

**22 April 2021 BOARD MEETING
DISCUSSION AGENDA ITEM**

AGENDA ITEM: 8

SUBJECT:

Supplemental Program Environmental Impact Report for the Irrigated Lands Regulatory Program

BOARD ACTION:

Consider adoption of resolution to certify the Supplemental Program Environmental Impact Report for the Irrigated Lands Regulatory Program

BACKGROUND:

In April 2011 the Central Valley Regional Water Quality Control Board (Central Valley Water Board), acting as a lead agency pursuant to the California Environmental Quality Act (CEQA), certified a Program Environmental Impact Report (PEIR) for the Irrigated Lands Regulatory Program (ILRP).

In this agenda item, the Central Valley Water Board will be considering certifying a proposed Supplemental Program Environmental Impact Report (SPEIR) to amend the original ILRP PEIR to include implementation of the Salt and Nitrate Control Program in the ILRP.

The Salt and Nitrate Control Program was recently incorporated into the Central Valley Water Board's Water Quality Control Plans for the Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan. The effective date of the Salt and Nitrate Control Program is 17 January 2020, the Notice of Decision Filing date following Office of Administrative Law (OAL) Approval. For those components subject to United States Environmental Protection Agency (USEPA) approval, the effective date is 2 November 2020, the date of USEPA Approval.

The Substitute Environmental Document (SED) that was completed for the Salt and Nitrate Control Program includes an evaluation of all the known potential environmental impacts due to implementation of the program. The proposed SPEIR analyzed only new, project-level impacts related to the ILRP implementation of the Salt and Nitrate Control Program through the ILRP Waste Discharge Requirements General Orders (General Orders) that were not discussed in either the Salt and Nitrate Control Program SED

or the original ILRP PEIR. These impacts pertain to air quality, climate change, and transportation and circulation. These impacts were addressed by adding a new Alternative (Alternative A) for the Salt and Nitrate Control Program and addresses the impacts that were not fully analyzed in the SED. Alternative A is not meant to be a stand-alone alternative, but rather to be used in conjunction with any other alternative in the PEIR.

Staff circulated and publicly noticed the proposed SPEIR for a public comment period between 8 February 2021 and 25 March 2021. On 25 March 2021, 2 comment letters were received during the public comment period, from the Sacramento River Source Water Protection Program and the Contra Costa Water District. The comments have been reviewed and responded to in the SPEIR. No changes were made to the proposed SPEIR as a result of the public comments.

Many comments addressed concerns regarding analyses in the Salt and Nitrate Control Program SED that was referenced in the SPEIR. However, under Public Resources Code section 21159.2, subdivision (b), the SPEIR shall only address project-level impacts that were not previously addressed in the SED. All other impacts addressed in the SED are outside the SPEIR and instead must be conclusively presumed to comply with the requirements of CEQA since there was no legal challenge of the SED. (Public Resources Code section 21167.2.) Therefore, the SPEIR and responses to comments are focused solely on the ILRP implementation of the Salt and Nitrate Control Program through the ILRP General Orders.

Sacramento River Source Water Protection Program commented that an antidegradation analysis for non-salinity Secondary Maximum Contaminant Levels (SMCLs) impacts is needed for this SPEIR. Staff responded that this is not necessary because the current phase of implementation does not involve projects that would be affected by the non-salinity SMCL application.

Contra Costa Water District commented that the SPEIR fails to quantify the current salinity of ILRP discharges and analyze what affects salinity maintenance, rather than reduction, will have. Staff responded that salinity data is accessible from ILRP data collection efforts, as well as from future data collection and analysis within the Salt and Nitrate Control Program. No changes to the ILRP practices are expected, and therefore no additional analyses are needed at this time.

Contra Costa Water District also commented that a quantitative analysis of potential water quality impacts is needed for this individual permit. Staff responded that the ILRP discharges have been adequately characterized. Additionally, no changes to the ILRP practices are expected, and therefore no additional analyses are needed at this time.

The proposed SPEIR identifies the following potential significant and unavoidable adverse impacts for Alternative A: 1) air quality; 2) cumulative climate change impacts; and 3) traffic impacts.

Under the proposed resolution, the Central Valley Water Board would certify that it has reviewed and considered the Final SPEIR; the Final SPEIR reflects the Central Valley Water Board's independent judgment; and that the Final SPEIR has been completed in compliance with CEQA.

In a separate agenda item for this Board Meeting, the Central Valley Water Board is proposing amendments to incorporate the Salt and Nitrate Control Program in eight General Orders for growers within the Central Valley that are members of a third-party group for discharges from irrigated lands to surface water and to groundwater.

RECOMMENDATION:

Staff recommends certification of the proposed SPEIR.

REVIEWS:

Management Review:	SYM 3/31/2021
Legal Review:	JMJ 03/31/2021

BOARD MEETING LOCATION:

Central Valley Regional Water Quality Control Board meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670

Internet Zoom Meeting