

California

Central Valley Region

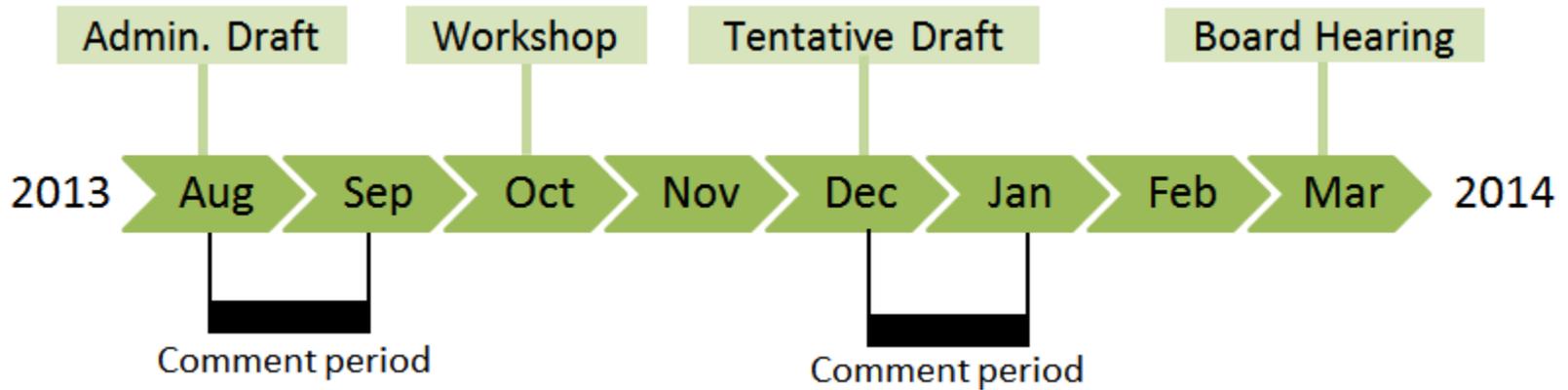
Protecting California's Water



WORKSHOP

Waste Discharge Requirements

for Growers within the
San Joaquin County and Delta Area
that are Members of Third-Party Group
("Draft Order")



Presentation Covers Four Parts

- Program Background
- Main components of the Draft Order
- Summary of comments
- Next Steps

Water Boards Implement Laws



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD



- California Water Quality Law - *Porter-Cologne Water Quality Control Act (Water Code)*
- Water Quality Control Plans (Basin Plans)

Most Regional Boards developing an agricultural program

Irrigated Lands Regulatory Program

▶ Conditional Waiver

▶ Conditional Waiver Update and Renewal

▶ Program EIR Certified & Board Direction on Long-term Program

- General WDR's
- Protect surface and groundwater
- Continue with coalitions (third-party groups)
- Tailor to specific areas

2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013

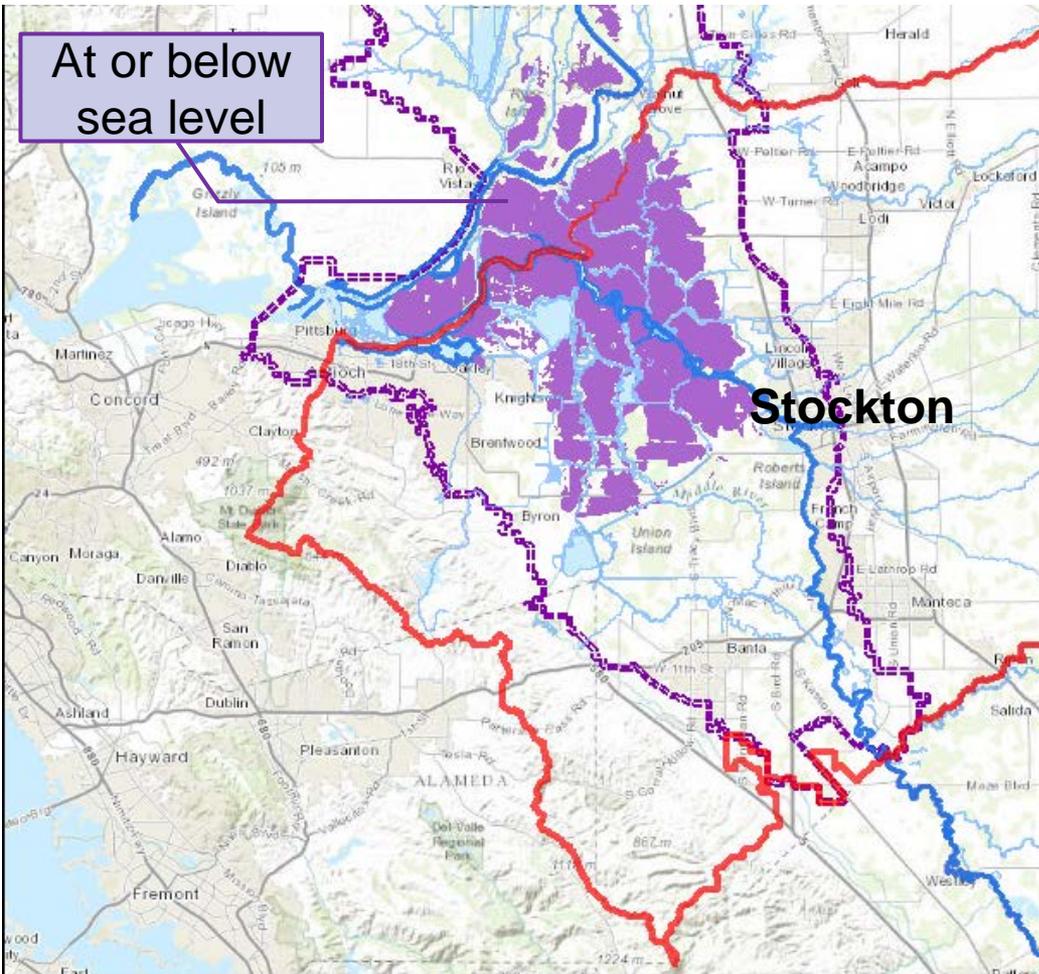
- Surface water only
- Coalition groups – *coordination on program development*
- 25,000 growers enrolled / 5 million acres

