

Amendments to the 1994 Water Quality Control Plan for the
Sacramento River and San Joaquin River Basins

Subject	Date Adopted By Reg. Bd.	Regional Board Resolution No.	Date in Effect
28. Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and 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	6/6/2014	R5-2014-0074	7/8/16

**THE WATER QUALITY CONTROL PLAN (BASIN PLAN)
FOR THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

FOURTH EDITION
Revised July 2016 (with Approved Amendments)

**THE SACRAMENTO RIVER BASIN AND
THE SAN JOAQUIN RIVER BASIN**



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**Karl E. Longley, Chair
Denise Kadara, Vice-Chair
Jon Costantino, Member
Carmen L. Ramirez, Member
Robert (Bob) Schneider, Member**

Pamela C. Creedon, Executive Officer

COVER PHOTO ACKNOWLEDGMENTS:

Rafting the American River: Rapid Shooters, Lotus CA
Yosemite: David Rosen/ Ducks Unlimited

Sunset Waterfowl: David Rosen/ Ducks Unlimited
Sugar Beets: Brenda Grewell/ Dept. of Water Resources

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
Municipalities and Industries.....	IV-3
Storm Water	IV-4
Mineral Exploration and Extraction	IV-4
Hazardous and Non-Hazardous Waste Disposal	IV-5
Contaminated Sites Threatening Ground Water Quality	IV-6
8. Drinking Water Policy	IV-6
Other Discharge Activities.....	IV-6.01
Water Bodies with Special Water Quality Problems.....	IV-7
The Nature of Control Actions Implemented by the Regional Water Board	IV-7
Control Action Considerations of the State Water Board.....	IV-8
Policies and Plans	IV-8
Programs	IV-10.02
Management Agency Agreements, Memorandum of Agreement, and Memoranda of Understanding.....	IV-12
Control Action Considerations of the Regional Water Board	IV-14
Policies and Plans	IV-14
Memoranda of Understanding and Agreement.....	IV-21.12
Waivers	IV-22
Prohibitions	IV-23
Guidelines	IV-26.01
Nonpoint Source Action Plans.....	IV-26.02
Actions Recommended for Implementation by Other Entities.....	IV-27
Recommended for Implementation by the State Water Board	IV-27
Interbasin Transfer of Water.....	IV-27
Trans-Delta Water Conveyance.....	IV-28

II. EXISTING AND POTENTIAL BENEFICIAL USES

Beneficial uses are critical to water quality management in California. State law defines beneficial uses of California's waters that may be protected against quality degradation to include (and not be limited to) "...domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves" (Water Code Section 13050(f)). Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning.

Significant points concerning the concept of beneficial uses are:

1. All water quality problems can be stated in terms of whether there is water of sufficient quantity or quality to protect or enhance beneficial uses.
2. Beneficial uses do not include all of the reasonable uses of water. For example, disposal of wastewaters is not included as a beneficial use. This is not to say that disposal of wastewaters is a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses. Similarly, the use of water for the dilution of salts is not a beneficial use although it may, in some cases, be a reasonable and desirable use of water.
3. The protection and enhancement of beneficial uses require that certain quality and quantity objectives be met for surface and ground waters.
4. Fish, plants, and other wildlife, as well as humans, use water beneficially.

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 CFR 131.20).

The beneficial uses, and abbreviations, listed below are standard basin plan designations.

Municipal and Domestic Supply (MUN) - Uses of water for community, military, or individual water

supply systems including, but not limited to, drinking water supply.

Agricultural Supply (AGR) - Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation (including leaching of salts), stock watering, or support of vegetation for range grazing.

Industrial Service Supply (IND) - Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.

Industrial Process Supply (PRO) - Uses of water for industrial activities that depend primarily on water quality.

Ground Water Recharge (GWR) - Uses of water for natural or artificial recharge of ground water for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers.

Freshwater Replenishment (FRSH) - Uses of water for natural or artificial maintenance of surface water quantity or quality.

Navigation (NAV) - Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

Hydropower Generation (POW) - Uses of water for hydropower generation.

Water Contact Recreation (REC-1) - Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

Non-contact Water Recreation (REC-2) - Uses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing,

9. *California Department of Pesticide Regulation*

On 23 December 1991, the State Water Board Chairman signed a MOU with the California Department of Pesticide Regulation (DPR) to ensure that pesticides registered in California are used in a manner that protects water quality and the beneficial uses of water while recognizing the need for pest control.

The State Water Board and nine Regional Water Boards are responsible for protecting the beneficial use of water in California and for controlling all discharges of waste into waters of the state while DPR is the lead agency for pesticide regulation in California.

