
Central Coast Regional Water Quality Control Board

April 17, 2013

Northern Central Coast Groundwater Task Force
Abby Taylor-Silva
Vice President, Policy and Communications
Grower-Shipper Association of Central California
512 Pajaro St.
Salinas, CA 93901
abby@growershipper.com

VIA ELECTRONIC MAIL ONLY

Dear Ms. Taylor-Silva:

AGRICULTURAL REGULATORY PROGRAM: COMMENTS REGARDING NORTHERN CENTRAL COAST COOPERATIVE GROUNDWATER MONITORING PROGRAM

Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff reviewed Northern Central Coast Groundwater Task Force's March 15, 2013 proposal titled "*Northern Central Coast Cooperative Groundwater Program*"¹ (Proposal). The Proposal was submitted by the following organizations: Grower-Shipper Association of Central California, Western Growers, and the Monterey, San Benito, Santa Clara, and Santa Cruz County Farm Bureaus. The stated purpose of this Proposal is to set forth a plan for a Northern Central California Groundwater Cooperative Program that satisfies *Order No. R3-2012-0011, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* (Agricultural Order) and Part 2.A.6 of the associated Monitoring and Reporting Program No. R3-2012-0011-01, -02, and -03 (MRP) for participating growers in Monterey, Santa Cruz, Santa Clara, and San Benito Counties. We appreciate the Task Force's effort to prepare and submit the Proposal.

Staff reviewed the Proposal and finds that it is incomplete and does not meet the minimum requirements of the Agricultural Order and MRP. Furthermore, staff finds that the Proposal is not responsive to staff's initial feedback, and that the Proposal is significantly different than how proponents characterized it in previous discussions. As submitted, the Proposal is generally a plan for a plan, rather than a proposal fully describing a groundwater monitoring program, and does not contain any specific details for actual groundwater sampling (location, timeframe, or technical rationale). Consequently, I cannot approve the proposed cooperative groundwater monitoring program. Staff's comments are provided in this letter. In order for me to consider approval of the proposed cooperative groundwater monitoring program, please **submit a complete program Proposal and cover letter that describes how the revisions respond to these comments by May 31, 2013.**

¹http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/groundwater/1_northernproposal.pdf.

REQUIREMENTS FOR COOPERATIVE GROUNDWATER MONITORING

The Agricultural Order and MRP were adopted on March 15, 2012 and provided growers with the option to conduct cooperative groundwater monitoring or individual groundwater monitoring. For growers who chose to comply with cooperative groundwater monitoring requirements, the Agricultural Order and MRP provided for 12 months to submit a cooperative groundwater monitoring program for Executive Officer approval. At a minimum, the program must include sufficient monitoring to characterize the groundwater in the local area of the participating growers, characterize the groundwater quality of the uppermost aquifer, and identify and evaluate groundwater used for domestic drinking water purposes. If the cooperative program proposes decreasing the number and type of domestic wells sampled compared to the individual monitoring requirements, adequate technical rationale (i.e., hydrogeological, duplicative screen interval location, etc.) is required as justification. This hydrogeological characterization and justification may be time and cost prohibitive and will require additional technical review and agreement to approve – especially given the broadly described scale and scope of the Proposal. The Central Coast Water Board and the State Water Board have continued to reiterate the importance and urgency of groundwater monitoring - especially domestic drinking water sources, given the severity of water quality conditions and ongoing threat to public health in agricultural areas of the Central Coast Region.

The Proposal was submitted in response to the option provided in the MRP for growers to participate in a cooperative groundwater monitoring program to minimize costs associated with conducting the groundwater monitoring requirements set forth in the MRP. In general, the groundwater monitoring and reporting requirements in the MRP were issued pursuant to California Water Code section 13267 and 13269 and the cooperative groundwater monitoring program must be designed to support the development and implementation of the Agricultural Order, including, but not limited to, verifying the adequacy and effectiveness of the Order's conditions. The monitoring and reports are also required to evaluate effects of discharges of waste from irrigated agricultural operations and individual farms/ranches on waters of the state and to determine compliance with the Order. The groundwater monitoring and reporting requirements are necessary so that the Central Coast Water Board can directly address the highest priority and most significant impact to water quality from irrigated agricultural runoff, widespread nitrate pollution in groundwater supplying drinking water (including unregulated domestic drinking water wells in rural areas), evaluate groundwater conditions in agricultural areas, identify areas at greatest risk for waste discharge and nitrogen loading and exceedance of drinking water standards, and identify priority areas for nutrient management.