Three Orders Already Adopted

- 2012: Eastern San Joaquin River Watershed
- 2013: Tulare Lake Basin Area
- 2013: Individual Growers (not members of third-parties)
- Five Orders by mid-2014



Watershed has Unique Features



- Part of Delta is at or below sea level
- Peat soils
- Some areas overlie groundwater with naturally occurring constituents, including salts.

(GAMA Database 2000 - 2012)

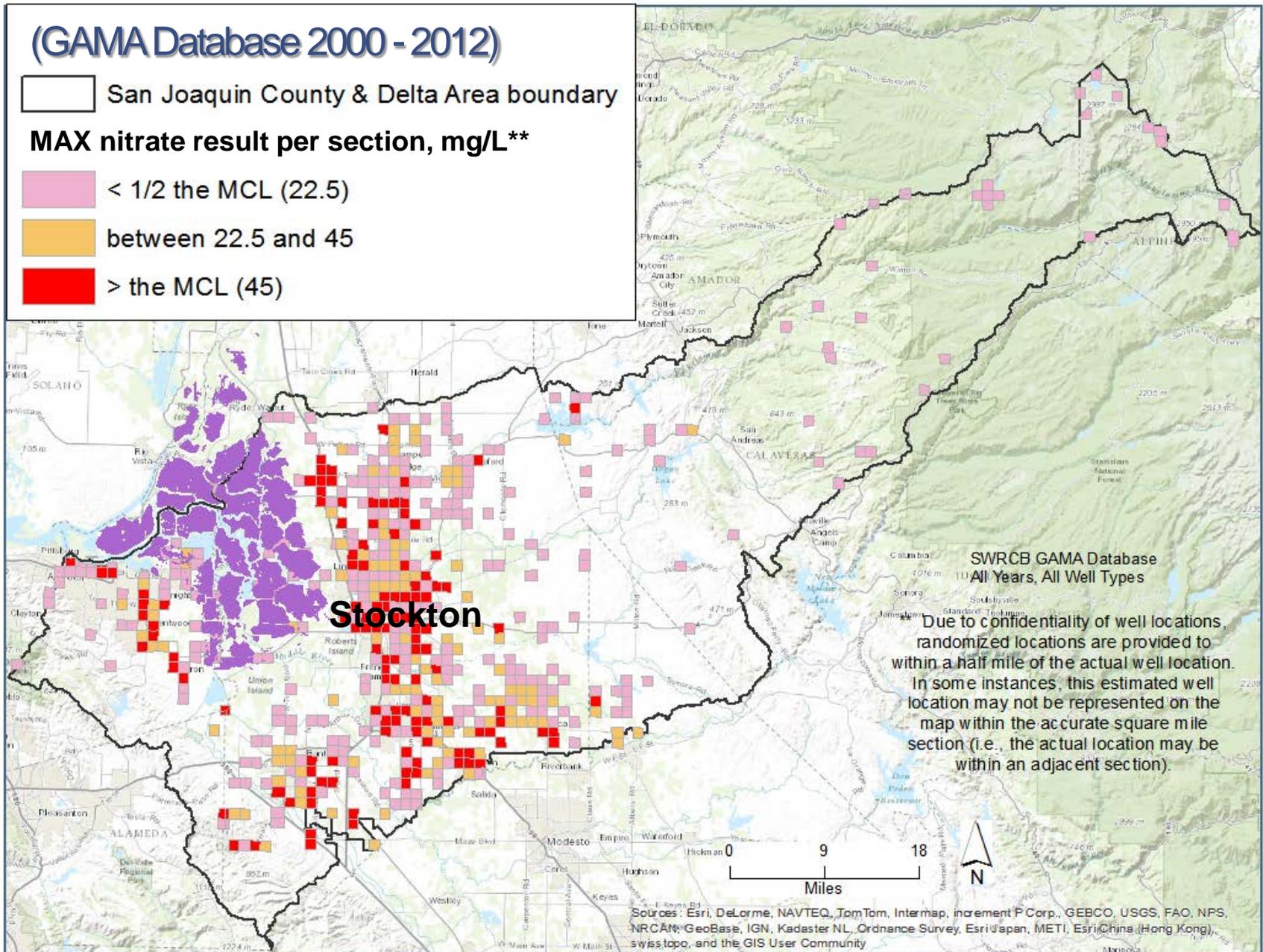
San Joaquin County & Delta Area boundary

