

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2014-0151

APPROVING A REAL-TIME SALINITY MANAGEMENT PROGRAM FOR
IMPLEMENTATION BY DISCHARGERS OF IRRIGATION RETURN FLOWS FROM
IRRIGATED LANDS WITHIN THE LOWER SAN JOAQUIN RIVER BASIN TO MEET
SALINITY WATER QUALITY OBJECTIVES IN THE SAN JOAQUIN RIVER AT
VERNALIS

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), finds that:

1. On 10 September 2004, the Central Valley Water Board adopted Resolution No. R5-2004-0108 amending its *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan), in part, by adopting the Control Program for Salt and Boron Discharges (Control Program) into the Lower San Joaquin River (LSJR). On 28 July 2006, the Office of Administrative Law approved the amendment to the Basin Plan.
2. The Control Program's goal is to achieve compliance with salt and boron water quality objectives at Vernalis without restricting the ability of dischargers to export salt out of the LSJR Basin.
3. The Control Program establishes methods for allocating, at any given time based on current LSJR salt concentration and flow data, maximum allowable salt loads that may be discharged to the LSJR from each of seven geographic subareas that comprise the LSJR Basin.
4. Item 2 of the Control Program provides that dischargers of irrigation return flows from irrigated lands will be in compliance with the Control Program if they meet any of the following conditions:
 - a. They cease discharging to surface water,
 - b. Their discharge does not exceed 315 micro Siemens per centimeter ($\mu\text{S}/\text{cm}$) electrical conductivity based on a 30-day running average,
 - c. They operate under WDRs that include effluent limits for salt, or
 - d. They operate under a waiver of WDRs for salt and boron discharges to the LSJR.
5. Under Items 3 & 4 of the Control Program, waivers or WDRs that regulate salt discharges into the LSJR may either contain fixed load allocations (Item 4) or may contain conditions under which a discharger may participate in a Real-Time Management Program (RTMP) for the control of salinity (Item 3), which would allow dischargers to discharge higher loads of salinity constituents when the LSJR has assimilative capacity. Item 3 of the Control Program defines the requirements for participation in a RTMP, including setting load allocations for nonpoint source dischargers participating in the RTMP based on available assimilative capacity.

6. Item 3 of the Control Program also specifies that participation in a Central Valley Water Board approved RTMP and attainment of salinity and boron water quality objectives at Vernalis constitutes compliance with the Control Program.
7. Item 8 of the Control Program authorized the Central Valley Water Board to enter into a Management Agency Agreement (MAA) with the U.S. Bureau of Reclamation (USBR) to address salt imports to the LSJR Basin from the Central Valley Project's Delta Mendota Canal. The MAA was signed in December 2008.
8. In the MAA, USBR committed to initiate and lead stakeholder efforts to develop a RTMP that would maximize salt export out of the LSJR Basin while meeting water quality objectives at Vernalis by timing saline discharges when there is assimilative capacity in the river.
9. The MAA acknowledged uncertainty regarding the establishment of a RTMP for the LSJR. To address this uncertainty, specific tasks were incorporated into the MAA, including performing initial RTMP monitoring, quantification, and evaluation. After the evaluation was completed, the Central Valley Water Board and Reclamation would meet to review the results and would define the future efforts necessary to implement the RTMP. The Central Valley Water Board and Reclamation would memorialize their commitments and responsibilities in a revised MAA.
10. On 28 March 2014, staffs of the Central Valley Water Board, USBR, and the Westside Coalition presented a status report on the Control Program to the Board. The status report included a discussion of the water quality at Vernalis, activities undertaken as part of the 2008 MAA, the viability of a RTMP to manage salinity in the basin, the development of an RTMP framework document, and parallel actions to ensure compliance with salinity objectives at Vernalis.
11. On 4 June 2014, the Central Valley Water Board announced on Lyris lists that it had posted a draft updated MAA with USBR and a stakeholder-developed RTMP to its website for public comment. The Board subsequently indicated that the draft documents would be considered for Board approval at its meeting on 9/10 October 2014, setting a deadline for public comment of 18 August 2014. Due to delays in developing the final versions of the documents, and due to the submittal of late comments by a key stakeholders, the Board postponed consideration of the document to the 4/5 December 2014 Board meeting.
12. On 9 October 2014 staffs of the Central Valley Water Board, USBR, and the Westside Coalition presented a status report on the Control Program to the Board, including the draft RTMP and the revised MAA.
13. The draft updated MAA references and describes annual Work Plans that detail the USBR's plans for their support of ongoing salt management activities and a Central Valley Water Board-approved RTMP.
14. The first annual Work Plan, covering the time period of 1 October 2014 through 30 September 2015, was submitted as a draft for public review on 31 October 2014.
15. Resolution R5-2014-0150 establishes a schedule for USBR to submit annual Work Plans to the Central Valley Water Board in support of the MAA. The Resolution establishes deadlines of 31 October 2014 for submittal of the first annual Work Plan for public review

and comment and 31 December 2014 for submittal of the final document acceptable to the Central Valley Water Board's Executive Officer. Subsequent annual Work Plans are to be submitted for acceptance to the Executive Officer 90 days prior to the beginning of the next federal fiscal year.

16. Resolution R5-2014-0150 delegated to the Central Valley Water Board's Executive Officer the authority to terminate the MAA, at his or her discretion, if acceptable annual Work Plans are not received by the Work Plan due dates.
17. The draft RTMP Framework document includes a Memorandum of Understanding signed by participating entities that describes the responsibilities of each entity under the RTMP, including submittal of annual progress reports to the Central Valley Water Board every December 31st.
18. The draft RTMP Framework references the updated MAA between the USBR and Central Valley Water Board to meet salinity water quality objectives in the LSJR at Vernalis and the associated annual Work Plan.

THEREFORE, BE IT RESOLVED that:

1. Dischargers participating in the Central Valley Water Board approved RTMP and who have signed the Memorandum of Understanding attached to the RTMP are in compliance with the Control Program as long as salinity water quality objectives are met at Vernalis.
2. Participants in the RTMP must submit an annual report that documents the activities of the past year and progress toward meeting the commitments/timelines of the phases by the end of each calendar year. If USBR fails to submit an annual Work Plan acceptable to the Central Valley Water Board's Executive Officer by the due date and the Executive Officer terminates the MAA, participants in the RTMP must submit a plan within 6 months of the termination date that identifies how they will complete the work originally proposed by the USBR.
3. The Central Valley Water Board delegates its Executive Officer the authority to terminate the RTMP, at his or her discretion, if an acceptable annual Work Plan is not received within 6 months after termination of the MAA.
4. The Central Valley Water Board delegates its Executive Officer the authority to approve the RTMP.

I, PAMELA C. CREEDON, Executive Officer do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on 4 December 2014.

Original Signed by Pamela Creedon
PAMELA C. CREEDON, Executive Officer