

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

2<sup>nd</sup> SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MAY 22-23, 2014  
Prepared May 19, 2014

ITEM NUMBER: 16

SUBJECT: Irrigated Lands Regulatory Program

STAFF CONTACT: Hector Hernandez 805/542-4641 or  
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KEY INFORMATION:

**Location:** Region-Wide  
**Type of Discharge:** Irrigated Lands Runoff and Leaching To  
Groundwater  
**Existing Orders:** Order No. RB3-2012-0011 and WQ 2013-0101

**THIS ACTION:** Direction on Proposed Revisions to the Monitoring and Reporting Programs, Order Nos. R3-2012-0011-01,-02, and -03, associated with the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011, Regarding Changes Related to Groundwater Sample Parameters and the Sampling Completion Deadline

**SUMMARY**

This Supplemental Sheet is to inform the Board that Water Board staff received three letters concerning the Central Coast Groundwater Coalition's request for revisions to monitoring and reporting program Nos. R3-2012-0011-01, R3-2012-011-02, and R3-2012-0011-03 (MRPs). The letters are included as Attachments 1, 2, and 3 to this Supplemental Sheet.

**ATTACHMENT**

1. May 14, 2014 correspondence from California Rural Legal Assistance, Inc. titled, "*RE: Proposed Revisions to the Monitoring and Reporting Program, Order Nos. R3-2012-001, -02, - 03, Regarding Changes to Groundwater Sample Parameters and the Sampling Completion Deadline* "
2. May 18, 2014 correspondence from The Otter Project titled, regarding proposed revisions to the Monitoring and Reporting Programs, Order No. R3-2012-001- 02, -03 and other issues related to the central coast groundwater coalition.
3. May 19, 2014 correspondence from California Rural Legal Assistance, Inc. titled, "*RE: Item 16- Supplemental Sheet for Regular Meeting of May 22-23 – Regarding Proposed Changes to the Sampling Completion Deadlines Explicitly Listed in the Monitoring and Reporting Program Order No. R3-2012-0011-01- 02- 03.*"



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

May 14, 2014

Jean-Pierre Wolff, Chair  
Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

**RE: Proposed Revisions to the Monitoring and Reporting Program, Order Nos. R3-2012-001, -02, -03, Regarding Changes to Groundwater Sample Parameters and the Sampling Completion Deadline**

Dear Chair Wolff,

Thank you for the opportunity to provide written public comment. I am writing this letter to express my concern about the proposed revisions to the Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, R3-2012-0011-03 (collectively, "MRP Orders"), associated with the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011. The MRP revisions, proposed by the Central Coast Groundwater Coalition (CCGC), include changes to the groundwater sample parameters and the sampling completion deadline. Specifically, there is a request to:

- (1) extend the deadline by 90 days to complete the individual groundwater monitoring and reporting program requirements.
- (2) remove the requirements for analyzing groundwater from primary irrigation supply wells for the major ions listed in Table 3 of the MRP and;

These revisions should be rejected because (1) the CCGC knowingly assumed the responsibility of adhering to the workplan schedule and timely submitting deliverables, (2) was clearly apprised of the potential consequences of failing to meet deadlines, (3) and lastly, had sufficient information to plan and better manage their financing.

Poor planning and/or financial mismanagement should not be a basis for a change in groundwater monitoring and reporting parameters, particularly when a whole segment of growers in the individual well monitoring program have already followed sample parameters and adhered to their completion deadlines. Further, the CCGC was explicitly warned not to conduct excess monitoring in lieu of the required monitoring.

**I. THE CCGC KNOWINGLY ASSUMED THE RESPONSIBILITIES OF ADHERING TO THE WORK PLAN SCHEDULE AND TIMELY SUBMITTING DELIVERABLES**

On November 1, 2013 the CCGC submitted the Central Coast Water Coalition Work Plan for San Luis Obispo, Santa Barbara, and Ventura Counties. There, CCGC expressly committed themselves to conducting sampling and submitting the information to Geotracker on behalf of landowners and growers (L&Gs) who were required to complete individual sampling required by the MRPs. (South Counties

Work Plan, p. 8-9). The schedule articulated in the work plan and approved by the Executive Officer Kenneth Harris is as follows:

Because the individual monitoring must be completed during either the fall of 2013 or the spring of 2014, Phase I of the monitoring will occur between November and December 2013, or February and May 2014. The CCGC will identify those growers that need their wells sampled by November 15, 2013 and perform the necessary sampling by May 31, 2014. (South Counties Work Plan, p. 9)

This brief excerpt is critically important to your evaluation of the CCGC's request because it speaks to the CCGC's knowledge in taking on the additional responsibilities of conducting individual well monitoring on behalf of almost 250 L&Gs by May 31, 2013.

The CCGC claims that in "October 2013 when the CCGC provided potential new members with the [option to join the CCGC], it was not known how many individuals would join." (CCGC Letter, April 28, 2014, p. 2). While this statement could technically be true, it is both misleading and an inadequate justification to seek a revision to the MRPs. Even if the CCGC did not know how many members would join in October, it should have known almost exactly how many L&Gs had enrolled as members, on November 1, 2013 because that date was also the deadline for enrollment issued by the State Water Resource Control Board in Order WQ 2013-0101 (State Board Order).

In the April 28th letter requesting the revision of the MRPs the CCGC alludes that it was not aware of the extent of testing that would be required when it took on the responsibilities of taking on an additional 249 growers. (CCGC Letter, April 28, p. 2). In other words, they allege that even if they knew the number of growers enrolled in their program in November, they could not have possibly known the number of wells they would need to sample. This argument is not compelling. A reasonable reading of the September 24, 2013 State Board Order and MRPs would lead a reasonable person to deduce that at least 2 wells are required to be tested per grower under the Individual Well Monitoring Program and that these wells would be tested twice, once in the fall and once in the spring:

The Agricultural Order requires dischargers in all tiers to sample private domestic drinking water wells and at least one irrigation water well on the farm to evaluate groundwater conditions. All dischargers must conduct two rounds of monitoring over the course of the first year of the Agricultural Order. (State Board Order, p. 29)

As early as November 1, 2013, it was completely foreseeable that for its 249 members, the CCGC would have to test *at least* 498 wells in the fall and 498 wells in the spring. Thus, since the CCGC knew or should have known its well testing requirements per its commitment to perform its responsibilities what it as outlined in its work plan for the Southern Counties, the CCGC should not be permitted to revise any section of the MRP on the basis of poor planning and should be held responsible to perform all the necessary sampling by May 31, 2014. Allowing the CCGC to revise their work plan would be a breach of the monitoring and reporting requirements of the Order and should result in the consequence of each individual member grower of the CCGC to be responsible for the Order's monitoring and reporting program, as articulated by the Executive Officer himself.

## **II. THE CCGC WAS APPRISED OF POTENTIAL CONSEQUENCES OF FAILING TO TIMELY SUBMIT DELIVERABLES AND ADHERE TO SAMPLE PARAMETERS**

On May 20, 2013 the Executive Officer sent the cooperative program, a letter entitled “Process for Approval of Phased Groundwater Cooperative Monitoring Work Plan.” In essence, the letter weakened the requirement to provide a complete Program proposal, in adherence to the MRPs as delineated in extensive guiding memos written by Board staff. Instead, the letter offered proponents the option to develop a detailed “work plan,” which allowed proponents such as the CCGC more time to complete the details of their program.

The generous extension and significantly reduced requirements were justified by the Executive Officer on the condition that the option would require “multiple ‘phased’ approvals,” including time schedules, and therefore entailed some “risks” that the dischargers participating in program would be personally responsible for if the cooperative monitoring program was not successfully implemented (Letter to Abby Taylor-Silva, May 20, p. 1-2). In fact, the letter made it explicitly clear that “if the cooperative fails to implement any part of the workplan as approved (including the approved time schedule), growers become individually responsible for implementing the Order’s monitoring and reporting program (MRP).” (Id. p. 2; *See* Attachment 1).

Now, having enjoyed at least a five month extension to the original Cooperative Program Proposal deadline and the benefits of a phased monitoring program work plan,<sup>1</sup> it seems that there is in fact no consequence associated with failing a phased approval or failing to implement any part of the work plan, and the CCGC can simply request at their leisure any changes they wish to the MRPs.

The Board should not set a bad precedent nor undermine its own system of checks and balances by reducing sample parameters or changing the sampling completion deadlines. Fully apprised of the consequences since last year, the CCGC must act responsibly and adhere to all agreed requirements and deadlines. If the CCGC cannot adhere to their phased work plan, then the individual members of CCGC are to be individually responsible for implementing the Order’s monitoring and reporting program, as articulated by the Executive Officer’s letter.