MAX nitrate result per section, mg/L**

< 1/2 the MCL (22.5)

between 22.5 and 45

> the MCL (45)

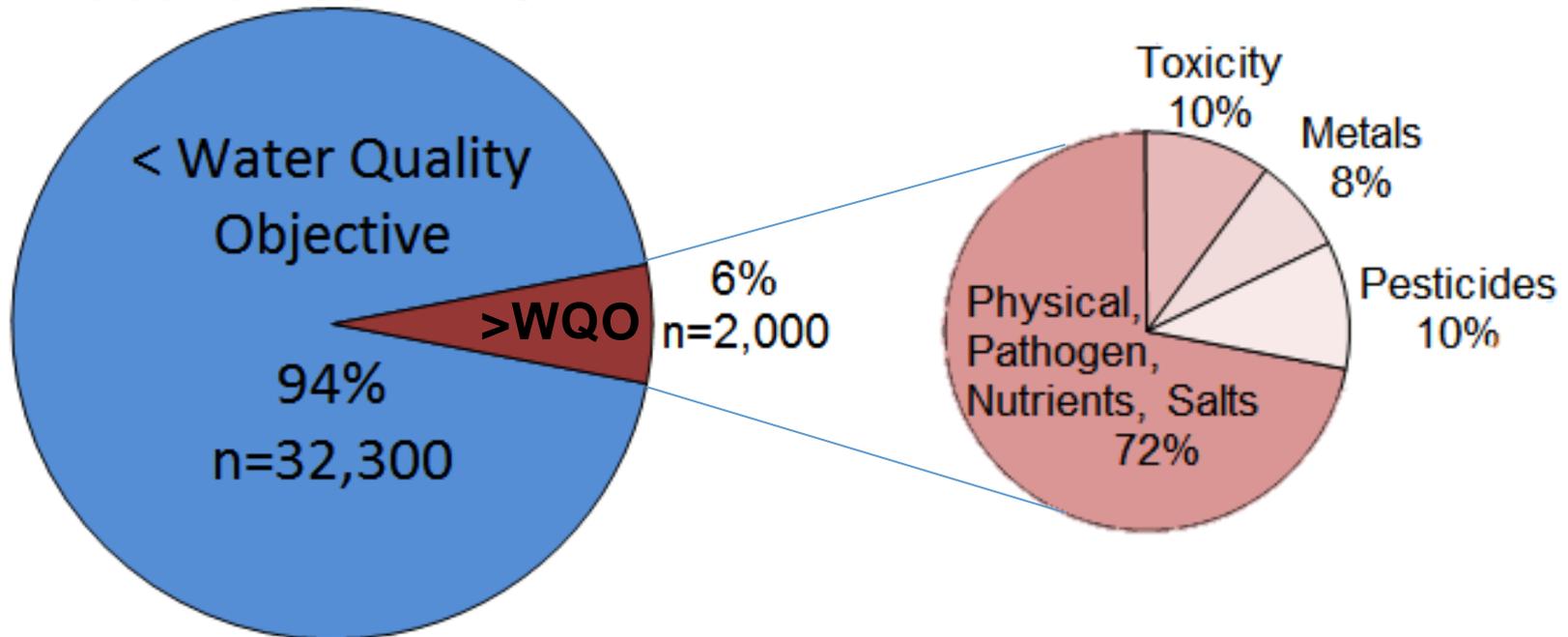


Watershed is Highly Modified

- Man-made water delivery systems
- Field crops, pasture, deciduous fruits and nuts, vineyards, truck/nursery/berry, grain and hay

