

By Debra Kahn, Politico

State water regulators are considering new rules on Wednesday that would let farms and dairies continue nitrate and salt pollution for up to 45 years but at levels that would decline over time, a recognition that it will realistically take decades for Central Valley businesses to solve their discharge problems.

The State Water Resources Control Board will vote Wednesday in Sacramento on a package of rules known as Central Valley Salinity Alternatives for Long-Term Sustainability, or CV-SALTS. The plan is aimed at finally getting a handle on nitrate and salt discharges that have impaired groundwater and surface water supplies in California's agricultural center.

The [new rules](#) come as Gov. Gavin Newsom and state lawmakers have devoted more attention to cleaning up drinking water for residents in the Central Valley, some of whom must have their water trucked in because their local sources are so polluted.

Newsom and lawmakers agreed this summer to fund cleanup and maintenance of drinking water systems. That budget agreement, contained in [CA SB200 \(19R\)](#), authorizes up to \$130 million per year from the state's cap-and-trade program to address drinking water through 2030.

But environmentalists argue that CV-SALTS will allow more pollution, raising cleanup costs beyond that anticipated by lawmakers.

The new rules say that users in the Sacramento River, San Joaquin River and Tulare Lake basins have up to 45 years to stop discharging nitrates at volumes that cause the groundwater basins to exceed drinking water standards. Nitrates have been linked to birth and developmental problems as well as cancer.

For salt, which reduces soil productivity, the rules give dischargers up to 50 years to meet water quality standards for surface water. Current rules say that dischargers have 10 years to come into compliance, but they have been widely ignored by farmers and dairies, and the state has not forced the industry to respond.

The area affected by the rules — a broad swath of the state that contains 5 million acres of farms and 500,000 acres of dairies — significantly overlaps with the parts of the state that suffer from impaired drinking water and are expected to benefit from the legislative water cleanup deal.

"The plan does allow pollution to continue for 45 years," said Michael Claiborne, a senior attorney with the Leadership Counsel for Justice and Accountability. When the drinking water funding expires in 2030, he said, "there's a good chance that this plan has resulted by then in more pollution, more costs to the people of California."

The water board issued a [draft resolution](#) late last month, to be considered alongside the basin plan amendments Wednesday. The latest version mollified environmentalists somewhat by reducing the maximum timeline from 50 to 45 years for nitrates and specifying that businesses discharging nitrates into drinking water sources can't rely on "offsets" by funding cleanup elsewhere.

The resolution also says that businesses can't justify exceeding local nitrate standards as long as the basinwide average is below 10 parts per million, as a previous version would have allowed them to do.

"Even though the resolution is a vast improvement over where we were at two weeks ago, it doesn't change the basic fact that we're looking at timelines that are far too long," Claiborne said.

The rules, which have been in development since 2006, were [approved](#) by the Central Valley Regional Water Quality Control Board last year and need approval from the full water board to take effect. The parts dealing with surface water also need U.S. EPA approval because they are subject to the Clean Water Act — primarily a salinity issue.

Farm groups representing a wide range of producers, including rice, cotton, wine and dairies, as well as Central Valley cities including Fresno, Modesto, Stockton and Tracy, are all on board with the plan. Oil companies that supply treated oil wastewater for use in irrigation are also in support.

The rules could also allow dischargers to access SB 200 funds or other state funding to pay for cleanup. They signaled their intent last year to seek funding through the Legislature.

"We will work with the water boards to persuade the Legislature to assist in funding various CV-SALTS projects," Bob Gore, a lobbyist for the California Independent Petroleum Association who previously served as a deputy cabinet secretary to former Gov. Arnold Schwarzenegger, [wrote](#) in public comments on the rule last year. "This is a public health program and continuing General Fund support is wholly appropriate."