### **III. THE CCGC HAD SUFFICIENT INFORMATION TO PLAN AND, IF NECESSARY, ADJUST THEIR FINANCING; POOR DECISION MAKING SHOULD NOT LEGITIMATE CHANGING THE MRPS.**

As discussed above, the Coalition knew or should have known last November how many L&G in the individual well monitoring it represented and at least an approximate number of wells to be tested. This information would have been sufficient to make informed financial decisions, make financial adjustments or, at the very least, make a timely request for an extension. However, it appears as though the CCGC did not adequately plan and make the necessary arrangement to ensure that there would be funding for all mandatory expenses in the first year of operation. Poor planning does not legitimate deviating from the MRP requirements.

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<sup>1</sup>The original submittal date for the Cooperative Groundwater Program Proposal was March 15, 2013; a full year after the Agricultural Waiver was passed. However, via submitting various drafts, some of which were glaringly inadequate, on March 15, May 31 and July 9, 2013, the CCGC benefitted from a 5-month extension to the original deadline. This does not include the additional time the State Water Board gave the cooperative program to incorporate new members in Order 2013-0101.

A. The CCGC's request to revise the MRPs is impertinently late, undermines internal consistencies required by the Agricultural Order and is unfair to individual well owners that had to conduct individual groundwater monitoring

On April 28, 2014 the CCGC submitted a request for the 90-day extension of the deadline to complete the individual groundwater monitoring and reporting program requirements, knowing that their deadline to conduct all necessary spring sampling of over 500 wells was but a month away, on May 31, 2014.

Knowing that they represented 249 growers in the Southern Counties that were all responsible for individual groundwater monitoring (at least 498 wells in the fall and 498 wells in the spring), why didn't the CCGC make financial adjustments in November, December or January? In fact, according to Table 5 in the work plan, on January 30, 2014 the CCGC was required to submit a list of wells to complete individual monitoring and reporting activities for its members. Yet, none of these issues were raised during the Coalition's presentation during the January Board meeting.

More importantly, if the Board were to approve the proposed revisions on the basis of an untimely, unjustified request it would blatantly disregard the extensive stakeholder process, including the numerous proceedings that generated and refined the MRPs into their final form. For example, CCGC's request to remove the requirements to analyze major ions listed on Table 3 in groundwater from primary irrigation supply wells blatantly contradicts the express requirement for consistency between individual and cooperative monitoring articulated in the MRPs:

Cooperative groundwater monitoring efforts must comply with the requirements for sampling protocols and laboratory analytical methods identified in their MRP, including parameters listed in Table 3, or propose a functional equivalent that meets the same objectives and purposes as individual groundwater monitoring. (MRP-1, p.9; MRP-2, p.10; MRP-3, p.9)

Individual landowners and growers that selected to not join the cooperative program were required to submit their results for two rounds of monitoring, (including well screen interval depth, general chemical parameters and general cations and anions listed in Table 3), by October 1, 2013. Allowing the CCGC to change the rules as it applies to them would be grossly inconsistent and unfair to the individuals who have thus far completed all of their individual groundwater monitoring requirements in a timely manner.

B. The CCGC is responsible for its own predicament due to lack of financial planning and poor management

The primary reason the CCGC provides for changing the completion deadline and the groundwater sampling parameters is financial constraints. According to the April 28, 2014 CCGC letter, the cost of completing two sets of well sampling events within the first year of the CCGC operations can't be sustained with the funding currently available due to the fee structure the CCGC itself elected to use: two payments received two years apart. They claim that the 90-day extension would allow time for the CCGC to collect the additional dues it needs to pay consulting firms and laboratories for the monitoring and reporting program implementations and that removing the ion analysis requirement ensures that they do not expend "scarce resources" where "corresponding benefits are not realized." (CCGC Letter, April 28. p. 1-2).

However, even a cursory reading of the April 28th letter indicates that the CCGC’s financial problems are of its own making. For example, by their own account, CCGC Board of Directors was the one to “[provide] individuals with the option of having their domestic supply and primary irrigation supply wells sampled by the CCGC” and it was the CCGC who “elected” to “collect dues from its members in two payment received two years apart.” If the CCGC was confident in advocating that coalition monitoring and reporting would be a better alternative than individual monitoring, it should have been prepared to allocate its operational costs for the purposes of complying with regulatory requirements.

In articulating the reasons for its financial difficulties, the CCGC failed to note that it had expended significant costs on various factors that were not required by the MRPs when conducting monitoring for the Northern Counties. As described by Steven Deverel during his presentation to the Regional Water Board on December 5, 2013, the CCGC took samples from all wells for stable isotopes of water and nitrogen and oxygen isotopes in nitrate to determine the source of the nitrates. (Audio 16:05-17:00). Additionally, for a subset of those wells, the CCGC took samples to test pharmaceuticals, noble gases, chlorofluorocarbons and other constituents to estimate the year of recharge and the potential source of nitrates. (*Id.*)

All this additional testing misses the point of what the MRPs requires. Expending CCGC monies for testing constituents that are outside of the scope of the MRP does not justify CCGC’s failure to comply with actual reporting and monitoring requirements. CCGC was duly notified of their likely diversion from requirements in a September 27 letter from Regional Board staff:

The purpose of this program is to characterize drinking water quality, and not to determine causality, or the relative contribution of nitrate from historical versus current practices, or other purposes. These other purposes are of lower priority relative to the state goal above, would not achieve compliance with the requirements of the Ag Order and the July 11, 2013 letter, and would necessitate entirely different and much more comprehensive sampling program design. While the Coalition can do additional monitoring above and beyond the Water Board’s requirements, such work cannot be done in lieu of the required monitoring. (*See* Attachment 2).

Despite this very clear warning, the CCGC now wishes to circumvent a mandatory requirement—analyzing the major ions listed in Table 3 in groundwater from primary irrigation wells—based on their expenditure of existing funds for testing constituents outside of the MRP requirements.

**IV. THE OBJECTIVES OF THE AGRICULTURAL ORDER AND MRPS DICTATE THAT THE COALITION ANALYZE THE FULL SUITE OF CONSTITUENTS IN TABLE 3 OF THE MRPS AND NOTHING LESS**

The CCGC argues that the required ion analysis on irrigation supply well water, “generally” screened at greater depths than domestic supply wells, should be removed because it does not provide useful information in characterizing aquifers used for drinking water, which is the primary objective of the Coalition’s work. (CCGC Letter, April 28, p. 1). And yet in fact, there are three separate and distinct requirements that need to be fulfilled by the cooperative groundwater-monitoring program. At minimum, the cooperative groundwater monitoring effort must include (1) sufficient monitoring to adequately characterize the groundwater aquifer(s) (2) characterize the groundwater quality of the uppermost aquifer, and (3) identify and evaluate groundwater used for domestic drinking water purposes. (MRPs, p. 9).

While it is critically important that the Coalition identify and evaluate domestic drinking water, it must also characterize water quality of the uppermost aquifer and characterize groundwater aquifers as a whole. CCGC's argument fails to address that there are three separate and equally important components of an adequate cooperative groundwater-monitoring program and CCGC does not have the privilege of self-determining ex post facto, which requirement is useful or not. This is especially true because adequately characterizing the aquifer(s) as a whole is critically important for multiple reasons including to determine the extent of contamination and the present and future effects on high quality water for anti-degradation purposes.

Additionally, the Coalition's argument fails to acknowledge that, according to the State Water Resources Control Board Resolution No. 88-63, all ground waters of the state—including water that is screened at greater depths than domestic supply wells – is presumptively considered suitable, or potentially suitable, for municipal or domestic water supply. It becomes particularly important to understand the water quality at all depths in light of the dramatic scarcity of water due to the recent drought and the dearth of information regarding well depth and other well construction information. Knowing the general chemistry of the water helps the Regional Board better evaluate “quality assurance/quality control of groundwater monitoring and laboratory analysis” to ensure accuracy of the Coalition's information on what potentially could be drinking water in the future. (MRPs, 18).

Thus, the concentration of major ions in groundwater obtained from irrigation supply wells will be useful in both characterizing aquifers generally and evaluating groundwater used or potentially use for drinking water.

## V. CONCLUSION

Based on all the facts articulated above, the CCGC had sufficient information since November 2013 to avoid a delay in monitoring and adequately plan or adjust their financing to fulfill their obligations under the work plan. I ask that the Regional Water Board reject all proposed changes to the MRPs. Failure to reject CCGC's proposed changes would set an unwarranted precedent for allowing coalition groups to dictate additional terms for an already decided in the MRPs and erode a stakeholder process. Further, it would position coalition groups at an unfair advantage over individual growers who have duly complied with the requirements of the Order.