Surface Water Quality Monitored under Conditional Waiver

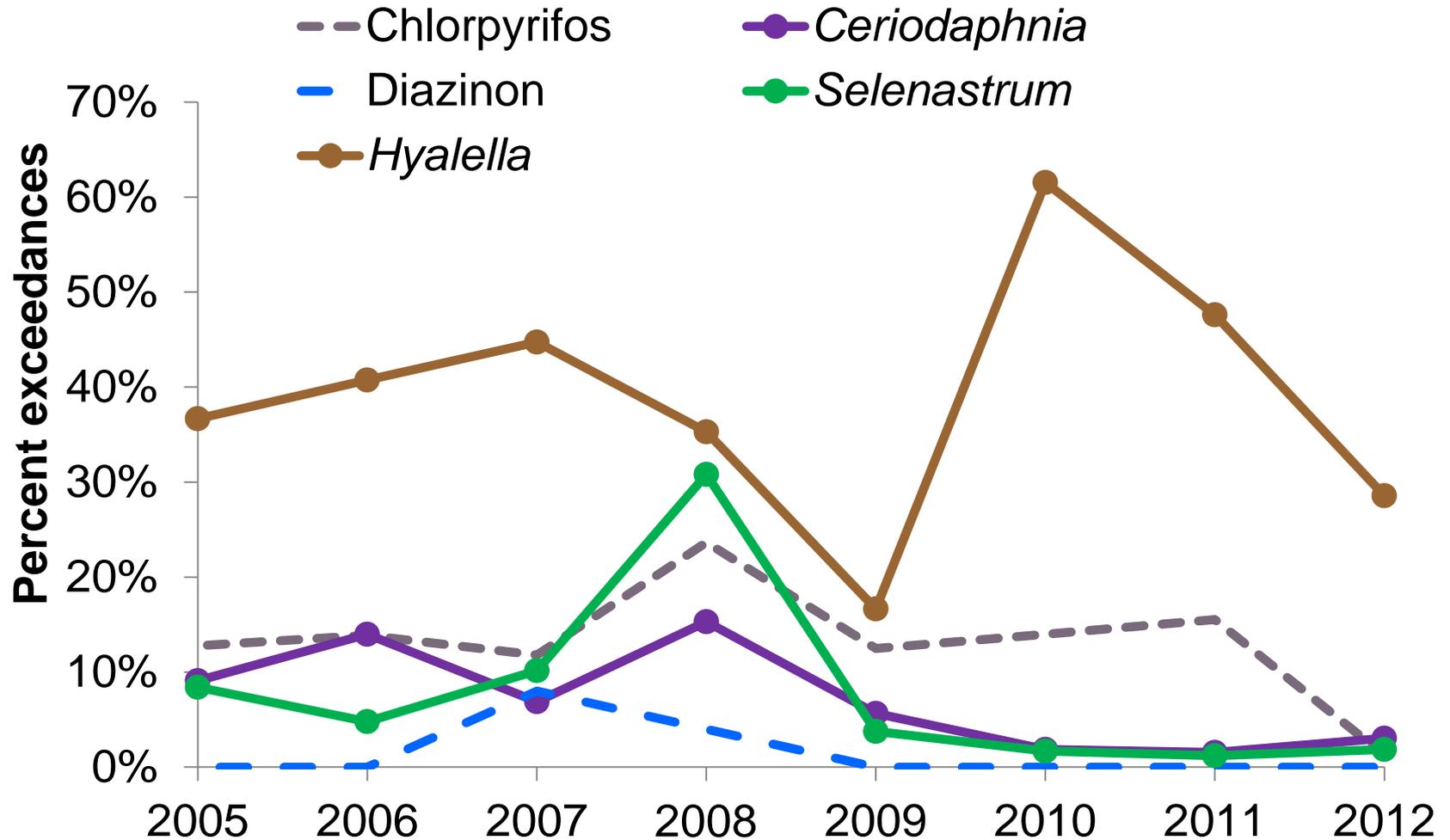
- San Joaquin County and Delta Water Quality Coalition
- 464,000 acres under the Conditional Waiver
- Results 2004 - 2012



High Priority Management Plans

- High Priority site management began in 2008 and is prioritized through 2016
- Performance Goal driven
 - Surface water and sediment monitoring
 - Management practice tracking
 - Single and commodity group growers contacted
 - Coalition follow up

Duck Slough and Lone Tree Creek



Similar to Conditional Waiver

- Membership in a third-party group provides regulatory coverage
- Regulations apply to owners and operators of irrigated lands
- Implement management practices to protect water quality
- Third-parties (coalition groups) represent growers

