East San Joaquin Water Quality Coalition

Parry Klassen
Executive Director

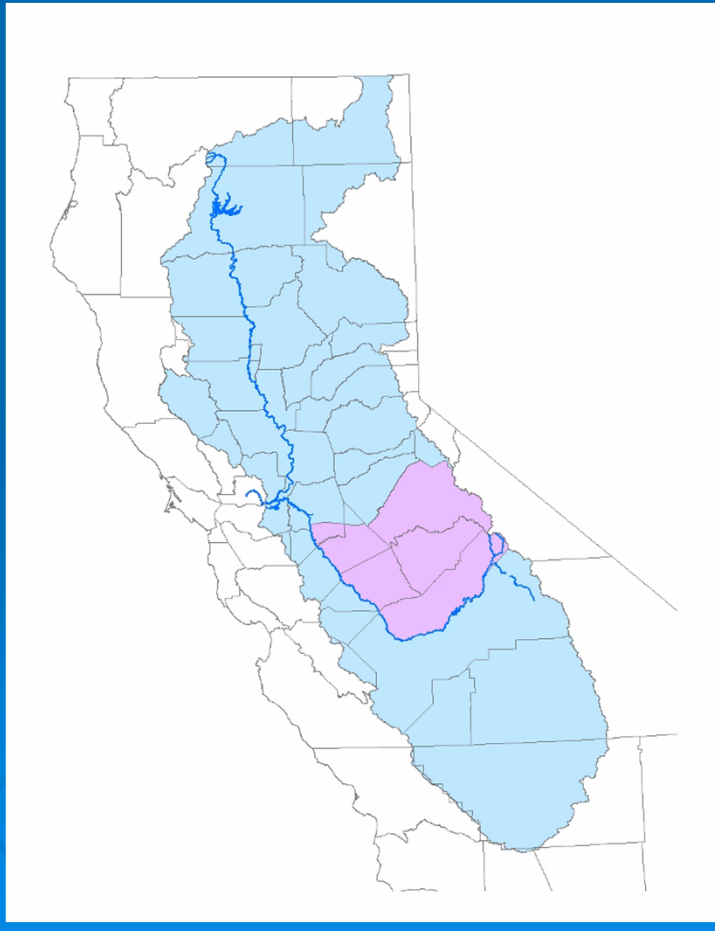
Tess Dunham

Legal Counsel

Merced River

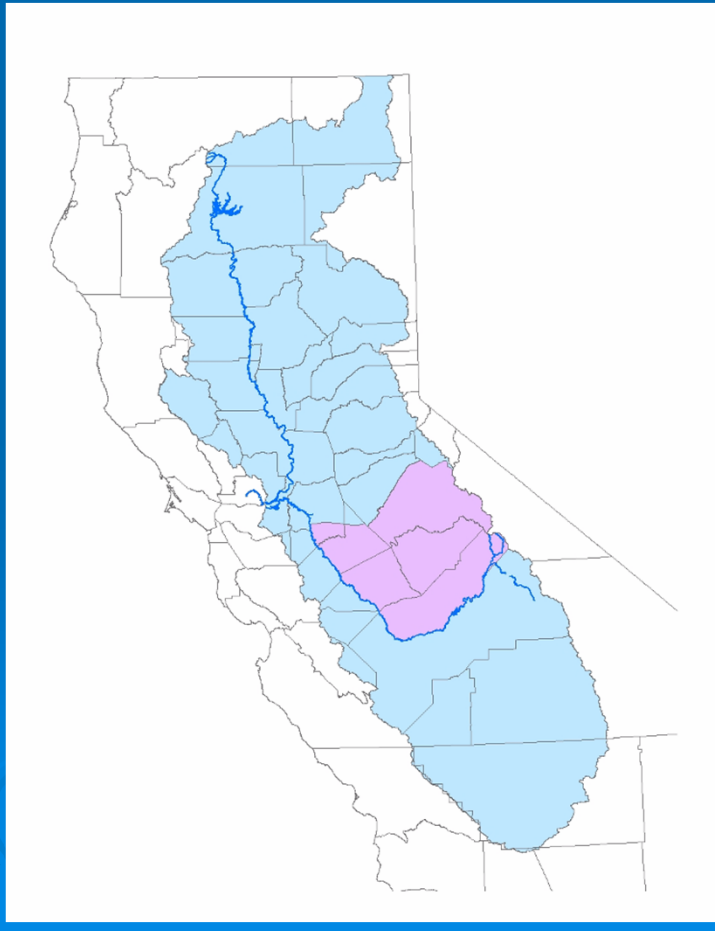
East San Joaquin Water Quality Coalition

- Coalition Overview
- Surface water successes
- WDR Comments
- Questions for us?



Coalition Overview

- In operation since 2003
- **2,297 Landowner / operators**
- **540,782 irrigated acres**
  - Madera, Merced, Stanislaus, Tuolumne, Mariposa counties



Board of Directors

Board Officers

➢ Parry Klassen, Board Chairman	Coalition for Urban Rural Environmental Stewardship; fruit grower
➢ Wayne Zipser, Vice-Chairman	Stanislaus Co. Farm Bureau; almond grower
➢ Bill McKinney, Treasurer	almond grower

Board Members

➢ Amanda Carvajal	Merced Co. Farm Bureau
➢ John Eisenhut	Hilltop Ranch, almond grower
➢ Brian Franzia	West Coast Vineyards
➢ Richard Gemperle	Gemperle Enterprises, almond grower
➢ Anja K. Raudabaugh	Madera Co. Farm Bureau
➢ Alan Reynolds	Gallo Vineyards, Inc.
➢ Albert Rossini	Rossini Ag, grape grower
➢ Jim Wagner	Wilbur Ellis Co.
➢ Mike Neimi	Turlock Irrigation District

