

Petitions on the Eastern San Joaquin Agricultural General Waste Discharge Requirements



Staff Led Workshop

November 2017

Overview

- Procedural background
- Precedential nature of order
- First draft order and significant comments
- Significant revisions in second draft
- Next steps

Procedural Background

- December 7, 2012: Central Valley Water Board adopted Eastern San Joaquin Agricultural General WDRs
- January 2013: Three petitions challenging the General WDRs filed with the State Water Board

Procedural Background

- September 2013: State Water Board adopted precedential Central Coast Agricultural Order
- December 2013: Nitrogen Tracking Task Force issued recommendations
- September 2014: Agricultural Expert Panel issued recommendations

Procedural Background

- February 8, 2016: State Water Board staff issued proposed order
- May-June 2016: Public Workshops and Public Comment
- Fall 2016: Staff workshops
- Spring 2017: Meetings with agricultural representatives and environmental groups



Procedural Background

- October 10, 2017: Release of second staff-proposed order

Precedential Nature of Order

- Except as noted, order requirements provide direction to all agricultural programs
- Specific requirements of the newly released order, including timelines, are effective for the East San Joaquin growers upon adoption of the order
- All other orders must be revised by the regional board before precedential direction becomes effective



Significant Revisions: First Staff-Proposed Order

- Uniform reporting requirements in high and low vulnerability areas
- Reporting of nitrogen applied and nitrogen removed values
- Field-level data reported to Central Valley Water Board

Significant Revisions: First Staff-Proposed Order

- Requirement to sample on-farm drinking water wells
- Direction to Central Valley Water Board to revise representative surface water monitoring provisions

Significant Comments

- There are significant privacy and liability consequences to field-level reporting
- Uniform nitrogen reporting requirements for all areas and growers are not appropriate
- Increased reporting requirements lead to significant cost increases for the coalition, the growers, and the Central Valley Water Board

Significant Comments

- Drinking water well sampling should be part of a statewide program
- Growers should be required to sample drinking water wells for a larger suite of constituents and should provide replacement water at unsafe levels
- The order should provide more specificity as to revisions to be made to strengthen the surface water monitoring program



Significant Revisions

Second Staff Proposed Order

Costs:

- Cost analysis based on submitted projected costs in comments

Significant Revisions

Second Staff Proposed Order

Surface Receiving Water Monitoring:

- Expert panel process

Significant Revisions

Second Staff Proposed Order

Drinking Water Well Monitoring:

- Commences 2019 if no legislation in place
- Three annual samples; results reported by lab directly to GeoTracker
- Notification provided by grower when exceeds health standards



Significant Revisions

Second Staff Proposed Order

Management Practice Reporting:

- Reporting split among three reports: Farm Evaluation, Irrigation and Nitrogen Management Plan Summary Report, new Management Practice Implementation Report
- Farm Evaluation submitted every five years in both high and low vulnerability areas



Significant Revisions

Second Staff Proposed Order

Nitrogen Reporting: Overview

- Field-level nitrogen data reported to the Central Valley Water Board without name and location identifiers
- Low and high vulnerability areas prepare certified nitrogen plan and submit summary, but low vulnerability commences 2020-21
- Commodity groups or growers in certain areas may demonstrate that nitrogen reporting not appropriate

Proposed Nitrogen Reporting: Who Reports (and When)

- Low and high vulnerability areas prepare certified nitrogen plan and submit summary report
- High vulnerability: Already preparing certified plan and submitting summary report; revisions to data reported are effective for March 1, 2019 Report
- Low vulnerability: Already preparing plan; must certify beginning March 1, 2020, must submit summary report beginning March 1, 2021

Proposed Nitrogen Reporting: Who Reports

Exception:

- Commodity groups or growers in certain areas may demonstrate that nitrogen reporting not appropriate
- Demonstration: “Nitrogen applied to the fields does not percolate below the root zone in any significant amount and does not migrate to surface water through discharges, including drainage, runoff, or sediment erosion.”
- To be approved by the regional board

Proposed Nitrogen Reporting: What is Reported

Data Kept on-Farm:

- Irrigation and Nitrogen Management Plan (INMP)
- Certification includes self-certification option
- New certification language to address liability

Proposed Nitrogen Reporting: What is Reported

Data Reported from Growers to Coalition:

- Nitrogen applied in irrigation water, in synthetic fertilizers, and in organic amendments
- Crop yield

Proposed Nitrogen Reporting: What is Reported

Values Calculated by the Coalition:

- Nitrogen removed based on crop yield and coefficient
- Coefficients to be developed by coalition and approved by Regional Board – 95% by 2021, 99% by 2023
- Nitrogen Applied/Nitrogen Removed (A/R Ratio)
- Nitrogen Applied-Nitrogen Removed (A-R Difference)

Proposed Nitrogen Reporting: What is Reported

Data Reported from the Coalition to the Regional Board:

- Field-level nitrogen data reported to regional board in three tables, without name and location identifiers
 - With anonymous member IDs
 - With anonymous location IDs
 - Aggregated by township
- Exception where no coalition (Central Coast)



Next Steps

Board workshop December 6, 2017, 9:30 am

Cal/EPA Building, Second Floor

Coastal Hearing Room

1001 I Street

Sacramento, CA 95814



Next Steps

Written Comment Submission:

Deadline December 15, 2017, 12:00 noon

Ms. Jeanine Townsend, Clerk to the Board

State Water Resources Control Board, 1001 I Street, P.O. Box 100,
Sacramento, CA 95812-0100

Fax: 916-341-5620

Email: commentletters@waterboards.ca.gov

Please indicate in the subject line, "Comments to A-2239(a)-(c)."



Next Steps

- Following workshops and close of written comment period, State Water Board will consider comments carefully
- Adoption meeting projected for January 23, 2018





CALIFORNIA

Water Boards

STATE WATER RESOURCES CONTROL BOARD

REGIONAL WATER QUALITY CONTROL BOARDS