Similar to Eastern San Joaquin Order

- Establishes receiving water limitations for surface water and groundwater
- Distinguishes low and high vulnerability areas
 - HV= Identified water quality problem / threat
 - LV= No identified water quality problem / threat
- Recognizes the size of farming operations
- Individual members bear ultimate responsibility
- Third-party assists with compliance

Three Key Differences:

1. Reduced monitoring where a basin plan amendment workplan is approved
2. Membership confirmation synched with third-party annual fees
3. Groundwater report prepared in two phases

First Difference:

Draft Order allows reduced requirements

- Temporarily reduced monitoring and reporting
 - Groundwater quality would not likely support beneficial uses due to natural conditions
 - Technical justification
 - Proposal for monitoring
 - Basin Plan Amendment Workplan (for salts and nutrients must be coordinated with CV-SALTS)

Second Difference: Timing of requirements

- Membership confirmation synched with annual fees
 - First Farm Evaluation due 1 year after June 2014 Notice of Confirmation (except small farms in low vulnerability areas)
 - More effective outreach and increased compliance
 - *Will account for the actual adoption date*

Third Difference: Groundwater Report - Two Phases

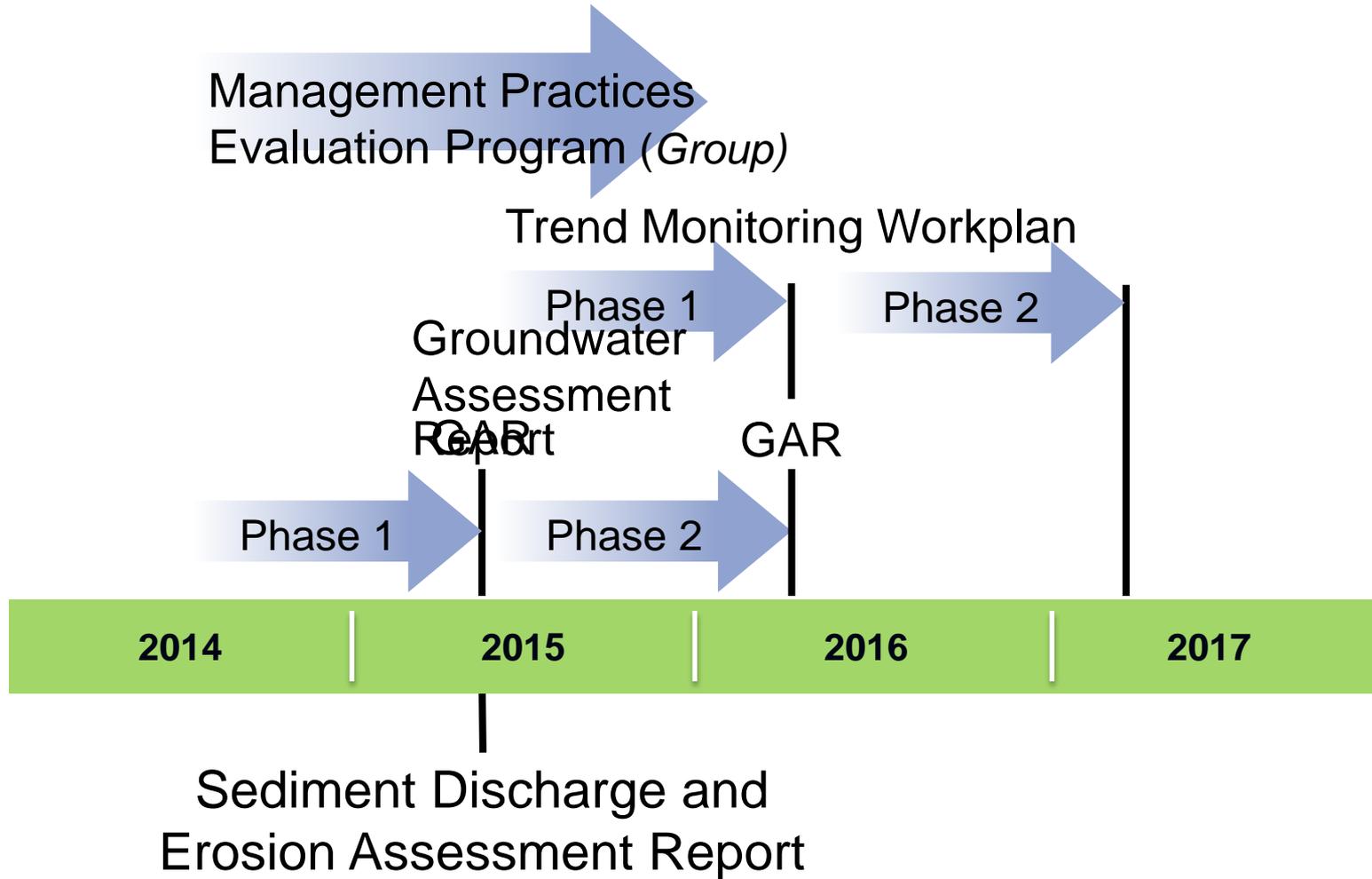
- First Phase
 - Address groundwater conditions outside Delta
 - Must include preliminary identification of High Vulnerability areas in Delta