Adequate monitoring, which characterizes groundwater quality of the uppermost aquifer and groundwater used for domestic drinking water purposes, is critical to both comply with the Agricultural Order and to resolve the severe water quality conditions in agricultural areas of the Central Coast region and significant threat to human health. The need for comprehensive groundwater monitoring is underscored by the UC Davis Nitrate Report, *Addressing Nitrate in California's Drinking Water*²; which documents that the nitrate loading to groundwater is double

² Harter, T., J. R. Lund, J. Darby, G. E. Fogg, R. Howitt, K. K. Jessoe, G. S. Pettygrove, J. F. Quinn, J. H. Viers, D. B. Boyle, H. E. Canada, N. DeLaMora, K. N. Dzurella, A. Fryjoff-Hung, A. D. Hollander, K. L. Honeycutt, M. W. Jenkins, V. B. Jensen, A. M. King, G. Kourakos, D. Liptzin, E. M. Lopez, M. M. Mayzelle, A. McNally, J. Medellin-Azuara, and T. S. Rosenstock. 2012. Addressing Nitrate in California's Drinking Water with a Focus on Tulare Lake Basin and Salinas Valley Groundwater. Report for the State Water Resources Control Board Report to the Legislature. Center for Watershed Sciences, University of California, Davis. 78 p. <http://groundwaternitrate.ucdavis.edu>.

the amount staff estimated in developing the Agricultural Order, and that domestic wells are at great risk of contamination. Also, the State Water Board provided recommendations³ to the legislature based on the UC Davis Nitrate Report. These recommendations state that “A groundwater monitoring and assessment program is a critical element in effectively managing groundwater quality,” and “The Water Boards will define and identify nitrate high-risk areas in order to prioritize regulatory oversight and assistance efforts in these areas.” Groundwater monitoring programs required by the Central Coast Water Board are a critical part of this statewide effort.

In addition, the Third District Court of Appeal recently issued its decision regarding a challenge to the Central Valley Regional Water Quality Control Board waste discharge requirements for dairies (*Asociación de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Board* (2012) 210 Cal.App.4th 1255 (AGUA)). The AGUA decision emphasizes the need for adequate groundwater monitoring based on the findings in the Order, the existing water quality conditions, and to ensure compliance with the State Water Board’s Anti-Degradation Policy (Resolution No. 68-16).

Governor Brown also signed Assembly Bill 685 on September 25, 2012, establishing a state policy that every Californian has a human right to safe, clean, affordable and accessible drinking water. The bill directed relevant state agencies to advance the implementation of this policy when those agencies make administrative decisions pertinent to the use of water for human consumption, cooking, and sanitary purposes.

BACKGROUND

On January 22, 2013, staff met with representatives of the Grower-Shipper Association, Western Growers, Monterey County Farm Bureau, and your consultants and other proponents to discuss the requirements and status of your efforts to develop a cooperative groundwater monitoring program. At that time, the Task Force provided staff with a preliminary draft proposal. During this meeting and in follow-up communication, staff indicated that the proposal was very preliminary and did not yet have the basic necessary details regarding monitoring program boundaries, scale, scope, or timeframe. These elements are standard practice to any water quality monitoring or environmental assessment workplan. Central Coast Water Board staff provided initial feedback and identified specific areas where the preliminary draft proposal needed additional information: 1) timeframe for sampling and initial groundwater data reporting - especially related to priority drinking water sources, 2) details regarding actual sampling plan, including program scope and technical rationale for sampling locations, 3) assurances of long-term commitment given multi-year timeframe for implementation and potential costs, and 4) program administration to manage participation, fee payment, access to monitoring sites, water quality monitoring data and electronic submittals to GeoTracker, and any other items necessary to ensure long-term success. At this time, proponents indicated that the Task Force would work to address these areas and in particular, indicated your plans to prioritize sampling of domestic drinking water wells within the first months of program approval. In addition, at the meeting agricultural representatives and consultants characterized the program with robust details.

