

Concise Summary of Regulatory Provisions

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 5. Central Valley Region

3949.16 – Amendment to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to Establish a Central Valley-wide Salt and Nitrate Control Program.

On May 31, 2018, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2018-0034, amending the Water Quality Control Plans for the Central Valley Region to Incorporate a Central Valley-wide Salt and Nitrate Control Program.

The Amendments will:

1. Establish a phased Salt Control Program for discharges to surface and groundwater;
2. Establish a prioritized Nitrate Control Program for discharges to groundwater;
3. Identify alternative compliance pathways that allow collaborative means of addressing salt and nitrate issues;
4. Include a Conditional Prohibition of Discharge to establish enforceable conditions until the Central Valley Water Board revises permits to incorporate applicable requirements from the Control Program;
5. Establish a Surveillance and Monitoring Program;
6. Revise the existing Salinity Variance Policy;
7. Revise the existing Exceptions Policy;
8. Incorporate a Drought and Conservation Policy;
9. Incorporate an Offsets Policy; and
10. Clarify intent and use of applying secondary MCLs in permitting actions.

On December 10, 2020, the Central Valley Water Board adopted Resolution No. R5-2020-0057, amending the Water Quality Control Plans for the Central Valley Region to incorporate revisions to the Central Valley-wide Salt and Nitrate Control Program established by Central Valley Water Board Resolution No. R5-2018-0034.

These Revisions to the Amendments will:

1. Modify a Salt and Nitrate Control Program goal to be cessation of causing or contributing to exceedances of water quality objectives;
2. Clarify no new standards are created for de-designating aquifer beneficial uses or adopting less stringent site-specific water quality objectives;
3. Require a sampling program to identify residents impacted by nitrate;
4. Revise the Nitrate Control Program, including deadline requirements;
5. Revise the Exceptions Policy for the Nitrate Control Program, including a maximum of 35 years for nitrate exceptions and a goal of 50 years for basin restoration;
6. Revise the Offsets Policy for the Nitrate Control Program;
7. Remove authorizations of specified exceedances of Secondary Maximum Contaminant Levels;
8. Revise Salt Control Program to not rely on multi-discharger variances; and
9. Modify the Salt Control Program Conservative Salinity Permitting Approach delineation values.