Thank you in advance for your prompt attention to this matter.

Sincerely,

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Kenia Acevedo  
Attorney | Salinas Safe Drinking Water Project  
California Rural Legal Assistance, Inc.  
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## Central Coast Regional Water Quality Control Board

May 20, 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](mailto:abby@growershipper.com)

**VIA ELECTRONIC MAIL ONLY**

Dear Ms. Taylor-Silva:

### **PROCESS FOR APPROVAL OF PHASED GROUNDWATER COOPERATIVE MONITORING PROGRAM WORKPLAN**

Thank you for spending Friday April 26 with Central Coast Water Board (Water Board) staff and Board Members Jeffrey Young and Russ Jeffries to discuss the comments contained in our April 17 and 18, 2013 comment letters. Open and clear communications are critical to our collective efforts to implement Agricultural Order R3-2012-0011 (Order).

The option for Cooperative Groundwater Monitoring Program(s) (Program) in lieu of individual monitoring was included in the Order adopted by the Water Board on March 15, 2012. Program proposals were due March 15, 2013. The first meeting between Water Board staff and proponent of the two largest proposed Programs occurred on January 22, 2013 leaving less than two months for discussion and review of large complex monitoring programs. Water Board staff recognize the long-term value of functional cooperatives serving the growers of the Central Coast Region. Water Board staff are sensitive to the time constraints imposed by such a late start to develop a complete Program proposal.

At the April 26 meeting, I offered the option for proponents to develop a detailed Program workplan outlining a schedule and deliverables consistent with the MRP and our comment letters of April 17 and 18, and our discussions of April 26 in lieu of complete Program proposals. This option allows proponents more time to complete details of their Program workplan. However, use of this option requires multiple "phased" approvals and therefore comes with some risks.

On May 13, 2013, you submitted an updated workplan, which included proposed timelines. To assist you in preparation of your submittal due on May 31, 2013, Water Board staff is providing comments on the updated workplan (attached). In consideration of these comments, you must provide a final workplan by May 31, 2013. All remaining Program components not previously approved must be submitted in detail for Executive Officer review by the date specified in the comments or by June 2, 2014 (whichever comes first), and all remaining Program components not previously approved must receive Executive Officer approval. By October 1, 2015, the implementation of the Program workplan must be complete, as approved by the Executive

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., INTERIM EXECUTIVE OFFICER

Officer and the Final Program reports and all deliverables must be submitted to the Water Board, per the schedule approved.

Approval of a phased Program workplan by June 21, 2013 does not obligate the Executive Officer to approve any subsequent section or part when details are submitted for approval. If a section or part of the Program is not initially approved, the Executive Officer will provide written comments explaining the reasons for disapproval and the proponent will have time to revise the section or part of the *workplan*. Water Board staff will work with the proponent to correct any deficiencies during the review and revision period.

If the Executive Officer makes a final determination that any section or part of the phased workplan is not approved OR if the cooperative fails to implement any part of the workplan as approved (including approved time schedule), growers become individually responsible for implementing the Order's monitoring and reporting program (MRP) as described in the following proposed MRP language.

a) *Dischargers who participate in a cooperative groundwater monitoring program approved by the Executive Officer are responsible for the successful implementation of that program. This individual discharger responsibility has two consequences if the cooperative monitoring program is not successfully implemented:*

i) *The Water Board or Executive Officer will require individual dischargers to conduct individual monitoring per the requirements of the Order.*

ii) *The 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.*

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

Sincerely,



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Kenneth A. Harris Jr.  
Interim Executive Officer

ENCLOSURE:

May 20, 2013 Water Board Comments – Northern Central Coast Groundwater Cooperative Monitoring Program (NCCGCMP) Skeleton Workplan Including Proposed Timelines (updated 5/13/13)

cc:

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## Central Coast Regional Water Quality Control Board

September 27, 2013

Parry Klassen  
[pklassen@unwiredbb.com](mailto:pklassen@unwiredbb.com)  
Executive Director  
Central Coast Groundwater Coalition  
512 Pajaro Street  
Salinas, CA 93901

Dear Mr. Klassen:

### **CENTRAL COAST GROUNDWATER COALITION WELL LIST - CENTRAL COAST GROUNDWATER COOPERATIVE PROGRAM FOR THE IRRIGATED LANDS REGULATORY PROGRAM**

Thank you for submitting a list of domestic supply wells for the Central Coast Groundwater Coalition (Coalition) titled, "Well Selection Rationale and List of Wells to Sample" (Well List document), received on September 16, 2013 and for the other numerous recent submittals associated with the cooperative groundwater monitoring program startup. The Well List document provides a list of the wells that you intend to sample. The list of wells is also presented on an excel spreadsheet and corresponding well location map, received on September 20, 2013. The Well List document includes the Sampling and Analyses (SAP) that is a companion document to the August 15, 2013 Quality Assurance Project Plan (QAPP) document. As indicated in our response concerning the QAPP, the SAP must be approved along with the QAPP. Comments associated with the QAPP are addressed in a separate letter, dated September 25, 2013. An approved QAPP/SAP must be in place prior to start of sampling so your timely response to comments on both documents is critical to allow for start of sampling as soon as possible. The Well List document was submitted pursuant to our July 11, 2013 approval letter concerning the Coalition's cooperative program work plan, and as clarified in Michael Johnson's September 9, 2013 e-mail correspondence concerning the QAPP submission. We have reviewed the Well List document and find it acceptable for immediate implementation. Following are clarifications concerning the SAP, re-statements concerning the approved work plan conditions, and comments concerning the list of domestic supply wells that must be addressed.

#### **CLARIFICATIONS**

The Well List document includes a description of the sampling and analyses plan (SAP) details that are not included in the QAPP document. The SAP document includes appropriate descriptions concerning the well selection rationale, sampling and well selection logistics, sampling methods and data analyses approach, provisions for planned additional sampling, a sampling schedule, and a list of wells to sample.

However, we find that, similar to the QAPP, the SAP document remains unclear concerning the sampling objective(s) and does not address how the Coalition will ensure that enough samples are collected to adequately characterize drinking water. The SAP must be revised to adequately address this issue. As indicated in our response to the QAPP document, the objectives of the sampling program should be laid out clearly in both the QAPP and SAP documents and must comply with the Ag Order and our July 11, 2013 conditional approval letter. You must verify that the purpose of this program is to characterize drinking water quality from all domestic wells. As our July 11, 2013 letter requires, all domestic wells must be sampled unless there is a technically valid reason for not sampling specific wells. The sampling design must be such that you can provide a high level of statistical certainty for concentrations in all domestic wells, including wells that are not sampled. **The purpose of this program is to characterize drinking water quality, and not to determine causality, or the relative contribution of nitrate from historical versus current practices, or other purposes. These other purposes are of lower priority relative to the stated goal above, would not achieve compliance with the requirements of the Ag Order and the July 11, 2013 letter, and would necessitate entirely different and much more comprehensive sampling program designs. While the Coalition can do additional monitoring above and beyond the Water Board's requirements, such work cannot be done in lieu of the required monitoring.**

As this groundwater monitoring program starts, we believe it is important for both of our organizations to be as transparent as possible, to minimize misunderstandings and ensure the efficient use of Coalition and Water Board staff time and resources. To that end, we recommend regular monthly meetings, the first of which is scheduled for October 8, 2013 in Salinas at Grower-Shipper's office. Through these meetings, we look forward to continuing to build an effective working relationship and monitoring program.

#### **WORK PLAN APPROVAL CONDITIONS AND COMMENTS**

As required by the July 11, 2013 work plan approval letter (Conditions Nos. 6-8), your Well List document includes an initial listing of wells to be sampled along with a sampling schedule. The list includes domestic wells on member owned, leased, or operated lands as best can be determined from within the Salinas Valley and Lockwood Valleys. The listed wells include 76 wells, 33 of which have been visited and are considered suitable for sampling. The remaining 43 wells will be evaluated and if the wells are suitable, they will be scheduled for immediate sampling. Any additional wells that may be identified prior to October 15<sup>th</sup> will be included in a second list of wells. Sampling of those wells will be scheduled for some time in October after the list is reviewed and approved by the Executive Officer. **A final list of wells to be sampled will be submitted on November 1, 2013. The latter well list will include justification for selected wells and for those that are recommended for exclusion.**

#### **Data collection and reporting requirements:**

The Well List document includes an Excel spreadsheet that lists all wells to be sampled. **The well list provided is missing the actual well location (latitude and longitude) for some of the wells, and construction details for the majority of the wells (i.e., screen interval, total depth, lithology/stratigraphy in screened portion, etc.).**

As dictated by our July 11, 2013 approval letter, you must verify and obtain (record) GPS well location data (latitude/longitude) from all listed wells. The GPS location information may be recorded via the use of a global positioning device (GPS), Google maps, or a smart phone, and during the scheduled groundwater sample collection activities.