³ Recommendations Addressing Nitrate in Groundwater, State Water Resources Control Board, Report to the Legislature, February 2013.
http://www.waterboards.ca.gov/water_issues/programs/nitrate_project/docs/nitrate_rpt.pdf

In a follow-up email on January 25, 2013, staff provided further comments that the proposal must, at a minimum, include details for implementation to begin assessing domestic drinking water and the uppermost aquifer for at least one groundwater subbasin within approximately 3 months of approval with data submitted to the Central Coast Water Board within approximately 6 months. Staff indicated that this would provide an opportunity to begin monitoring priority areas and yield early lessons learned with a limited subset of sampling, and demonstrate a good faith effort - while giving growers time and flexibility to fully implement the program over the longer term.

On February 6, 2013, the Task Force provided staff with a revised draft workplan and staff had several follow-up phone and email discussions with your consultant. On February 15, 2013, staff provided the Task Force with comments on the revised draft workplan and again stated that the revised draft workplan did not describe the technical basis for the project design and lacked sufficient detail for staff to conduct a detailed review. Staff commented that the program area, scale and scope were not adequately described in the revised draft workplan. Specifically, staff commented that the revised workplan did not propose any specific priority areas, number of wells, well locations, frequency of sampling, or technical basis. Staff further commented that the final workplan must clearly describe the program area, sampling plans and technical basis, and that the technical basis should be supported with technical data and information, such as hydrogeologic information (e.g. geologic cross-sections, aquifer information) to support monitoring locations and density. Staff reiterated the priority for sampling the uppermost aquifer and groundwater sources used as domestic drinking water supply, and also commented that the final proposal must include a detailed time schedule with specific milestone dates for completion of key tasks and submittal of data and reports. Finally, staff also commented that the final proposal must include additional information on the roles and responsibilities of the third-party implementing the program and long-term commitment of participating growers.

In a follow-up email to agricultural representatives on March 4, 2013, staff emphasized the Central Coast Water Board's priority to evaluate and protect sources of drinking water – especially more vulnerable, shallow domestic drinking water wells. Staff indicated that the identification and evaluation of areas that rely on domestic drinking water wells is a high priority and urgent issue that cooperative groundwater monitoring program must address in the very near-term. In response, agricultural representatives described concerns regarding the public accessibility and disclosure of water quality and well location data. Staff has forwarded these concerns to our attorney and she will respond in a separate document.

At the March 15, 2013 Central Coast Water Board Meeting, Board Members discussed the cooperative groundwater monitoring proposals and you presented information regarding the cooperative groundwater monitoring program. Consistent with previous discussions with agricultural representatives, at the meeting staff identified several potential issues affecting the adequacy of the proposals, including the following:

- Definition of geographic boundaries of the program area;
- Specificity of numbers and locations of monitoring points;
- Technical justification for proposed sampling design;
- Timeframe for implementation;
- Urgency for evaluating domestic drinking water;
- Success of long-term Implementation (organizational structure of third-party, commitment of participants, financial assurance);
- Existing grower concern: Well location confidentiality and handling of water quality data.

DESCRIPTION OF THE NORTHERN CENTRAL COAST COOPERATIVE GROUNDWATER PROGRAM

The Proposal indicates that the Task Force intends to develop a cooperative groundwater monitoring program in three phases within the five-year life of the Agricultural Order. Phase I involves identifying data gaps in the available groundwater quality data during a 9-12 month period. Groundwater data is to be gathered from County files, existing data from participating growers, and other available data sources. Phase II will include groundwater monitoring to fill in any identified gaps. Groundwater sampling would initiate within 3-4 months of plan approval (concurrent with Phase I) and is expected to be completed within five years. Further, sampling results would be reported beginning on October 1, 2013 and annually thereafter. Phase III includes the development of a Groundwater Assessment Report and involves the development of a long-term groundwater trend monitoring program to evaluate groundwater quality trends over time and is expected to begin in year 4 (2016) and completed prior to the expiration of the Order on March 14, 2017.

SPECIFIC COMMENTS

In accordance with the Agricultural Order, our highest priority involves characterizing the groundwater quality of the uppermost aquifer, and evaluating groundwater used for domestic drinking water purposes. In order for me to approve the cooperative groundwater monitoring program proposals, they must include a specific and timely plan for evaluating groundwater used for domestic drinking water supply and characterizing the groundwater quality of the uppermost aquifer in the local area of participating growers.

