LATE REVISIONS #2 – 8 January 2014

Agenda Item 5: Consideration of Adoption of Waste Discharge Requirements General Order for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group

WASTE DISCHARGE REQUIREMENTS

Pages 9 and 10, revised Finding 23 as follows:

The water quality monitoring under this Order is representative in nature and does not measure individual field discharge. The benefits of representative monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting water quality objectives, and to determine if existing high quality waters are being maintained. Further, representative monitoring allows the board to determine whether represented practices are protective of water quality. There is a cost savings with representative monitoring, since all surface waters or all groundwater aquifers that receive irrigated agricultural discharges do not need to be monitored. Surface water and groundwater monitoring sites are selected to represent areas with similar conditions (e.g., crops grown, soil type).

Through the Management Practices Evaluation Program and the Surface Water Quality Management Plans and Groundwater Quality Management Plans, the third-party must evaluate the effectiveness of management practices in protecting water quality. In addition, Members must report the practices they are implementing to protect water quality. ~~Even though there are limitations to representative monitoring's effectiveness in determining individual sources of water quality problems, the board will be able to determine whether a Member is complying with the Order through the evaluations, studies, and monitoring conducted by the third-party, the reporting of practices by the Members, and the board's compliance and enforcement activities..~~

Where required monitoring, evaluations, and reporting do not allow the Central Valley Water Board to determine potential sources of water quality problems or identify whether management practices are effective, the Executive Officer may require the third-party or individual Members to provide technical reports. Such technical reports are needed when monitoring or other available information is not sufficient to determine the effects of irrigated agricultural waste discharges on state waters. It may also be necessary for the Central Valley Water Board to conduct investigations by obtaining information directly from Members to assess individual compliance.

The Board recognizes that representative monitoring data in and of itself will not allow the Board to determine the specific source or sources of water quality problems; however, subsequent actions, assessments and reporting required of the third party will result in the identification of the source(s) and causes of the water quality problem, the identification of actions implemented by Members to ensure water quality is protected, and the reporting of water quality data to demonstrate the water quality problem has been resolved. Therefore, representative monitoring in conjunction with other requirements in this Order and the board's compliance and enforcement activities will also allow the board to determine whether a Member is complying with this Order.

Page 38, first sentence in second paragraph in section VIII.K. changed as follows:
TMDL requirements include, but are not limited to, Basin Plan provisions for the Control Program for Salt and ~~Board~~ Boron Discharges into the Lower San Joaquin River.

ATTACHMENT A – INFORMATION SHEET

Page 30, section VIII. Technical Reports changed as follows:
The surface water and trend groundwater quality monitoring under the Order is representative in nature instead of individual field discharge monitoring. The monitoring sites are established to be representative of the effect of discharges from irrigated agriculture on water quality. Areas that are represented by the monitoring site have the same or similar characteristics as the area discharging to the monitored site. The land use immediately upstream of the monitored sites is agriculture and the mix of crops around the monitored sites is similar to the crop mix in unmonitored areas (Figure 8). Therefore, it is reasonable to use the results from the monitored sites to draw conclusions regarding water quality impacts in areas with similar crops and similar practices that are not being monitored.

The benefits of representative monitoring include the ability to determine whether water bodies accepting discharges from numerous irrigated lands are meeting receiving water limitations (e.g., through selection of representative sampling locations and representative MPEP studies). Representative monitoring also allows the Central Valley Water Board to determine whether practices are protective of water quality. ~~Even though there are limitations to representative monitoring when trying to determine possible sources of water quality problems, the board will be able to determine whether a Member is complying with the Order through the evaluations, studies, and monitoring conducted by the third-party, the reporting of practices by the Members[1], and the board's compliance and enforcement activities..~~

Through the Management Practices Evaluation Program and the Surface Water Quality Management Plans and Groundwater Quality Management Plans, the third-party must evaluate the effectiveness of management practices in protecting water quality. Surface water quality management plans have been triggered throughout the Order area under the Conditional Waiver; therefore, the evaluation of surface water quality management practices is applicable for the whole Order area. Since Members must report the practices they are implementing to protect water quality, the information from the management practice evaluation can be applied to individual Members to determine whether their implemented practices are protective of surface water quality.

An effective method of determining compliance with water quality objectives is water quality monitoring at the individual level. Individual monitoring may also be used to help determine sources of water quality problems. Individual monitoring of waste discharges is required under many other Water Board programs. Examples of such programs include regulation of wastewater treatment plants and the Central Valley Water Board's Dairy Program.[2] The costs of individual monitoring would be much higher than representative surface and groundwater quality monitoring required under the Order. Representative monitoring site selection may be based on a group or category of represented waste discharges that will provide information required to assess compliance for represented Members, reducing the number of samples

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~~[1] See Table 8 for a summary of required third-party and Member reports.~~
[2] The dairy program requires individual monitoring of surface water discharges and allows for a "representative" groundwater monitoring in lieu of individual groundwater monitoring.

needed to evaluate compliance with the requirements of this Order. The third-party is tasked with ensuring that selected monitoring sites are representative of waste discharges from all irrigated agricultural operations within the Order's boundaries.

This Order requires the third-party to provide technical reports. These reports may include special studies at the direction of the Executive Officer. The Executive Officer may require special studies where representative monitoring is ineffective in determining potential sources of water quality problems or to identify whether management practices are effective. Special studies help ensure that the potential information gaps described above under the Order's representative monitoring requirements may be filled through targeted technical reports, instead of more costly individual monitoring programs.

The Board recognizes that representative monitoring data in and of itself will not allow the Board to determine the specific source or sources of water quality problems; however, subsequent actions, assessments and reporting required of the third party will result in the identification of the source(s) and causes of the water quality problem, the identification of actions implemented by Members to ensure water quality is protected, and the reporting of water quality data to demonstrate the water quality problem has been resolved. Therefore, representative monitoring in conjunction with other requirements in this Order[3] and the board's compliance and enforcement activities will also allow the board to determine whether a Member is complying with this Order.

Page 55, footnote 53 is revised as follows:

[53] Staff calculated the potential loss of agricultural land for ~~the commenter's proposed approach (similar to~~ Alternative 5~~)~~ from Table 5.10-6, Volume I of the draft PEIR based on the ratio of irrigated lands covered by the tentative Order to the total irrigated lands in the San Joaquin River Basin (this is the same methodology as described in Attachment D, pages 16 and 17 for calculating potential loss of Important Farmland under the tentative Order).

RESPONSE TO COMMENTS

Page 7, response to comment 1-15, second sentence is corrected as follows:

A process has been described in section VII of the Monitoring and Reporting Program wherein the Executive Officer provides trigger limits to the third-party following consultation with the Department of Pesticide ~~Registration~~ Regulation and other agencies as appropriate.

Page 19, response to comment 3-7 is revised to correct references to Response B.4 to Response 3-4:

Response: As stated above, the Tentative Order does not include discharge limitations (see Response ~~B.4~~ 3-4 above). In light of the discussion in Response ~~B.4~~ 3-4, board staff disagree that the receiving water limitations make irrigated agriculture accountable for de-minimus discharges. Only discharges causing or contributing to the exceedance of the objective would be in violation of the receiving water limitation. De-minimus discharges (e.g., below water quality objectives) can actually improve receiving water quality for the constituent of concern.

[3] See Table 8 for a summary of required third-party and Member reports.