While we understand that some of the well construction information may not be readily available or difficult to obtain, we expect you will make a concerted effort to measure the depth to groundwater for each well sampled and provide well depth and well construction information, as available. If measurement of the well depth is not possible, an appropriate explanation must be provided. Additionally, you must record the specific "Well Type" (e.g., Irrigation/domestic) and any available well construction information, measure the "Depth to Groundwater" (if accessible), and clearly identify each well that is sampled with a unique well ID (e.g., well identified number) to be used in GeoTracker uploads as the "Field Point Name". The above described well ID information must be recorded directly on the corresponding Chain of Custody forms that must be completed during groundwater sampling activities. It is critical that this information is verified and accurately recorded as it will be used in GeoTracker uploads.

In addition to the required information described above, your final Excel spreadsheet list must be updated to list each well enrolled in the program, by ranch/farm name, Global ID, Well Type, all available well construction details, and the Field Point Name (i.e., unique Well Identification Number).

We understand that you may need some additional time to provide a complete listing of all wells and all of the required well information to the Water Board. If that is the case, please explain any delays, include reasons for not providing requested information, and provide a near-term date with your submittal confirming when you will submit any missing information.

We expect that the list of wells provided is as complete as possible, but understand that the list must be continuously updated until it is complete.

If you would like to discuss these issues further, please contact **Hector Hernandez at (805) 542-4641** or via e-mail at [hhernandez@waterboards.ca.gov](mailto:hhernandez@waterboards.ca.gov) or Angela Schroeter at (805) 542-4644 or via e-mail at [aschroeter@waterboards.ca.gov](mailto:aschroeter@waterboards.ca.gov).

Sincerely,



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for Kenneth A. Harris Jr.  
Executive Officer

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The Otter Project

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May 18, 2014

Board of Directors  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Dear Chair Wolff, Board Members and Staff:

This letter is in response to a variety of circumstances including:

- The implementation of the Central Coast Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Order);
- Proposed Revisions to the Monitoring and Reporting Program, Order Nos. R3-2012-001, -02, -03, Regarding Changes to Groundwater Sample Parameters and the Sampling Completion Deadline;
- Reporting of groundwater monitoring results;
- Transparency of discretionary actions taken by the Board and its staff.

On January 30, 2014, I gave a brief presentation before the Board expressing The Otter Project's concerns over the transparency of the implementation of the Ag Order as modified by the State Water Resources Control Board. I also commented on the Central Coast Groundwater Coalition Progress Report embedded within the Irrigated Lands Regulatory Program Update.

It is my recollection that in discussion after staff's, Groundwater Coalition's and my presentations, the Board requested staff to report back on three items:

- What Regional Water Board staff discretionary actions the State Board explicitly labeled as being reviewable by the Regional Board if requested by the public;
- What processes are in place to ensure the public has advance notice of these actions so they have the information necessary to request Board review before the action is taken;
- What discretionary actions have already taken place or are under review?

#### **Brief Recap**

The Central Coast Regional Water Quality Control Board approved the Ag Order on March 15, 2012. A variety of parties petitioned the approval to the State Board. Agricultural petitioners viewed the Order as too strong and onerous, and, in addition to review of the Order, requested a stay of many provisions and requested the State Board "[v]acate the Central Coast Water Board's illegal adoption [of the Ag Order]." <sup>1</sup> Environmental petitioners asked for a stronger Order.

The State Board completed its review of the Central Coast Ag Order (and the petitions) on September 24, 2013 and issued ORDER WQ 2013-0101. <sup>2 3</sup>

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<sup>1</sup> Grower-Shipper petition to the State Board, pdf page 12 of 453 at line 11.

<sup>2</sup> [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2013/wqo2013\\_0101.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2013/wqo2013_0101.pdf)

<sup>3</sup> To be accurate, the State Board formally dismissed all petitions and reviewed the Central Coast Ag Order on its own motion. See

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2013/wqo2013\\_0056.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2013/wqo2013_0056.pdf)

### **Discretionary Actions Explicitly Labeled as Reviewable by the Board if Requested by the Public**

Within the State Board's Order WQ 2013-0101, the public is explicitly given the opportunity to ask for Regional Board review of certain actions proposed by Regional Board staff. These include:

- "An interested person may seek discretionary review by the Regional Board of the Executive Officer's approval or denial of a third party project or program." Page 16.
- "If the Executive Officer approves a transfer to a lower tier, any interested person may request that the Central Coast Water Board conduct a discretionary review [of] the Executive Officer's determination." Page 23.
- "If the Executive Officer requires a transfer to a higher tier, any interested person may request that the Central Coast Water Board conduct a discretionary review [of] the Executive Officer's determination." Page 23.
- "An interested person may seek discretionary review by the Regional Board of the Executive Officer's approval or denial of a cooperative groundwater monitoring program." Page 16.

The requirement to keep the public informed of such approvals is outlined in footnote 59 of the State's Order:

"The Executive Officer is expected to provide notice of the determination through appropriate methods to facilitate a request for review. Where review by the Central Coast Water Board of an Executive Officer decision is expressly provided in the Agricultural Order, we would expect that any person not satisfied with the Executive Officer's determination would file a request for Central Coast Water Board review prior to filing a petition for review with the State Water Board. We understand that the Central Coast Water Board may not have the opportunity to review the Executive Officer's decision within the 30 day deadline for filing a petition for review with the State Water Board; in such a situation, the petitioner may ask that the petition for review be held in abeyance." Page 22.

It should be noted that on July 11, 2013, the Regional Board approved the Central Coast Cooperative Groundwater Monitoring Program while the State Board was still discussing the merits of the Central Coast Ag Order, including the merits of any cooperative groundwater monitoring program. In response to questioning, it is our recollection that the State Board explicitly stated that the Central Coast's decision to approve the Cooperative Groundwater Monitoring Program was retroactively reviewable if requested by the public. No time limit was given for a request to review, but certainly any substantive change could trigger a review request.

It is also noted that it is explicit in the language of footnote 59 that any staff decision made under these provisions is petitionable to the State Board.

It is our belief that a number of discretionary actions have been taken by staff without notice given to the public. Because we have not been informed, we can only recount what we believe may have occurred including but not limited to:

- Numerous transfers to a lower tier. Within the Regional Board record, it was stated on several occasions there would be approximately 116 tier three farms under the new Ag Order. It is our understanding there are currently fewer than 50. It is our belief that some or most of the decrease is due to tier transfers.
- Numerous changes to the cooperative groundwater monitoring program. These changes include delays in reporting, changes in reporting, and changes in the number of wells being monitored or tested.

- Changes before the Regional Board at the May 22, 2014 Board meeting including:
  - Extension of the individual groundwater monitoring and reporting deadline;
  - Removal of the requirement to test for the major ions listed in Table 3 of the MRP.
- Delays in reporting nitrogen parameters.
- Changes in the number of domestic wells monitored and tested.

The reduced number of domestic wells monitored and tested is an unfortunate example of the lessening of requirements and deterioration of the monitoring program as implemented by the Central Coast Groundwater Coalition (CCGC) – and ultimately by the Regional Board. We fear the consequence of these actions will be an increased risk to human health and the environment.

Conservation and environmental justice organizations have consistently expressed concern over the sampling of domestic wells. Regional Board staff has insisted – repeatedly in writing - that essentially all domestic wells covered under the Ag Order would be tested and reported. The July 11, 2013 approval letter from Regional Board staff to the coalition contains the following statement (underline and bold included in original):

**“You must sample all domestic drinking water wells on participant owned/leased/operated land; unless an acceptable technical rationale is provided for sampling a representative subset in specific areas... Sufficient technical rationale must provide evidence that groundwater quality from the well not sampled is represented by other wells sampled with reasonable certainty, based on factors such as close proximity, same aquifer, and similar well depth and screened interval...”<sup>4</sup>**

Conservation and environmental justice organizations met with staff and were assured that essentially all domestic wells would in fact be tested. We asked for an explicit example of an acceptable rationale for not testing a well, and we were told that if wells were adjacent and identical both wells would not need to be tested. That was the sole example we were given.

At the January 30, 2014 Board meeting the CCGC presented a progress report of its efforts to characterize groundwater quality in the Salinas Valley. CCGC efforts in the Salinas Valley will apparently serve as the template for efforts in regions to follow.