Staff reviewed the Proposal using specific evaluation criteria developed to compare the Proposal against the minimum requirements and ensure a consistent and thorough evaluation of all cooperative groundwater monitoring program proposals submitted to the Central Coast Water Board (see Attachment).

As indicated above, the Proposal is incomplete and does not meet the minimum requirements of the Agricultural Order and MRP. The proposal lacks specific details and timeframe for implementation concerning the specific tasks, necessary monitoring activities and required water quality evaluation and characterization activities that must be implemented in order to achieve satisfactory compliance with the minimum requirements.

Staff has several areas of comments regarding deficiencies in the Proposal which are outlined below. For the proposal to be considered for my approval, substantial revision is required. Please revise the Proposal to include all of the information described below.

1. Participating Growers

Provide identification of all participating growers, according to the following specifications and timeframe:

- a. Provide participating grower information in Microsoft Access or Excel format, including: AW#, Ranch Name and GeoTracker Global ID for each participating grower; physical mailing address, and email address. Information provided must be accurate and consistent with that reported in the electronic-Notice of Intent (eNOI);
- b. **Timeframe – Current list of participants due in the completed Proposal by May 31, 2013; Updated list that represents enough growers to generate fees to**

implement the program due on **September 1, 2013** (per revisions to the MRP which would allow growers to switch from individual to cooperative groundwater monitoring), and quarterly thereafter to include new enrollees.

2. **Program Boundary**

Provide digital Geographic Information Systems (GIS) map delineating program area boundaries, according to the following specifications and timeframe:

- a. Boundary displayed as polygon in GIS vector data format;
- b. Using NAD 83 datum;
- c. Accuracy to 1;24,000 scale;
- d. **Timeframe - due in the completed Proposal by May 31, 2013**; Updates may be provided by September 1, 2013 to include additional participating growers.

3. **Technical Basis for Program - Aquifer Description and Existing Data**

The purpose of this section is to describe each aquifer system to be monitored as the basis and supporting rationale for selecting specific wells and screened intervals proposed for monitoring (Section 5 – Sampling Plan, below). Note that the hydrogeologic characterization information required here already exists in the literature and therefore does not require additional investigation. Also, many existing data gaps are already known — including the lack of water quality data for most domestic wells and shallow agricultural wells, and the aquifer zones from which these wells draw. Water quality from deeper aquifer zones, where municipal public supply wells draw, is well established. Municipal public supply well water quality information is already available for interpretation by qualified, experienced, groundwater professionals. Staff has discussed this with your consultants. As stated above, this information is necessary if the cooperative program proposes decreasing the number and type of domestic wells sampled compared to the individual monitoring requirements.

An acceptable program must include a basic description of each monitored basin's hydrogeology within the program area, according to the following specifications and timeframe:

- a. Provide a general description of aquifer(s) in program area, including depth to groundwater and groundwater flow direction(s), in layered aquifer systems, provide identification of uppermost aquifer, general description of aquifer material laterally and with depth, description of degree of heterogeneity/homogeneity of aquifer material throughout each monitored basin in the program area, provide generalized depths for changes in stratigraphy that affect groundwater flow (i.e., channels, aquitards, etc.);
- b. Provide hydrogeologic cross-section(s) for each basin/subbasin in the program area with map showing location of cross-section;
- c. Provide general description of existing groundwater quality data for each basin in the program area; identify sources of data, and date collected. Describe where data is available in the program area to describe groundwater used for domestic drinking water and groundwater quality of the uppermost aquifer. Describe if existing data is sufficient to represent program area given extent of program area boundaries and complexity of aquifer characteristics;
- d. Given available existing data, identify data gaps. Describe if and how program will fill identified data gaps;
- e. Include specific references for a. – d. above, as appropriate;
- f. Please note that this task requires specific knowledge and expertise and should be conducted by a qualified professional Engineer or Geologist, or similarly qualified

professional with knowledge of the program area. This person's name(s) and contact information should be included with the submittal to facilitate communication with staff;