- Second Phase
 - Address groundwater inside Delta

Third-party handles broader issues

- Education and outreach to inform growers
- Develop management plans
- Surface water monitoring program similar to current program.
- Assess surface and groundwater quality, effectiveness of management practices
 - Adaptive regional surface monitoring
- Prepare and submit reports

Timeline for Third-party Requirements



Members Responsible for Compliance

- Enroll with the third-party
- Implement management practices to meet receiving water limitations and farm water quality management performance standards
- Develop plans and report on management practices

Plans in lieu of farm-specific monitoring

*Template-based Submitted to the third-party
/stay on farm*

■ **Farm Evaluation**

- Identify implemented practices to protect water quality

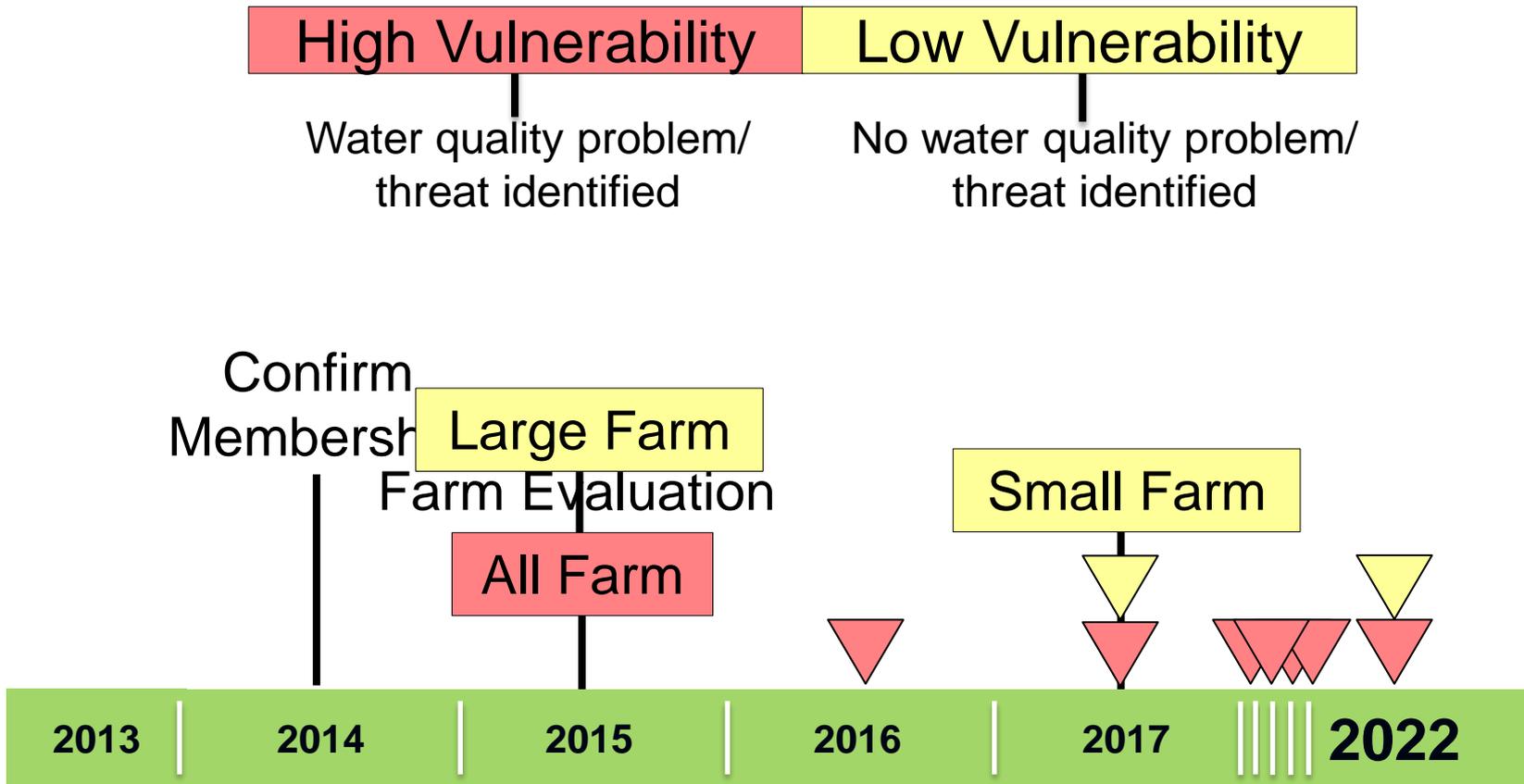
■ **Nitrogen Management Plan / Summary Report**