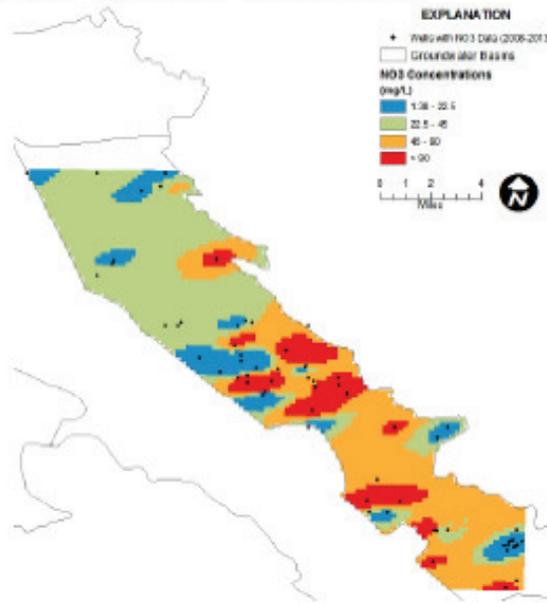
The CCGC presented the following example of its efforts in the East Side Aquifer of the Lower Salinas. Its image indicates isolated problem areas in RED:

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<sup>4</sup> July 11, 2013 letter from Kenneth Harris, Interim Executive Officer, Central Coast Regional Water Quality Control Board, to Northern Central Coast Groundwater Task Force, Abby Taylor-Silva. Page 3, point 9.

# East Side Sub-basin Nitrates

- 79 wells sampled (includes GAMA Geotracker, eNOI, USGS, CCGC)
- Used averages for wells with multiple samples
- Excluded wells in urban Salinas area



When we compared the CCGC results with the GAMA GeoTracker and USGS results, we found a completely different picture. The following is taken directly from the GeoTracker website. Wells with exceedances are shown in RED and appear to indicate a more widespread nitrate problem:

### GEOTRACKER GAMA

**LOCAL INFORMATION**

**CITY UNINCORPORATED**

**COUNTY MONTEREY** - [VIEW WATER REPORTS](#)

**GROUNDWATER BASIN SALINAS VALLEY - EAST SIDE AQUIFER (3-4.02)**

[VIEW 233 ENVIRONMENTAL MONITORING WELL BORING LOGS](#)

SUPPLY WELLS - CDPH (within one mile of actual location)  
 SUPPLY WELLS - OTHER (within 1/2 mile of actual location)  
 MONITORING WELLS - REGULATED SITES (exact locations displayed)  
 ICONS WITH A CIRCLE AROUND THEM SIGNIFY A CLUSTER OF WELLS

**ADDITIONAL TOOLS**

DEPTH-TO-WATER  
 DEPTH-TO-WATER CHANGE  
 GROUNDWATER ELEVATION  
 HYDRO FRACTURED WELLS  
 OIL / GAS FIELD BOUNDARIES  
 PCAS ALL PCAS

\* Comparison concentration is 45 MG/L (MCL).  
Click [here](#) for more information.

MAP SIZE: 640x480 119 MATCHING WELLS FOR NITRATE AS NO3 (29.41% ABOVE COMPARISON CONCENTRATION)

**ENVIRONMENTAL MONITORING:**

Monitoring Wells - Water Board Regulated Sites

**SUPPLY WELLS:**

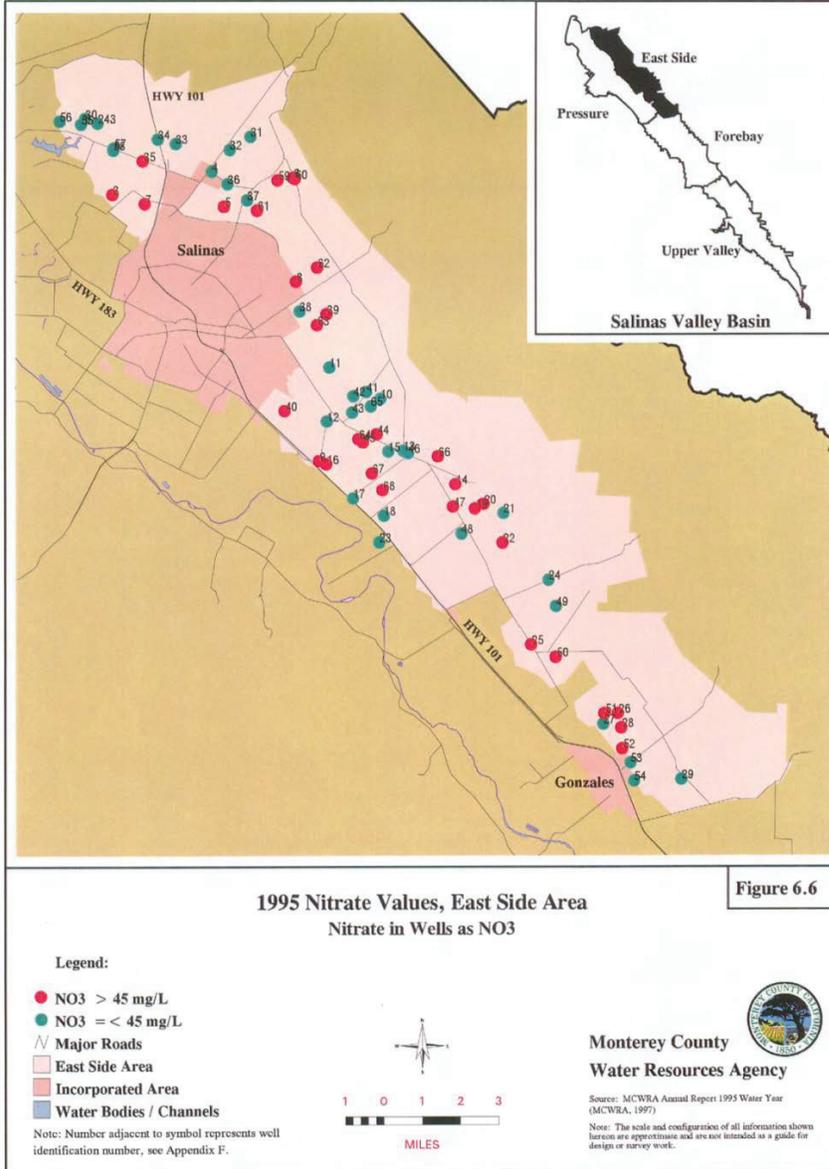
Supply Wells - CDPH  
  GAMA - SWRCB Domestic  
  GAMA - USGS  
  GAMA - LLNL  
  DPR  
  DWR  
 USGS - NWIS

**GIS LAYER - SELECTING A GIS LAYER WILL LIMIT YOUR QUERY TO RESULTS IN THAT GIS LAYER**

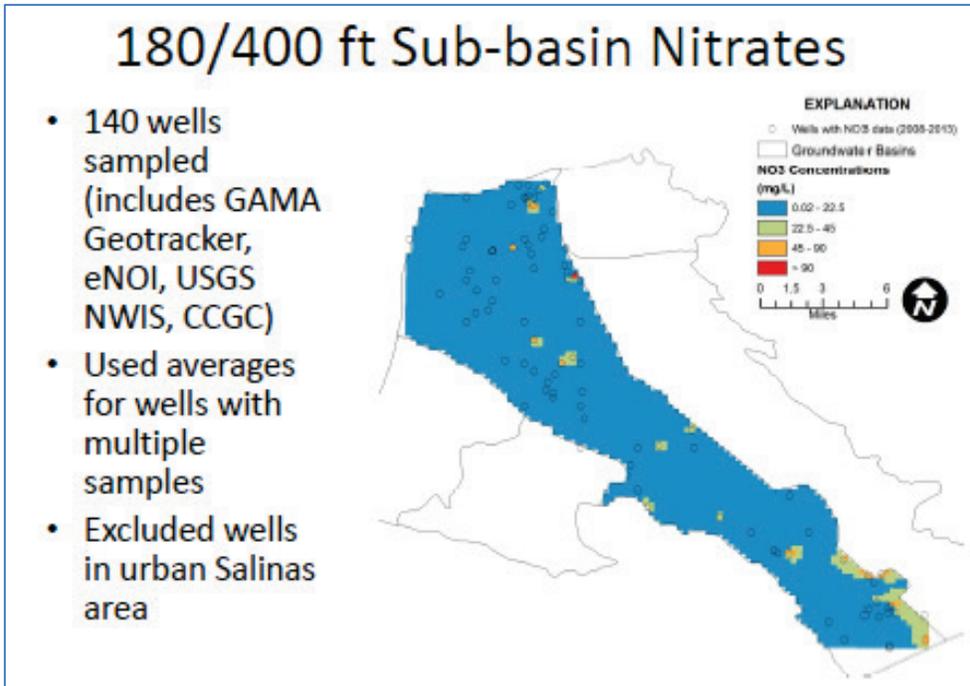
Groundwater Basins  
 SALINAS VALLEY - EAST SIDE AQUIFER (3-4.02)