- g. **Timeframe - due in the completed Proposal by May 31, 2013.**

4. **Groundwater Used for Domestic Drinking Water**

Describe domestic drinking water use in each basin within the program area, according to the following specifications and timeframe below. This is among the highest priorities for the Central Coast Water Board. All rural areas not served by a municipal or community water supply system are dependent on domestic wells. These users include rural homeowners, clusters of homes, farm labor communities, etc. To address domestic well polluted drinking water exposure, the program must include the following:

- a. Provide a description of where groundwater in the program area is used for domestic drinking water, the approximate number and location of domestic wells that exist in each groundwater basin within the program area and the approximate number and location of residences that rely on domestic wells in the program area;
- b. As noted above, there are very little existing data regarding nitrate concentrations in domestic wells. As a result, the program must include extensive sampling of these wells, and because of the threat to human health, this sampling must be an early implementation component for the program. Any use of existing data from domestic wells must be justified in terms of assuring protection of public health. All domestic drinking water wells in the program area must be sampled unless an acceptable technical rationale is provided for sampling a representative subset in specific areas. Domestic wells should be prioritized for sampling based on known contamination, high risk areas (nitrate loading, location of wells, potential for nitrate leaching, etc.), and the number of residents at risk;
- c. Provide a list of domestic drinking water wells that will be sampled, along with location information for these wells in conformance with the details provided in Section 5 – Sampling Plan (below);
- d. Include specific references for a. – c. above, as appropriate;
- e. Please note that this task requires specific knowledge and expertise and should be conducted by a qualified professional Engineer or Geologist, or similarly qualified professional with knowledge of the program area; This person's name(s) and contact information should be included, if different from the previous section, with the submittal to facilitate communication with staff;
- f. Provide a detailed time schedule for program implementation and submittal of deliverables to the Central Coast Water Board;
- g. **Timeframe - due in the completed Proposal by May 31, 2013; Sampling of domestic drinking water wells must be initiated by September 1, 2013 and completed by September 1, 2014.**

5. **Sampling Plan**

Considering the high priority and importance of evaluating domestic drinking water supplies, at the very minimum, the Proposal must include details to expedite the sampling of a subset of the highest priority domestic drinking water wells. In addition, the Proposal must include a specific plan for sampling of domestic drinking water wells and wells that will characterize the uppermost aquifer according to the following specifications and timeframe below. In some cases, it is possible that a well can provide information regarding both domestic drinking water and the uppermost aquifer, if it is of the appropriate depth and screened interval.

- a. Identify wells that will be sampled to evaluate groundwater used for domestic drinking water and the uppermost aquifer. Well locations and sampling density must provide representative evaluation of groundwater in each basin within the program area, given the heterogeneity and complexity of the aquifer(s). Provide technical justification for wells selected. Provide a matrix identifying whether wells are domestic, agricultural, or other, and which monitoring component (i.e., domestic well, uppermost aquifer, both, or other) each well is targeted to monitor;
- b. As stated above, the Proposal must include sampling of domestic drinking water supply wells on each participating farm/ranch (if a domestic well exists), unless an acceptable technical rationale is provided for sampling a representative subset. The actual number and density of domestic drinking water supply wells to be sampled must be based on the hydrogeologic conditions of the local area;
- c. Describe the well type (domestic drinking water, agricultural, or other), latitude/longitude of well location (GeoTracker GEO_XY), well construction information (depth, screened interval, describe if well logs are available);
- d. Include a map of proposed wells to be sampled. Identify wells to be sampled to evaluate domestic drinking water, uppermost aquifer, or other. If different aquifer zones are proposed for monitoring, provide a map for each zone. Provide map in digital GIS vector data format using NAD 83 datum with accuracy to 1;24,000 scale;
- e. Groundwater analyses must be consistent with Table 3 in the MRP;
- f. Provide a detailed time schedule for program implementation and submittal of deliverables to the Central Coast Water Board. This schedule will be used to determine if implementation is proceeding in a timely manner, as proposed and approved. As stated above, sampling of domestic drinking water wells is a high priority and must be initiated by September 1, 2013 and completed by September 1, 2014;
- g. **Timeframe - due in the completed Proposal by May 31, 2013.**

6. Reporting

The following deliverables must be submitted to the Central Coast Water Board, according to the following specifications and timeframe below.