- Includes estimated N budget for upcoming year

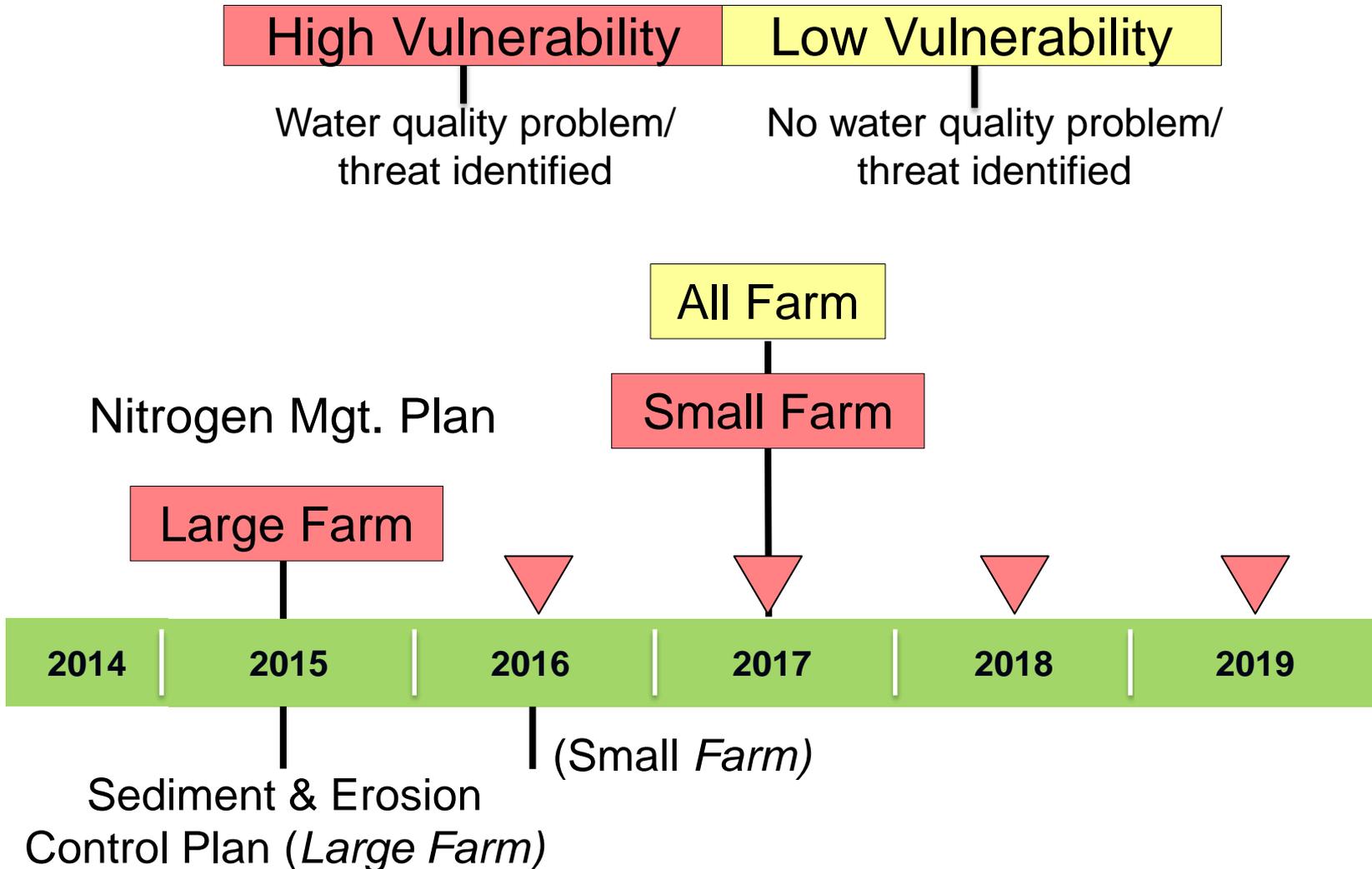
■ **Sediment and Erosion Control Plan**

- For High Vulnerability areas in Sediment and Erosion Report
- High vulnerability areas report ratio of N available to crop consumption

Timeline for Member Requirements



Timeline for Member Requirements



Summary of Comments

★ *Preliminary responses / potential revisions*

- 26 Comment letters received
- Preliminary responses and potential revisions
- Edits and clarifications