Item 16 Public Comments 2  
May 22-23, 2014  
Public Comments

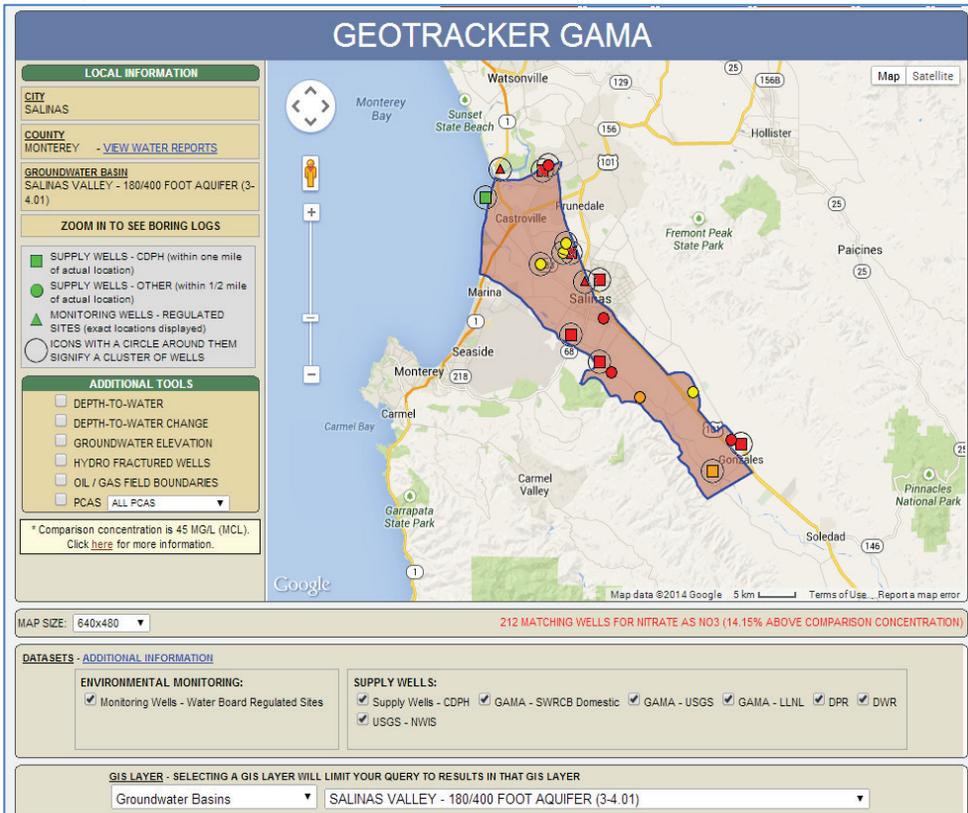
For the Eastside Aquifer, there is additional evidence that the nitrate problem is more widespread. Monterey County Water Resources Agency has been monitoring this aquifer literally for decades; its published report for 1995 indicates a severe and widespread groundwater nitrate problem:



The same discrepancies appear for the 180/400 foot aquifer. CCGC showed the following image indicating that there was little problem:

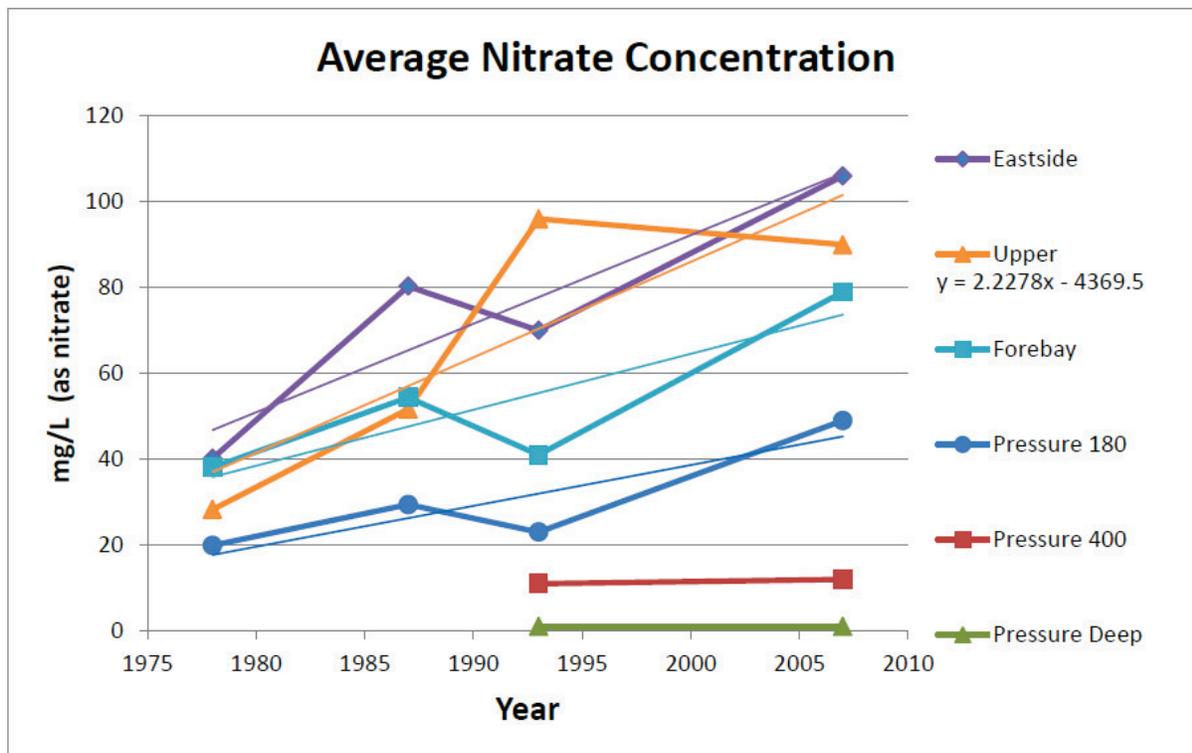


Again, when we looked at the GAMA GeoTracker website that included much of the same data from which CCGC's illustration was derived, we found results that appeared to indicate a more widespread nitrate problem:



At the January 30 Board meeting, the CCGC was pressed to explain the differences between the Coalition’s results and the GAMA GeoTracker results The Otter Project presented. Little explanation was given other than the fact that the CCGC selected only the recent data-points, 2008-2013. Many local, state and federal programs have been curtailed since the economic downturn of 2008, and selecting only recent data drastically reduces the amount of available data. The logical question to ask is whether there is any evidence or trending information to justify limiting analysis to only the most recent data.

If fact, evidence suggests that all available monitoring sites and data should be included in the dataset. There is no evidence to indicate that conditions at older monitoring sites have improved; if anything, conditions have likely deteriorated. This evidence is readily available and comes from the Salinas Valley, the same area characterized as having only localized problems by the CCGC.



**Figure 20. Nitrate trends from MCWRA synoptic sampling program. Values are average nitrate concentrations for each subbasin for 1978, 1987, 1993, and 2007. (Source: Snow et al. 1988; Zidar & Thomasberg 1995; Monterey County Water Resources Agency 2010c)**

This figure, taken from the Harter Report Appendix Four (the UC Davis Harter Report is obviously known to Grower-Shipper and the CCGC), includes data from a large number of wells and indicates that concentrations are increasing in all but the very deepest aquifers.

If conditions were stable or improving, we could understand using only newer data as representative of current conditions. But with a worsening trend, excluding data cannot be justified. Unless there is strong countervailing evidence, there is no justification for excluding data as existing trending evidence indicates that conditions are likely worse, not better, than any available data would indicate.

We fear that the CCGC is mistakenly portraying groundwater conditions as better than they really are. We fear that this “evidence” could be used to limit the number of domestic wells actually tested and

reported. Or, we fear that the CCGC portrayal could create “contour maps” that inaccurately portray the geographic scope of the problem.

We are not suggesting any deliberate attempt to inaccurately portray the data. We understand how it might seem logical to use only the most recent data. However, we believe there is an explicit expectation that all domestic wells be tested, and, we believe there is sufficient evidence to compel the use of all available data, not only the most recent.

### **In Conclusion**

The State Board determined that the public has the right to ask for Regional Board review of certain discretionary decisions made by Regional Board staff. These include:

- Approval or denial of a third party project or program.
- Transfer to a lower tier.
- Transfer to a higher tier.
- Approval or denial of a cooperative groundwater monitoring program.

