

ITEM: 24

SUBJECT: 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

BOARD ACTION: Consideration of Resolution Approving the Substitute Environmental Documentation and Adopting Proposed Amendments

BACKGROUND: The proposed Amendments are to add policies for variances from surface water quality standards for point source dischargers, a multiple discharger variance program for salinity, and an exception from implementation of water quality objectives for salinity.

The *Variance Policy* will allow the Central Valley Water Board the authority to grant short-term exceptions from meeting water quality based effluent limitations to dischargers subject to NPDES permits. The Policy will only apply to non-priority pollutants.

The *Salinity Variance Program* is a multiple discharger variance that will allow the Central Valley Water Board the authority to grant variances from meeting water quality based effluent limitations for salinity constituents to publicly owned treatment works (POTWs) in NPDES permits. The *Salinity Variance Program* is limited to the multiple dischargers that are documented to share the same challenges in achieving their water quality based effluent limitation for the same pollutant(s). The *Salinity Exception Program* will establish procedures for dischargers that are subject to WDRs and conditional waivers to obtain a short-term exception from meeting effluent or groundwater limitations for salinity constituents.

The proposed *Variance Policy* and the multiple-discharger *Salinity Variance Program* will include criteria and conditions consistent with elements that were part of other USEPA-approved variances. The *Salinity Variance Program* and *Salinity Exception Program* will support the development and initial implementation of the comprehensive salt and nitrate management plan(s) (SNMPs) for the Central Valley by requiring applicants to participate in the CV-SALTS efforts. The proposed *Salinity Variance Program* and *Salinity Exception Program* will be in effect during the development and initial implementation of the SNMPs. The SNMPs are expected to result in basin plan amendments that may contain new or revised programs for dischargers to address salinity constituents.

ISSUES: The Valley Water Management Company (VWM) and the California Independent Petroleum Association (CIPA) requested that the *Salinity Exception Program* be expanded to include more constituents than electrical conductivity, total dissolved solids, chloride, sulfate and sodium and that there be more flexibility in the requirements for a salinity variance or a salinity exception other than the prescriptive requirement to implement a salinity

reduction study work plan and participate in CV-SALTS. In addition, VWM also requests that the end date of 30 June 2019 for the *Salinity Exception Program* be removed.

The *Salinity Variance Program* and the *Salinity Exception Program* are proposed to provide the Central Valley Water Board regulatory flexibility while the development of comprehensive salt and nitrate management plans (SNMPs) are underway by CV-SALTS. The constituents included in these programs were selected because of the information on the ability of dischargers to treat these constituents. There is insufficient information on other constituents to include them in these programs at this time. The requirements are designed to support the development and implementation of the SNMPs developed by CV-SALTS. Requirements that allow for development of salinity plans outside of CV-SALTS is not appropriate. Because these programs are proposed in support of the development of the SNMPs, staff proposes to end the *Salinity Variance Program* and the *Salinity Exception Program* on 30 June 2019. The SNMPs are expected to result in basin plan amendments by 30 June 2017. The 2017 basin plan amendments could include revision of the *Salinity Variance Program* or the *Salinity Exception Program* to include different constituents, different requirement and/or different dates.

Staff made changes in response to some of the other comments. Staff's response to comments and the revised staff report, in track changes, are included with this agenda item.

RECOMMENDATION Adopt the resolution which approves the substitute environmental documentation and adopts the proposed basin plan amendments.

Mgmt. Review _____

Legal Review _____

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