- a. Submit one hard copy and an electronic format copy of the revised Proposal including any supporting documents, such as digital maps described above. A reference list and digital copies of all references relied upon must also be provided (in PDF or with a link to Internet location). **Timeframe – Completed Proposal due by May 31, 2013;**
- b. New data must be uploaded to GeoTracker in proper format as unique data points (including well location, well type, well depth, well-screen interval, as described above). **Timeframe – Within 30 days of sampling;**
- c. Results of analysis of existing data and new sampling must be presented in a Final Report that describes groundwater quality in comparison to drinking water standards, with specific evaluation of groundwater used for domestic drinking water and groundwater in the uppermost aquifer. Submit one hard copy and an electronic format copy of the Final Report including any supporting documents. A reference list and digital copies of all references relied upon must also be provided (in PDF or with a link to Internet location). **Timeframe - Draft Final Report by December 15, 2014; Final Report by March 15, 2015;**
- d. Submit quarterly progress reports that describe progress (status of wells sampled, data uploaded to GeoTracker, and preliminary results) compared to the approved time schedule, and any issues encountered that may delay implementation.

Timeframe – Quarterly; Submit first progress report within 3 months of approval;

- e. Confidentiality and Public Disclosure of Data – The Central Coast Water Board attorney will respond separately to your specific concerns regarding the public accessibility and disclosure of water quality and well location data. In general, the Central Coast Water Board must be able to use the data, make the data accessible to the public and cannot sign a non-confidentiality or non-disclosure agreement;
- f. Third Party Implementation – reporting as detailed in Section 7 below.

7. Third Party Implementation

The Proposal must specify the selected organizational structure of the entity that will take responsibility for administering and implementing the cooperative groundwater monitoring program. At this time, the Proposal provides two options for third-party implementation (i.e., incorporation into Central Coast Water Quality Preservation Inc. or establish an independent 501 c(5)). The organizational structure and the specific roles of the third-party must be clearly defined such that Central Coast Water Board has assurance that implementation will be timely and successful in the short and long term.

Furthermore, given the long timeframe and broad scale and scope of the groundwater monitoring program, the Proposal must estimate the approximate cost to administer and implement each phase of the program and provide assurance that there is sufficient funding available to fully implement the program should it be approved. The Proposal must address third-party implementation according to the following specifications and timeframe below.

The Proposal must include a statement that the third-party organization implementing the cooperative groundwater monitoring program will commit to all of the following activities and aspects of the cooperative groundwater monitoring program, including, but not limited to:

- a. Tracking and reporting names and contact information of all participating growers;
- b. Collecting of fees necessary to implement the program (and follow-up with growers who do not pay fees);
- c. Managing all communication and notification to participating growers and the Central Coast Water Board, including informing participating growers of the program and status of implementation;
- d. Sampling in compliance with MRP and the approved cooperative groundwater monitoring program (gaining access to sampling sites, collecting, tracking and transmitting samples to labs, etc.);
- e. Managing water quality monitoring data and electronic submittals to Geotracker;
- f. Managing contracts for technical work;
- g. Interpreting data;
- h. Submitting reports to the Central Coast Water Board;
- i. **Timeframe - due in the completed Proposal by May 31, 2013.** An update may be provided by September 1, 2013.

In addition, the Proposal submitted by May 31, 2013, must include the following language in a. - g. below, specifically as written (where it says “**INSERT**”; text in brackets should be replaced with text as instructed below):

- a. The [**INSERT** Third-party organization name] will insure that there is sufficient financial support to implement the program by including the approximate cost to implement the program and identification of the resources available (e.g., the fees and number of participating growers to generate the funds necessary to meet the