This will be accomplished by implementing Best Management Practices (BMPs) initially upon voluntary compliance to be followed by regulatory-based encouragement of BMPs as circumstances dictate. Mandatory compliance will be based, whenever possible, on DPR's implementation of regulations and/or pesticide use permit requirements. However, the State Water Board and Regional Water Boards retain ultimate responsibility for compliance with water quality objectives. The agreement was revised on 19 January 1993 to facilitate implementation of the original agreement. See Appendix Item 21.

10. *Implementation of the San Joaquin Valley Drainage Program's Recommended Plan*

In January 1992, the State Water Board Chairman signed a MOU with the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, the U.S. Soil Conservation Service, the U.S. Geological Survey, the California Department of Fish and Game (later renamed the California Department of Fish and Wildlife), and the Department of Food and Agriculture. The MOU is an agreement by the agencies to use the management plan described in the September 1990 final report of the San Joaquin Valley Drainage Program as a guide for remedying subsurface drainage and related problems. See Appendix Item 22.

11. *California Integrated Waste Management Board*

On 16 December 1992, the State Water Board Executive Director signed a MOU to address the Regional Water Board's review of Solid Waste Assessment Test reports. See Appendix Item 23.

12. *Bureau of Land Management*

On 27 January 1993, the State Water Board Vice Chairman signed a MOU to address nonpoint source water quality issues on public lands managed by the Bureau. See Appendix Item 24.

Control Action Considerations of the Central Valley Regional Water Board

Policies and Plans

The following are the Regional Water Board's policies to protect water quality in the Central Valley:

1. *Urban Runoff Policy*
 - a. Subregional municipal and industrial plans are required to assess the impact of urban runoff on receiving water quality and consider abatement measures if a problem exists.
 - b. Effluent limitations for storm water runoff are to be included in NPDES permits where it results in water quality problems.
2. *Wastewater Reuse Policy*

The Regional Water Board encourages the reclamation and reuse of wastewater, including treated ground water resulting from a cleanup action, where practicable and requires as part of a Report of Waste Discharge an evaluation of reuse and land disposal options as alternative disposal methods. Reuse options should include consideration of the following, where appropriate, based on the quality of the wastewater and the required quality for the specific reuses: industrial and municipal supply, crop irrigation, landscape irrigation, ground water recharge, and wetland restoration. Where studies show that Year-round or continuous reuse or land disposal of all of the wastewater is not practicable, the Regional Water Board will require dischargers to evaluate how reuse or land disposal can be optimized, such as consideration of reuse/disposal for part of the flow and seasonal reuse/disposal options (e.g., dry season land disposal).

Groundwaters within the area shown in Figure II-2 at the Royal Mountain King Mine Site are subject to a variance for the IND and PRO uses based on high background levels of total dissolved solids. The variance exempts the constituents listed in the table, below, from regulatory limits that would otherwise be determined from the IND and PRO beneficial uses.

Constituents in groundwater subject to the variance for IND and PRO include:
Total Dissolved Solids
Arsenic
Chloride
Nitrate
Selenium
Sulfate

13. 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. Variations 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). A permit applicant or permittee may not apply to the Regional Water Board for a variance from a surface water quality standard for 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* (State Water Board Resolution 68-16).

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 feasible 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 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 the 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.

14. *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 person¹ 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

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).)

under development, and if a renewal application is submitted in accordance with the requirements specified in 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 following²:

- 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 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.

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.

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.

*The remainder of this page intentionally left blank.
Text continued on next page.*

Regional Water Board Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA)

1. *U.S. Bureau of Land Management*

In September 1985, the Regional Water Board Executive Officer signed MOUs with the three U.S. Bureau of Land Management Districts in the Central Valley (i.e., the Ukiah District, the Susanville District, and the Bakersfield District). The MOUs, which are identical for each District, aim at improving coordination between the two agencies for the control of water quality problems resulting from mineral extraction activities on BLM administered lands. See Appendix Items 26 through 28.

2. *U. S. Bureau of Reclamation Agreement*

On 2 July 1969, the Regional Water Board signed an MOA with the Bureau of Reclamation to schedule water releases from the New Melones Unit of the Central Valley Project to maintain an oxygen level at or above 5 mg/l in the Stanislaus River downstream of the unit and to not exceed a mean monthly TDS concentration of 500 mg/l in the San Joaquin River immediately below the mouth of the Stanislaus River. The MOA's water quality requirements are subject to some conditions. See Appendix Item 29.

3. *California Department of Fish and Wildlife and Mosquito Abatement and Vector Control Districts of the South San Joaquin Valley*

On 25 February 1993, the Regional Water Board Executive Officer signed an MOU with the California Department of Fish and Game (later renamed to the California Department of Fish and Wildlife) and 11 mosquito abatement and vector control districts of the south

*The remainder of this page intentionally left blank.
Text continued on next page.*