Compliance with CEQA / Policy

- Term “waste”, compliance with CEQA, derivation of cost estimates, other comments made previously
 - ★ *Explanation of term “waste” as applied to discharges is appropriate*
 - ★ *This Order is within the scope of the Program EIR and complies with CEQA.*
 - ★ *Costs can be modified if new information is provided*

Back flow Prevention Device Inspections

- Board should inspect wellheads to verify that devices are installed, maintained, and tested annually
 - ★ *Board staff compliance inspections will include verification that devices are in place and functional*
 - ★ *Inspections focused on high vulnerability areas*
 - ★ *Local health agency discussions to obtain input for most effective use of limited staff resources*

Member Requirements / Reporting

- Growers should report nitrogen applied not budgeted
 - ★ *Draft Order only requires reporting for the previous year*
 - ★ *Reporting not required in Low Vulnerability areas*
- Professional certification costly
 - ★ *Certification not required in Low Vulnerability areas*
 - ★ *Draft Order allows alternative self certification*

Member Requirements / Reporting

- Concerned that Board will create standardized nitrate applications
 - ★ *No provision to establish nitrogen application standards*
 - ★ *Nitrogen reporting needed to relate practices to Management Practices Evaluation Program*
 - ★ *Performance Standard = minimize excess nutrient application relative to crop consumption*

Member Requirements / Reporting

- Member nitrogen reporting should be by parcel rather than by crop
 - ★ *Reporting to be done for each crop within a parcel – nitrogen requirements differ for each crop*
 - ★ *Reporting may be modified based on expert panel outcomes*

Member Requirements / Reporting

- Farm management practices can be a trade secret and provide a competitive advantage
 - ★ *Proprietary information should not need to be disclosed*
 - ★ *Order provisions allow claims for exemption from public disclosure*
- Draft Order allows staff to access homes
 - ★ *Member must only produce report copies upon staff request.*
 - ★ *Order specifies inspections do not include private residence*

Selection of Trigger Limits

- Numeric interpretation of narrative objectives should be done by technical advisory committee
 - ★ *Based on the best available information*
 - ★ *Scientifically justified, in consultation with other agencies, and open for public input*
 - ★ *Order includes stakeholder and agency input including a technical advisory committee*
 - ★ *Executive Officer makes final determination*

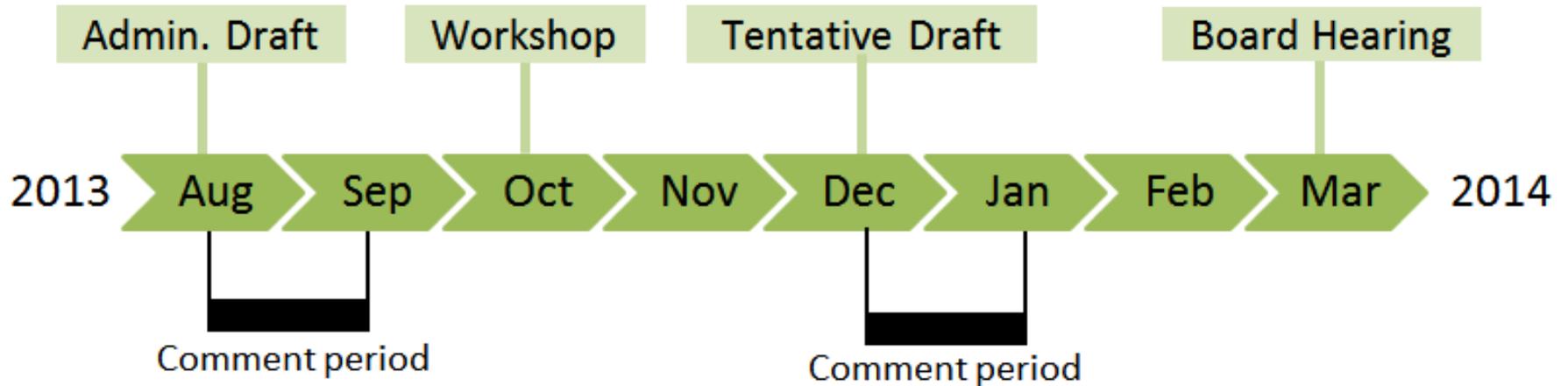
ILRP Implementation Costs

- Draft Order imposes costly reporting without evidence that conscientious growers are a threat to water quality
 - ★ *Costs are minimized through use of representative monitoring instead of individual monitoring*
 - ★ *Reporting costs minimized through use of templates*
 - ★ *Opportunity to reduce monitoring and reporting*

Other Changes Being Considered

- Opportunity for reduced reporting to conform with previously adopted Orders
- Allow multiple third parties to operate under the Order
- Potential modifications consistent with recently adopted Orders
- Revision of cost estimates

Hearing expected in March 2014



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Questions

Estimated Average Annual Cost

