the existing salinity management program/best management practices incorporated into the permit to discharge.

The following examples are intended provide an illustration of how permittees will be responsible for compliance with the Salinity Control Program. For all the examples and the Program in general, the selected compliance pathway (conservative or alternative permitting approach) shall remain valid throughout the duration of Phase I of the Program as long as the permittee is in compliance with that permitting approach. Prior to the initiation of Phase II of the Program, the permittee will receive a new NTC that describes permitting options available under Phase II of the Program. Permittees are encouraged to contact the lead entity for the P&O Study soon after receipt of the Notice to Comply to understand their options under the Alternative Permitting Approach.

Permittees regulated under a WDR/NPDES Permit

Publicly Owned Treatment Works - The City of Trees wastewater treatment plant is authorized to discharge treated wastewater to the Merced River. The facility will receive a Notice to Comply with the Program within one year after the surface water components of the Program become effective. The permittee will need to evaluate its existing permit requirements to select the Conservative or Alternative Permitting Approach during Phase I. To assist with this decision, the permittee should review the documentation requirements and numeric guidance values described above. The permittee's selected permitting approach and the required supporting documentation must be submitted to the Regional Water Board within six months of receiving the Notice to Comply.

Municipal Stormwater Phase I (this example is also applicable to Phase II and Caltrans) – The City of Big Trees is the owner/operator of a large municipal separate storm sewer system (MS4) subject to the Central Valley Region-wide Municipal Stormwater General Permit (Order No. R5-2016-0040, or its replacement). The municipality will receive a Notice to Comply with the Program after the surface water components of the Program become effective. Upon receipt of the Notice to Comply, the municipality will need to conduct an evaluation to determine if its discharges cause an exceedance of the conservative EC-based salinity values to protect AGR or MUN beneficial uses. To conduct this evaluation, the municipality should, ideally, evaluate local, paired outfall/receiving water data from the past two to five years. However, if that data is not readily available, the municipality may use historical data (within the past 5-7 years) and/or other similar, regional data to conduct the evaluation if the data utilized represents current conditions in the discharge and receiving water.

Industrial Stormwater - The IndusTree facility is an industrial facility subject to the Statewide Industrial General Permit (Order No. 2014-0057-DWQ, or its replacement). The facility will receive a NTC with the Program after the surface water components of the Program become effective. Upon receipt of the Notice to Comply, the facility will need to conduct an evaluation to determine a) if EC is identified as a parameter that is associated with potential industrial pollutant sources at the facility and exposed to stormwater or authorized Non-Stormwater Discharge; AND b) the facility's discharge causes an exceedance of the conservative EC-based salinity values to protect AGR or MUN beneficial uses. To conduct this evaluation, the facility should, ideally, evaluate data from the facility and/or the receiving water from the past two to five years. However, if that data is not readily available, the facility may use historical data (within the past 5-7 years) and/or other similar, regional data to conduct the evaluation if that data adequately represents current conditions.

Permittees regulated under an Individual WDR for discharge to groundwater

Ripe Tomatoes, Inc. is a food processor in Merced County and has a WDR that authorizes the facility to discharge treated effluent to a nearby pasture. The facility will receive a Notice to Comply with the Program within one year after the groundwater components of the Program become effective. The permittee will need to evaluate its existing permit requirements to select the Conservative or Alternative Permitting Approach during Phase I. To assist with this decision, the permittee should review the documentation requirements described above. The permittee's selected permitting approach and the required supporting documentation must be submitted to the Regional Water Board within six months of receiving the Notice to Comply.

Permittees regulated by a General Order under the Irrigated Lands Regulatory Program

The Regional Water Board will amend ILRP General Orders within 18 months of the effective date of the Program. Following the amendment, the Tulare Lake Basin Area Coalition receives a Notice to Comply with the Salinity Control Program. The Coalition will evaluate how its members can best comply with the Program's requirements – either through the Conservative or Alternative Permitting Approach. The Coalition will inform its member of the requirements and work with its members to determine a compliance pathway decision through established Coalition notification processes. Required documentation will be provided to the Regional Water Board within the required deadline demonstrating how the growers in the Coalition will comply with the Program's requirements. If the Coalition selects the Conservative Permitting Approach, the Coalition will work with the growers to implement the salt management practices necessary to ensure compliance with the conservative salinity values. If the Coalition selects the Alternative Permitting Approach, it will provide documentation of full participation in the P&O Study, as determined by the entity leading the P&O Study.

John Apple owns a farm in the Tuolumne River Basin and is a member of the East San Joaquin Water Quality Coalition. As a member of this Third-Party Group, this farm is authorized to discharge to groundwater under the WDRs General Order for Growers Within the Eastern San Joaquin River Watershed. The Regional Water Board will amend this General Order within 18 months of the effective date of the Program. Once the Coalition receives a Notice to Comply, based on the General Order amendment, the Coalition will notify Mr. Apple to inform him of how the Coalition plans to respond to the NTC. Mr. Apple will work directly with the Coalition to support the Coalition's efforts to comply with the Program throughout the duration of Phase I.

Happy Fields, Inc. farms in Yolo County and is not a member of a Third-Party Group under the ILRP Program. Instead, this permittee is authorized to discharge to groundwater under the WDR General Order for Discharges from Irrigated Lands Within the Central Valley Region for Dischargers Not Participating in a Third-Party Group (Order No. R5-2013-0100). The permittee will receive a Notice to Comply with the Program based on the requirements established by the amendment to the ILRP General Orders. After receiving the Notice to Comply, the permittee will need to evaluate the amended General Order requirements to select either the Conservative Permitting Approach by providing documentation to show that conservative salinity values are being met or select the Alternative Permitting Approach by providing documentation of full participation in the P&O Study. To assist with this decision, the permittee should review the documentation requirements described above. The permittee's selected permitting approach (conservative or alternative permitting approach) and the required supporting documentation must be submitted to the Regional Water Board within six months of receiving the Notice to Comply.

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