



California Regional Water Quality Control Board Central Valley Region

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TO: Program Managers

FROM: Pamela Creedon
Executive Officer
Central Valley Water Board

DATE: 25 September 2009

SIGNATURE: 

SUBJECT: WITHDRAWAL OF MANAGEMENT SALINITY GUIDANCE

The Executive Management Group issued a memorandum regarding Management Guidance for Salinity in Waste Discharge Requirements (Salinity Guidance) on 26 April 2007.

I have withdrawn the Salinity Guidance for the following reasons: First, withdrawal of the Salinity Guidance will eliminate any confusion on the part of staff or members of the public about the effect of the Guidance on permitting decisions. Second, after the Executive Management Group issued the Salinity Guidance, the State Water Resources Control Board (State Water Board) issued Orders WQ 2009-0003 (*City of Tracy*), WQ 2008-0006 (*Berry Petroleum*), WQ 2009-0005 (*City of Lodi*) and Resolution 2008-0025, the *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy). Certain aspects of the Salinity Guidance are inconsistent with these precedential orders and the Compliance Schedule Policy. Due to time constraints caused by furloughs and other workload issues, it has not been possible to complete a comprehensive review and update of the Salinity Guidance. Third, the State and Central Valley Water Boards are engaged in a comprehensive salinity planning effort known as Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS). CV-SALTS will lead to policy setting and, if appropriate, basin planning actions.

Effective immediately, staff should not consult, cite, or use the Salinity Guidance in making permitting decisions or recommendations. The Executive Management Group considered existing legal authorities in developing the Salinity Guidance, and summarized some of them in the Guidance. As stated in the Salinity Guidance, permitting staff and managers must consider all applicable law, regulations, plans, water quality control policies (e.g., basin plans, the Bay Delta Plan, the Compliance Schedule Policy), EPA guidance, State Water Board water quality orders, relevant technical documents and other sources to draft permit requirements based on site-specific considerations. The withdrawal of the Guidance does not eliminate any permitting options that comply with current law (including the recent State Water Board decisions above), whether or not the options are explicitly mentioned in the Guidance. As with any permit provision, the permit writer must recommend requirements that are appropriate for the facility in question, and include findings that explain the basis of each requirement.

Program staff should refer questions regarding permitting options for a particular facility to management and/or legal counsel.

cc: Lori Okun
Patrick Pulupa
Emel Wadhvani

California Environmental Protection Agency