- budgeted costs, grants) to fully implement all technical and administrative aspects of the program;
- b. The [INSERT Third-party organization name] will insure sampling is conducted by dates established in cooperative monitoring program, sampling schedule (see [INSERT reference to proper section in proposal]);
 - c. The [INSERT Third-party organization name] will insure data and reports are submitted to the Central Coast Water Board in format specified and by dates established in cooperative monitoring program (see [INSERT reference to proper sections in proposal with data submittal and reporting dates, and data and reporting formats described]);
 - d. The [INSERT Third-party organization name] will insure all participating growers are providing any required information and are taking necessary steps to address any obstacles, or issues that arise to implementing the cooperative monitoring program, e.g., failure to pay fees;
 - e. The [INSERT Third-party organization name] will insure that any activities conducted on behalf of the third-party by other groups meet the terms and requirements of the program. [INSERT Third-party organization name] is responsible for any activities conducted on its behalf;
 - f. The [INSERT Third-party organization name] will establish and conduct governance, including, but not limited to:
 - i. As a legally defined entity (i.e., non-profit corporation; local or state government; Joint Powers Authority) or have a binding agreement among multiple entities that clearly describes the mechanisms in place to ensure accountability to participating growers;
 - ii. With a governing structure that includes a governing board of directors composed in whole or in part of participating growers, and that provides participating growers with a mechanism to direct or influence the governance of the third-party through appropriate by-laws;
 - iii. With appropriate authorization from participating growers to access individual grower eNOI information in GeoTracker (e.g., AW#, current contact information);
 - iv. The [INSERT Third-party organization name] will describe and provide evidence for i-iii, above;
 - g. The [INSERT Third-party organization name] will provide the following information and reports to the **Central Coast Water Board and participating growers**, on the dates specified:
 - i. **By September 1, 2013**, the documentation of its organizational or management structure and its by-laws or operating procedures. The documentation shall identify persons responsible for ensuring that the program is implemented as approved. [INSERT Third-party organization name] must also provide to the Central Coast Water Board, confirmation that this information was provided to participating growers;
 - ii. **By September 1, 2013, the list of participating growers, and quarterly, thereafter**, the list of new enrollees, as follows:
 - a. Provide participating grower information in Microsoft Access or Excel format, including: AW#, Ranch Name and GeoTracker Global ID for each participating grower; physical mailing address, and email address. Information provided must be accurate and consistent with that reported in the electronic-Notice of Intent (eNOI);

- b. [INSERT Third-party organization name] must also provide to the Central Coast Water Board, confirmation that this information was provided to participating growers;
- iii. **On September 1, 2013, in Draft Final Report by December 15, 2014, and Final Report by March 15, 2015**, annual summaries of expenditures of fees and revenue. [INSERT Third-party organization name] must also provide to the Central Coast Water Board, confirmation that this information was provided to participating growers.
- iv. **By September 1, 2013 and annually**, thereafter, notification to participating growers of the following, and provide confirmation to the Central Coast Water Board of such notification to participating growers:
 - a. participating growers, as enrolled growers in the Agricultural Order, are individually responsible for the successful implementation of the program and that this individual responsibility has two consequences if the cooperative monitoring program is not successfully implemented: 1) The Central Coast Water Board or Executive Officer will require individual dischargers to conduct individual monitoring per the requirements of the Agricultural Order. 2) The Central Coast Water Board may take enforcement action against individual dischargers. The failure of a third-party group to successfully implement an approved program cannot be used as an excuse for lack of individual discharger compliance;
- v. **Quarterly, beginning within 3 months of approval**, if the third-party group is unable to implement any aspect of the program that could result in a violation of the program's monitoring or reporting requirements, notification describing the inability to implement and the possible violations. [INSERT Third-party organization name] must also provide to the Central Coast Water Board, confirmation that this information was provided to participating growers;
- vi. **Quarterly, beginning within 3 months of approval**, notification to participating growers of any changes to the program approved by the Executive Officer or the Central Coast Water Board and confirmation to the Central Coast Water Board that this notification was provided to participating growers.

CONCLUSION

Pursuant to the Agricultural Order and MRP, the Central Coast Water Board requires growers who chose cooperative groundwater monitoring to submit a cooperative groundwater monitoring program proposal for Executive Officer approval. Staff finds that the program submitted is incomplete and does not meet the minimum requirements of the Agricultural Order and MRP. The program does not include sufficient monitoring to characterize the groundwater quality of the uppermost aquifer, nor does it include sufficient monitoring to identify and evaluate groundwater used for domestic drinking water purposes. Also, the Proposal lacks any detail regarding cost and resources to implement the program, and does not provide adequate information regarding the specific roles and responsibilities of the third-party administering and implementing the program. As written, the program is not approvable given its lack of information and the importance and urgency of groundwater monitoring - especially domestic drinking water sources and the severity of water quality conditions and ongoing threat to public health in agricultural areas of the Central Coast Region. Consequently, I cannot approve the program. In order for me to consider approval of the proposed cooperative groundwater

monitoring program, please **submit a complete Proposal and cover letter that describes how the revisions respond to the comments provided in this letter by May 31, 2013.**

If you have any questions, please contact Angela Schroeter at (805) 542-4644 or at aschroeter@waterboards.ca.gov, or Lisa McCann at (805) 549-3132 or at lmccann@waterboards.ca.gov.