We reiterate that the State Board required Regional Board staff to provide timely notice and facilitate requests for review:

“The Executive Officer is expected to provide notice of the determination through appropriate methods to facilitate a request for review.” Page 22, footnote 59 (emphasis added).

We understood Regional Board direction given to staff at the January 30 Board meeting to include a report back on the following questions:

- What Regional Water Board staff discretionary actions the State Board explicitly labeled as being reviewable by the Regional Board if requested by the public;
- What processes are in place to ensure the public has advance notice of these actions so they have the information necessary to request Board review before the action is taken;
- What discretionary actions have already taken place or are under review?

The public has not received the information necessary to request review of discretionary actions. In fact, we have no idea what discretionary actions have already taken place. We believe that many actions – that could have been reviewed – have already taken place.

Our concerns are heightened by the very significant discrepancies between the CCGC’s representation of the groundwater conditions and the conditions suggested by other available datasets including USGS, GAMA, and MCWRA. We are very concerned that the CCGC representation has led to far fewer than “all” domestic wells, covered by the Ag Order, being tested.

**We request that no discretionary actions – including changes or delays – be granted until the public is given a full and detailed accounting, as required by the State Board, of actions already taken or currently under consideration.**

**We request that a process be immediately put in place for the public to be given appropriate and timely notice of discretionary actions taken or anticipated in order to facilitate public comment on, and review of, those actions.**

**We also request that, after the Regional Board provides an accounting of the discretionary actions it has taken and/or are currently under consideration, and after the Regional Board provides a process for public review and comment of those actions, the Regional Board provide an additional, reasonable**

**period of time to allow the public to consider their option to request a review of the actions already taken (it would be a waste of time and expense for programs to move ahead only to face a review that has been unfortunately delayed).**

The State Board made explicit changes to the Regional Board Ag Order to insure certain critical aspects of implementation be entirely transparent. We believe the Regional Board has fallen short of this expectation and should take the steps outlined above to meet it.

Thank you for your consideration.

Sincerely,



Executive Director  
The Otter Project  
Monterey Coastkeeper

Email: [exec@otterproject.org](mailto:exec@otterproject.org)



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

May 19, 2014

Jean-Pierre Wolff, Chair  
Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

**RE: Item 16- Supplemental Sheet for Regular Meeting of May 22-23 – Regarding Proposed Changes to the Sampling Completion Deadlines Explicitly Listed in the Monitoring and Reporting Program Order No. R3-2012-0011-01- 02- 03.**

Dear Chair Wolff,

Thank you for the opportunity to provide public comment. This letter responds to issues arising from the Supplemental Sheet for Regular Meeting of May 22-23, 2014 (Supplemental Sheet) on Item 16, posted online on May 15, 2014, after my original comments on the issue had already been drafted.

The primary purpose of this letter is to express our concern regarding a number of statements presented in the supplemental sheet:

- (1) The determination that “a formal MRP revision is not necessary to provide a time extension to the CCGC” and that an Executive Officer-signed response letter granting the time extension is appropriate. (Supplemental Sheet, p. 2).
- (2) The fact that the Executive Officer appears to have unilaterally “granted similar extension approvals for this and other regulated projects/sites which are subject to monitoring and reporting programs, without formally revising the corresponding MRPs.” (*Id.*, p.2)
- (3) The conclusion that “an extension to the spring sampling will not delay any drinking water notifications (for unsafe drinking nitrate concentrations in domestic wells), as fall sampling has already been completed, and any exceedances of nitrate in domestic wells have already been identified.” (*Id.*, p.2)

**I. APPROVING AN ALTERNATIVE SCHEDULE OTHER THAN THAT EXPLICITLY ENUMERATED IN THE MRPS EXCEEDS THE EXECUTIVE OFFICER’S DISCRETION IN VIOLATION OF CALIFORNIA WATER CODE §13223**

As a preliminary matter, the statements above raise significant concerns about the Executive Officer’s scope of authority. Changing the monitoring period for spring testing from what is explicitly articulated in the MRPs effectively re-writes the MRPs, usurping the decisions of both the Regional Water Board in adopting the individual monitoring requirements and the State Water Board in affirming them,<sup>1</sup> via extensive stakeholder processes.

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<sup>1</sup> The administrative record indicates that the MRPs associated with Agricultural Order No. R3-2012-0011, including groundwater monitoring, were considered by the Regional Water Board, and Petitioned and Reviewed by the State Water Board. State Water Board Order WQ 2013-0011 made no changes to the individual monitoring

## **II. ALLEGING THAT SHIFTING SPRING SAMPLING 90 DAYS WILL NOT DELAY NOTIFICATIONS, IS UNSUBSTANTIATED AND CONCLUSORY WITHOUT CONDUCTING TESTING AS REQUIRED BY THE MRPS**

It is important to challenge the conclusion that extending spring sampling will not delay drinking water exceedance notifications, because fall sampling has already been completed and exceedances have already been identified. This statement is conclusory and unsubstantiated. Further, it fails to consider the purpose of conducting a second round of testing in the first place. The purpose of conducting monitoring in the fall (September- December) and spring (March-June) is to capture seasonal variations. Dramatic shifts in nitrate concentrations can have significant impacts on the number of exceedance notifications issued, and, more importantly, on the health of residents who may mistakenly rely fall monitoring results. As a concrete example, according to Monterey County Environmental Health Department Drinking Water Protection Services Unit data from 2010-2011, Chualar Canyon Water System #01, went from 8 mg/L (as NO<sub>3</sub>) in October 26, 2010 to 58 mg/L in Feb 23, 2011 and 112 mg/L on May 25, 2011. In other words, the Chualar Water System #01, went from being completely safe in fall 2010, to more than doubling the maximum contaminant level in the spring.

## **III. TRANSPARENCY CONCERNS**

The determination that a formal MRP revision is not necessary to grant an extension and the fact that “similar extension approvals” have been granted raises concerns regarding transparency. It is unclear to what extent the public would have been privy to this information, but for the CCGC’s request to make changes to the groundwater sampling parameters, which unquestionably require revisions to the MRPs. These concerns are compounded by gaps in information regarding a number of issues discussed during the January 30th Board of Director’s Meeting:

- **Public Disclosure of Tier Changes**
  - State Water Board Order WQ 2013-0101, approved September 24, 2013, explicitly states: “The Executive Officer is expected to provide notice of the determination [of any tier change] through appropriate methods to facilitate a request for review” from the public.
  - To date the Executive Officer has not provided any notices of specific determinations, apart from an acknowledgment that a number of growers have transferred to lower tiers.
  - The ex post facto release of 130 approvals for growers to transfer to lower tiers, amassed since March 2012, “for interested persons to review their status” at some indeterminate time in the future, (1) violates the explicit language and intent of State Board Order, (2) systematically eliminates the public’s right to timely petition for review with the State Water Board within 30 days of a final decisions, and (3) imposes a burden on the public to review 2 years worth of approvals that would otherwise would have been staggered.
  
- **Annual Compliance Form Reporting for Tier 2 and Tier 3 Farms**
  - Per the State Water Board Order WQ 2013-0101 Tier 2 and Tier 3 Farms were required to determine nitrate-loading risk and report that determination in the Annual Compliance Form by January 15, 2014.

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requirements. To the extent that petitioners raised issues that were not resolved or addressed in the State Board Order, such issues were dismissed as “not raising substantial issues appropriate for State Board Review.” (State Board Order, p. 8).

- As of January 6, 2014 only 272 Tier 2/Tier 3 farms had complied with the reporting requirement, resulting in approximately 15% compliance.
- Approximately 230 operations failed to comply with the requirement to submit the Annual Compliance Form.
- On May 8, 2014 Staff issued notices of Violations letters to growers and landowners who failed to submit the Annual Compliance Form, requiring immediate submittal.
- It is unclear, whether further enforcement has or will take place.
  
- **Temporal Variability Analysis- Part of the Cooperative Program**
  - According to the July 11 approval notice for the Cooperative program, the Coalition committed to perform additional sampling after the initial sampling is completed to determine temporal variability in wells determine to be “high priority.”
  - No information has been released regarding the schedule for monitoring temporal variability or the criteria that will be used by the cooperative program to determine which wells are “high priority.”
  
