



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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December 31, 2013

Sent via electronic mail only

Ms. Jeanne Chilcott
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95624
jchilcott@waterboards.ca.gov

RE: Comments on CEQA Scoping Information Document, Establishment of Central Valley Salt and Nitrate Management Plan, August 28, 2013

Dear Ms. Chilcott:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to submit comments on the subject CEQA Scoping Information Document, which pertains to the development and adoption of a Basin Plan amendment to memorialize regulatory and policy achievements of the CV-SALTS process. As you know, CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. CVCWA, as an organization, represents its members in working with Central Valley Regional Water Board and staff on numerous regulatory and policy issues. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law.

As you are aware, CVCWA (and its member agencies) have been, and will continue to be, highly involved as stakeholders in the CV-SALTS process. CVCWA is a founding member of the Central Valley Salinity Coalition and an active participant in CV-SALTS committee meetings and document review. We are very supportive of the robust, stakeholder-based approach that has

been used in the CV-SALTS process to work on the difficult and complicated problems of salt and nitrate management in the Central Valley.

Overarching Comment

CVCWA supports the overall management goals of the CV-SALTS effort, as were modified by Executive Committee of CV-SALTS on May 11, 2012, which include:

- Sustain the Central Valley's lifestyle
- Support Regional Economic Growth
- Maintain World-Class Agriculture
- Maintain Reliable, High-Quality Water Supply
- Protect the Environment

CVCWA recommends these modified goals be clearly stated in the Basin Plan amendment and accompanying staff report and that the various policy alternatives described in the Information Document be evaluated using these goals as overarching criteria for that evaluation. Additionally, we support CV-SALTS' commitment to evaluating, promoting and initiating options to provide safe drinking water already impacted by salt and nitrates.

Scope of the SNMP and Basin Plan Amendment:

On Page 2, Introduction Section, second to last paragraph of the section and again on Page 6 under the Project Proposal Section: The document seems to imply that the SNMP will be incorporated wholesale into the Basin Plan with the option to include technical and regulatory procedures (see section 5 of the Information Document). While CVCWA recognizes that aspects of the SNMP may ultimately need to be adopted into the Basin Plan, we think it is premature to assume the wholesale incorporation of the SNMP into the Basin Plan. CVCWA believes and supports where it is stated elsewhere in the document, that the SNMP will be modified through an adaptive process and subsequent planning. We have experienced that Basin Plan edits are difficult, expensive, time-consuming and can become a roadblock to implementing reasonable, feasible solutions. We believe the SNMP and subsequent edits must be more nimble than a wholesale basin plan amendment would allow. As the SNMP evolves and is adapted there should continue to be stakeholder involvement and public participation. This can be done outside the Basin Plan. We recommend that this subject be discussed by the CV-SALTS Executive Committee prior to development of Basin Plan language.

Specific Questions and Comments regarding Alternatives

Page 7, Section 1.1 Identification of Surface Waters and Groundwaters in the Basin Plans:

CVCWA is supportive of the alternative to develop a process for designating surface water bodies not specifically listed in the Basin Plans. This process should be coordinated

with the process to categorically address appropriate beneficial use designations in surface waters. Regarding the alternatives listed to further delineate groundwater basins, CVCWA questions whether the delineation of management zones will be achieved at the local level through local stakeholder initiatives as opposed to a “top down” effort prescribed in a Basin Plan amendment. It is unclear that CV-SALTS has either the technical resources or local knowledge to delineate management zones throughout the Central Valley.

Page 8, first paragraph, second bullet:

A key element of establishing a “limited” or “restricted” MUN subcategory is the assignment of appropriate water quality objectives for the protection of that use. It is noted that Section 2.1.4 on page 11 of the Information Document describes alternative objectives that “may” be considered. CVCWA believes that appropriate alternative water quality objectives “must” be considered if new MUN subcategories are examined.

Page 8, first paragraph, third bullet:

CVCWA is very supportive of the development and adoption of Basin Plan language which would allow exceptions under Resolution 88-63 to be implemented without going through the Basin Plan amendment process, as it was newly interpreted to be required in the Colusa Order R5-2008-0184 (p. 8).

Page 8, 3rd bullet under “Issues”

Overall, concerning designations and changes in designations, CVCWA is very concerned when little effort is used to designate a beneficial use, but significant effort is required when that assumed designation is incorrect. Although we recognize the utility of grouping similar waterbodies together, we recommend that any process used include a process of similar effort should the designations be incorrect or need to be refined.

Page 8, Agricultural Supply:

Significant discussion has taken place in CV-SALTS on how water is used and what water quality is needed for AGR. The water quality needed to reasonably protect agricultural uses from crops to animals varies greatly. CVCWA believes it is necessary, whether through beneficial use designation or water quality objectives, to provide a reasonable level of protection of beneficial uses that are actually occurring, recognizing that the quality of water quality conditions can vary without adversely impacting beneficial uses.

Page 9, first paragraph:

CVCWA supports the tools needed to support the use of recycled water and reuse of agricultural supply water, whether they are subcategorization, alternative water quality objectives or other alternatives.

Page 10, first paragraph, bullets three, four and five:

CVCWA is supportive of the concepts contained in these three bullets, which would improve implementation of secondary MCLs in permits. We are concerned that the second bullet, absent implementation language, would result in no change to permitting of secondary MCLs.

Page 10, Section 2.1.3:

The Basin Plan amendment should include a process for the re-examination of existing water quality objectives established to protect MUN uses. That process should include the exploration of the full range of secondary MCLs, bounded by antidegradation considerations and informed by existing ambient groundwater quality conditions. The Basin Plan amendment should also consider the concept of an allowable rate of degradation in various areas of the Central Valley over a time frame that is consistent with the long range plan for salinity management for the Central Valley.