Sincerely,



Digitally signed by Kenneth A Harris Jr
DN: cn=Kenneth A Harris Jr, o=CCRWQCB,
ou=Interim Executive Officer,
email=kharris@waterboards.ca.gov, c=US
Date: 2013.04.17 13:46:39 -07'00'

Kenneth A. Harris Jr.
Interim Executive Officer

ENCLOSURE:
Cooperative Groundwater Monitoring Proposal Evaluation Criteria

cc:

Ms. Gail Delihant
Director, CA Government Affairs
Western Growers
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Sacramento, CA 95814
gdelihant@wga.com

Ms. Claire Wineman
President
Grower-Shipper Association of Santa
Barbara and San Luis Obispo Counties
P.O. Box 10
Guadalupe, CA 93434
claire.wineman@grower-shipper.com

COOPERATIVE GROUNDWATER MONITORING PROPOSAL EVALUATION

NAME: XXX

SUBMITTED BY: XXX

DATE SUBMITTED: XXX

DATE REVIEWED: XXX

		YES	PLANNED Specific	PLANNED General
1	Are boundaries of proposal area well defined (e.g., geographic, groundwater basin, or watershed boundaries)?			
2	Are participating growers identified (AW # and Ranch Name)?			
3	Are the groundwater aquifers in the local area of the participating growers adequately described (existing studies, aquifer description)?			
4	Does the proposal provide details regarding hydrogeology of the proposal area to substantiate and justify monitoring approach?			
4a	Does the proposal include details related to sampling locations?			
4b	Does the proposal include details related to sample depths?			
4c	Does the proposal include details related to sample density?			
4d	Are the sampling locations and density appropriate given the hydrogeologic characteristics (e.g. aerial and depth-related heterogeneity, continuity, complexity) of the program area?			
5	Does the proposal generally prioritize the identification and evaluation of groundwater representative of that used for domestic drinking water purposes to ensure safe drinking water?			
6	Does the proposal include monitoring to identify and evaluate groundwater representative of that used for domestic drinking water purposes?			
6a	If yes, will monitoring of groundwater used for domestic drinking water occur in the first 3-6 months of implementation?			
6b	If monitoring of groundwater used for domestic drinking water is not planned for the first 3-6 months of implementation, will it occur in the first 12 months of implementation?			
6c	Are drinking water monitoring locations clearly identified?			
6d	If drinking water monitoring locations are not clearly identified, is there a method for prioritizing areas?			
7	Does the proposal include evaluating the groundwater quality representative of the uppermost aquifer?			
7a	If yes, are monitoring locations in the uppermost aquifer clearly identified?			
8	Does the proposal include sampling and analyses consistent with Table 3 of the MRP?			
9	Does the proposal report individual groundwater quality data electronically to GeoTracker?			
10	Does the proposal report individual well location data electronically to GeoTracker?			
11	Does the proposal make data accessible to the public (with exception of 1/2 mile radius well location protection in the Order)?			
12	Does the proposal include a clear and reasonable time schedule for implementation (initiate sampling and reporting)?			
13	If the proposal includes the use of a third-party, is the third-party identified?			
13a	If the proposal includes the use of a third-party, are the roles and responsibilities of the third-party to administer and implement the proposal clearly identified (e.g. administration, fee collection, gain access to sites, implementation, reporting, follow-up with participants, long-term agreement)?			
13b	If the proposal includes the use of a third-party, are the roles and responsibilities of the participating growers clearly identified (e.g. pay fees, provide access, long-term agreement)?			
14	Does this proposal clearly describe that the financial resources are available to fully implement the proposal (e.g. estimated cost of program, estimated number of participants, potential fee structure)?			
15	Does the proposal clearly describe long-term commitment of third-party and participants, given multi-year timeframe for implementation and potential costs?			
15a	Does the proposal identify contingencies to address uncertainties about cooperative group's ability to fully implement proposal in the long term?			