- **Incongruence between the Contour Mapping Presented by the CCGC January 30<sup>th</sup> and Other Available Data**
  - During the January Board Meeting it was pointed out that there were discrepancies between the CCGC’s contour map and other available data, including Geotracker.
  - The CCGC is relying on a small number of samples in the Salinas Valley (~150 wells, 76 wells in the first round and ~75 wells in the second round of testing), the densest area in the region. Given the small number of samples what is being done to assure that the contour mapping is representative, consistent with all available data and reliable?
  - During the January 30th meeting, Board member Young asked whether the CCGC had tested shallow wells. Of the 76 wells selected in the Salinas Valley as of that date, only five wells had a total depth of 165 ft or less. The shallowest well listed, had a total depth of 150 ft. (See attachment 1). Depth data for the second round of testing in the Salinas Valley is not available. What is being done to assure the adequate characterization of shallow groundwater given the small sample size?

Regularly reporting on these and other material components of the Irrigated Lands Regulatory Program to the Board and the public during Board meetings would be helpful and dispel a number of uncertainties that are bound to arise given the dearth of readily available information. It would also be helpful to include an item in an upcoming Board Meeting summarizing the findings of the Individual and Cooperative Groundwater Monitoring Program to date.

Thank you for your time and consideration in this matter.

Best,

//KA//

Kenia Acevedo  
 Attorney | Salinas Safe Drinking Water Project  
 California Rural Legal Assistance, Inc.

Table 1a. List of wells to be sampled during the week of September 23. “D” refers to Domestic Supply Well, “D1” refers to an irrigation well that no longer provides irrigation water and has been converted to a domestic supply well, and “I/D” refers to a dual use well.

Main Farm	Owner Well ID	DWR Well ID	Lat	Long	Well Type	Total Depth	Screened Interval	Lithology at Screen	DTW	DTW Date
Tanimura & Antle	McFadden		36.6860	-121.7345	D					
Tanimura & Antle	Bardin	14/2-36	36.6713	-121.7047	D	416	260-383	sand and gravel, some clay		
Tanimura & Antle	Knight		36.7421	-121.7409	I/D	512	418-424 430-448 470-487	sand and gravel gravel and clay		
Tanimura & Antle	Daugherty	15/3-7	36.6465	-121.6790	I/D	595	400-440 459-513 545-549	gravel sand and gravel rocks to 3"		
Higashi Farms	Speigl		36.7274	-121.7433	I/D	580	416-442 540-558	fine gravel, sand clay and gravel		
Higashi Farms	Nashua		36.7210	-121.7462	D1	600			49.30	9/11/2013
Higashi Farms	Silacci		36.7192	-121.7545	D1					
Higashi Farms	Blanco		36.6766	-121.6997	I/D	700			62.38	9/11/2013
Higashi Farms	Carr Domestic		36.6918	-121.6326	D	400			20.06	9/11/2013
Higashi Farms	Carr D&I		36.6903	-121.6335	I/D	600				
Higashi Farms	Daley	16/04-14	36.5488	-121.4988	D	260	200-260	sand and gravel	55.78	9/11/2013
Higashi Farms	Vosti	16/05-30	36.5117	-121.4692	D	270	210-270	sand and gravel		
Higashi Farms	Broome		36.5388	-121.4740	I/D	700			58.08	9/11/2013
Blanco Farms	Borchard		36.5491	-121.4885	D				74.31	9/11/2013
Blanco Farms	Clark		36.3460	-121.2684	D				50.54	9/12/2013
Blanco Farms	Gabilan P2		36.6308	-121.5403	I/D	460	280-460			
Blanco Farms	Handley	18S/6E-24	36.3564	-121.2694	D	165	120-160	clays, rocks and sand		
Blanco Farms	Hess		36.6351	-121.5614	D				129.79	9/11/2013
Blanco Farms	Schween				D					
Blanco Farms	Pasco		36.6274	-121.6276	D				70.72	9/11/2013
Blanco Farms	Phillips		36.3409	-121.2716	D				59.84	9/12/2013
Pisoni Farms	Breschini Domestic		36.5210	-121.4525	D					
Pisoni Farms	Pura Domestic	16/05-30	36.5165	-121.4673	D	441	381-421	coarse sand and gravel, small clay streaks		

Main Farm	Owner Well ID	DWR Well ID	Lat	Long	Well Type	Total Depth	Screened Interval	Lithology at Screen	DTW	DTW Date
Pisoni Farms	Pedrazzi Domestic	16S/4E-24R	36.5188	-121.4771	D	400	100-120 140-200 240-400	sandy clay/coarse sand coarse sand with clay streaks coarse sand and clay		
Gary Franscioni, Inc.	Franscioni household		36.4628	-121.4555	D	210			83.75	9/12/2013
Gary's Vineyard, LLC	Bianci household		36.4462	-121.4332	D					
Panziera & Thorp	Cox		36.3001	-121.2250	D	150				
Panziera & Thorp	Giacomazzi		36.3330	-121.2219	D	150				
Guidotti Bros.	Elmer		36.3874	-121.3391	D	180				
Guidotti Bros.	Jim Domestic		36.3772	-121.3302	D	200			40.10	9/12/2013
Guidotti Bros.	Zani		36.3774	-121.3222	D	200			38.77	9/12/2013
Guidotti Bros.	Henry Ranch Well #1		36.3716	-121.3384	I/D	380				
RB Farms	Tognetti		36.1899	-121.0783	D	180				

DTW – Depth to Water

DWR – California Department of Water Resources

Table 1b. Wells that will be visited and prioritized for sampling during the week of September 23. All landowners or lessees have been contacted and permission has been received to sample the wells. “D” refers to Domestic Supply Well, “D1” refers to an irrigation well that no longer provides irrigation water and has been converted to a domestic supply well, and “I/D” refers to a dual use well.. After visiting wells, as many wells as possible will be sampled from this list during the week of September 23.

Main Farm	State Well ID	Latitude	Longitude	Well Type	Total Depth	Screened Interval	Lithology at Screen	APN
South County Packing		36.1862	-121.0676	D				235-081-033-000
South County Packing		36.1773	-121.0434	D				420-091-031-000
South County Packing	20S/9E-20M	36.1734	-121.0279	D	280	200-220 245-275	brown shale gravel green sand	420-101-005-000
South County Packing		36.0155	-120.8878	D				422-111-046-000
South County Packing	22S/10E-27			D	152	100-150	sand and gravel	422-121-019-000
Floricultura Pacific		36.5930	-121.5363	D				137-051-031-000
Bullet Ranches		36.6066	-121.5207	D				137-051-005-000
The Poor Farm				I/D				109-242-003-000
Silva Farms		36.4531	-121.4771	D				417-131-043
Jim Fanoie Inc.				D				211-012-027-000
American Takii, Inc.				I/D				211-012-027-000
Kirk Williams				D				216-013-016-000
Kirk Williams				D				216-022-001-000
Kirk Williams				D				165-073-006-000
Scheid Vineyards		36.3019	-121.2376	D				221-011-025-000
Scheid Vineyards		36.2762	-121.1863	D				221-081-009-000
Scheid Vineyards		36.3069	-121.2617	D				109-222-001-000
Scheid Vineyards		35.8839	-120.9029	D				423-091-038-000
Monterey Pacific Inc.		36.3729	-121.3273	D1				183-021-003-000
Monterey Pacific Inc.		36.4090	-121.3854	D				165-012-001
Church Brothers				I/D				012-050-016
Royal Packing Company		36.6444	-121.6340	D				177-133-006
Triangle Farms, Inc.				D				261-148-033
Triangle Farms, Inc.				D				137-041-035
Triangle Farms, Inc.		36.6107	-121.5709	D				137-041-002
Triangle Farms, Inc.	14/3-7	36.7271	-121.6433	D	152	119-135	gravel to 2.5" size	211-011-003
D'Arrigo Brothers Company				D				165-011-003-000

CCGC Well Selection Rationale and List of Wells to Sample – September 2013

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Main Farm	State Well ID	Latitude	Longitude	Well Type	Total Depth	Screened Interval	Lithology at Screen	APN
D'Arrigo Brothers Company				D				177-131-006-000
D'Arrigo Brothers Company				D				177-132-003-000
D'Arrigo Brothers Company				D				223-051-001
Craig Andrus				D				149-031-032
Pajaro Berry Farms, LLC				D1				267-012-005
Uyematsu, Inc.				D				117-411-023
Pedrazzi Farms		36.5527	-121.5363	D				269-031-008
Thorne & Thorne Co.				D				111-013-008
Thorne & Thorne Co.				D				111-022-006
Thorne & Thorne Co.				D				109-131-005
Alarid Farms L.L.C.				D				167-041-008
Alarid Farms L.L.C.				D				216-021-018
Alarid Farms L.L.C.				D				216-021-019
Scott Anthony Ranch				I/D				221-112-002
Scott Anthony Ranch				I/D				221-181-004
Scott Anthony Ranch				D				183-011-001

APN – Assessor Parcel Number

DTW – Depth to Water

DWR – California Department of Water Resources