Page 10, Section 2.1.3, second bullet:

The tools, procedures or implementation measures should take into account water treatment required on source water. This will vary depending on if the water is surface or groundwater supply. Additionally, there should be some consideration when water quality does not meet objectives due to natural conditions in surface water, as is done for groundwater in the Basin Plans.

Page 11, Section 2.1.4:

CVCWA recommends that options for implementation of a narrative objective in newly considered MUN subcategories would include the concepts of an allowable increment of degradation and/or the use of the antidegradation policy as the principal means of protecting the subcategorical uses.

Page 11, Section 2.2, first paragraph, fifth sentence:

CVCWA believes that it has been established in CV-SALTS Technical Committee discussions that the existing numeric guidelines that have been used to implement the

narrative objective for AGR protection are not directly applicable in the Central Valley, were developed to apply to worst case climatic and management situations that are not reflective of conditions in the Central Valley, and need to be replaced by more appropriate objectives.

Page 11, Section 2.2, first paragraph, third bullet:

CVCWA recommends that the bullet be modified to include rainfall, the presence of sensitive crops, consideration of a reasonable level of crop protection, and consideration of current management approaches.

Page 11, Section 2.2, first paragraph, Issues, third sub-bullet:

CVCWA supports the position that existing cropping patterns are a good indicator of both current and probable future AGR uses. In the event sensitive crops are to be grown in areas already impacted by salinity, it is a reasonable expectation that the parties growing those crops would implement management measures that address the existing salinity condition.

Page 11, Section 2.2, first paragraph, Issues, fourth sub-bullet:

If specific water quality objectives be developed for stock watering, CVCWA would recommend that they account for the type of stock that is being protected. Just as salinity varies by crops, this is also true of different animal species.

Page 14, Section 3.2:

CVCWA is supportive of other alternatives that have also been discussed in CV-SALTS including determination of points of compliance, providing different objectives for different groundwater depths, etc.

Page 17, Section 4.2 Variance:

Some additional strategies may also be considered including the time period of the variance or exception, new sunset dates, changes to the streamline salinity variance program and waterbody variances/exceptions.

Page 17, Section 4.3 Alternative Compliance Strategies, first paragraph:

Use attainability analyses and offsets should be added to the list of currently available strategies.

Page 19, Section 6.1 Monitoring Requirements, first paragraph:

The Delta Regional Monitoring Program, which is under development and will address surface water monitoring in the Delta, should be mentioned in the list of current programs.

Other Questions and Comments

Page 1, first paragraph, second sentence:

It seems to be an overstatement to say that salt accumulation in the valley “threatens” the water supplies for more than 25 million people. It would seem more accurate to say that the accumulation of salts “has the potential to impact” those water supplies. The more threatening problem in the valley is for the people who rely on groundwater supplies that currently are or may be impacted by increasing salt concentrations.

Page 1, third paragraph, third bullet:

It should be clarified that the management zone concept will apply to groundwater sub-basins in addition to surface water bodies. Also, it should be clarified that the Basin Plan amendment will likely describe a structure and/or template for management zones, but will not include specific plans for the entire Central Valley.

Page 2, Background Section, first paragraph, first sentence:

Again, the sentence seems to be somewhat overstated. It is more accurate to state that “The Central Valley faces a future where rising salt and nitrate levels in some areas increasingly threaten drinking water and agricultural beneficial uses.”

Page 4, first paragraph, second sentence:

The reference should be 6(b)(3).

Page 4, last paragraph, last sentence:

The statement is made that “exemptions to the MUN beneficial use [under SWRCB Resolution 88-63] can only be made in the Basin Plans themselves.” It should be clarified that this has been determined to be the case in the language of the Sacramento-San Joaquin Basin Plan but is not a requirement of the resolution itself.

Page 5, second paragraph, second sentence:

This sentence does not accurately capture the language of Resolution 68-16. The resolution does not contain the phrase “prohibits the Board from authorizing discharges that will degrade high quality waters”. More accurately, the resolution states that discharges to existing high quality waters will be required to meet discharge requirements which will result in the best practicable treatment or control necessary to assure that...the highest water quality consistent with maximum benefit to the people of the State will be maintained.” It is recommended that this more precise wording be used to describe the State Anti-Degradation Policy.

Page 6, first full sentence:

This sentence seems to imply that recycled water needs to be managed carefully, above all other sources. This is contrary to the Recycled Water Policy which states in Section 6(a)(2): “It is the intent of this Policy that salts and nutrients from all sources be managed on a basin-wide or watershed-wide basis in a manner that ensures attainment of water quality objectives and protection of beneficial uses. “ CVCWA recommends the sentence in the information document be omitted from all future documents and that future descriptions of the use of recycled water concerning salts and nutrients be consistent with the Recycled Water Policy.

Page 14, Section 3.3

Salt Implementation Provisions, first paragraph, last sentence: The statement taken from the Tulare Lake Basin Plan that “salt importation should be reduced by ensuring that imported water is of the highest quality possible” would seem to place a burden on other areas of the Central Valley to achieve this goal. The Basin Plan amendment should clarify that the users of imported water should share in the responsibility to achieve salinity reduction goals in the Central Valley.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or eoofficer@cvcwa.org.

Sincerely,



Debbie Webster
Executive Officer

cc: Pamela Creedon, Central Valley Regional Water Quality Control Board