Non-voting

➢ Gary Caseri	Stanislaus County Agricultural Commissioner
➢ David Robinson	Merced County Agricultural Commissioner
➢ Bob Rolan	Madera County Agricultural Commissioner
➢ Dianna Waller	Natural Resources Conservation Service
➢ Dennis Wescot	San Joaquin River Group Authority

Central Valley Agriculture Water Quality Coalitions

Organized in 2003 to improve water quality in region

Monitoring Program Requirements
(Requires approved QAPP)

Water Column Toxicity
- Water flea (*c. dubia*)
- BG Algae
- Fathead minnow

Sediment Toxicity
- *Hyallela azteca*
- ***Sediment chemistry**

- Pesticides
  - Organochlorines, carbamates, organophosphates, pyrethroids, herbicides
- Nutrients
  - Organic nitrogen, phosphate, potassium
- Metals
  - Cadmium, copper, lead, nickel, zinc, selenium, arsenic, boron
- Pathogens, Ambients
  - *E Coli*, Flow, Temperature, pH, EC, Turbidity, Dissolved Oxygen, Total Organic Carbon

Coalition Zones 1-6

1: Dry Creek @ Waterford Zone

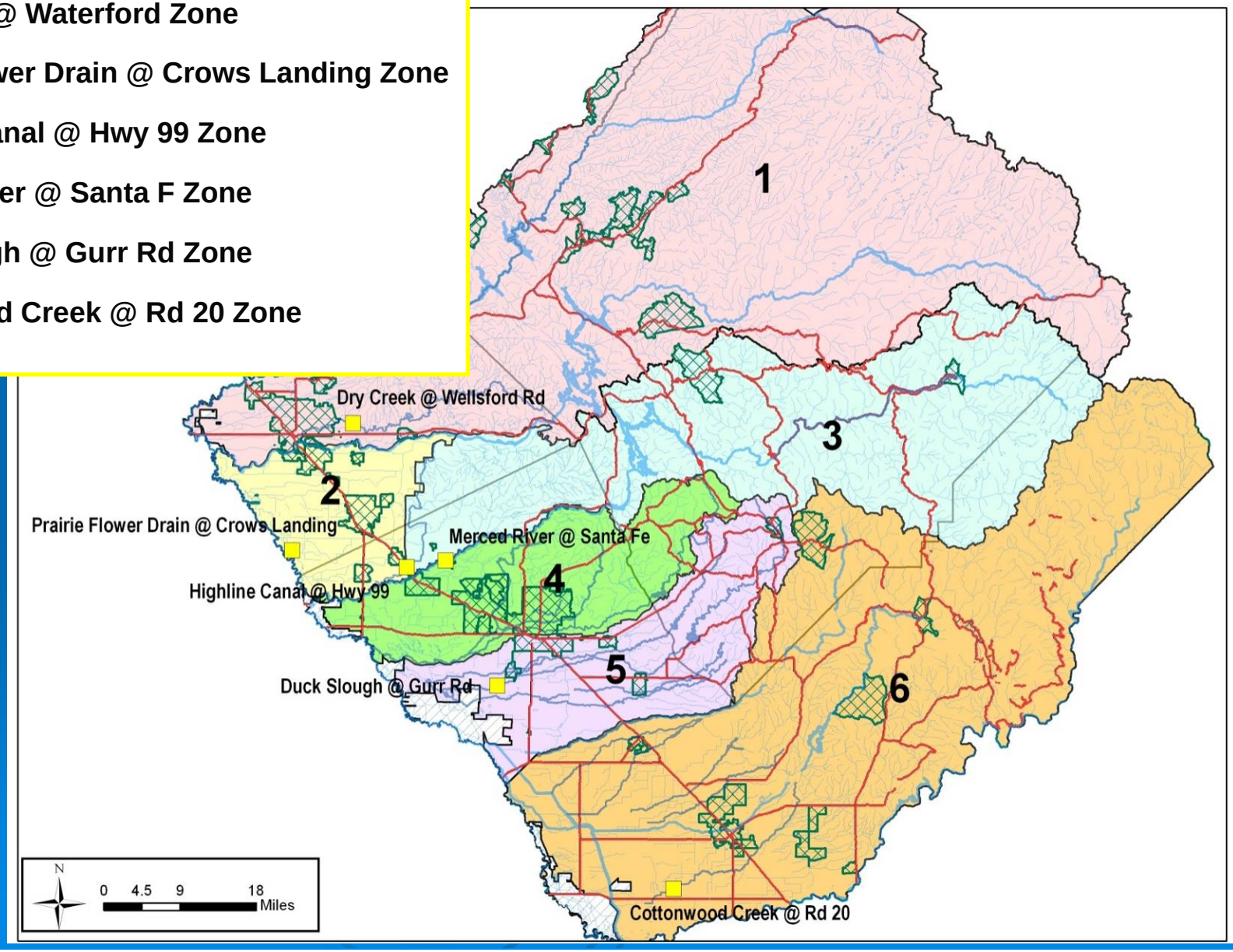
2: Prairie Flower Drain @ Crows Landing Zone

3: Highline Canal @ Hwy 99 Zone

4: Merced River @ Santa F Zone

5: Duck Slough @ Gurr Rd Zone

6: Cottonwood Creek @ Rd 20 Zone

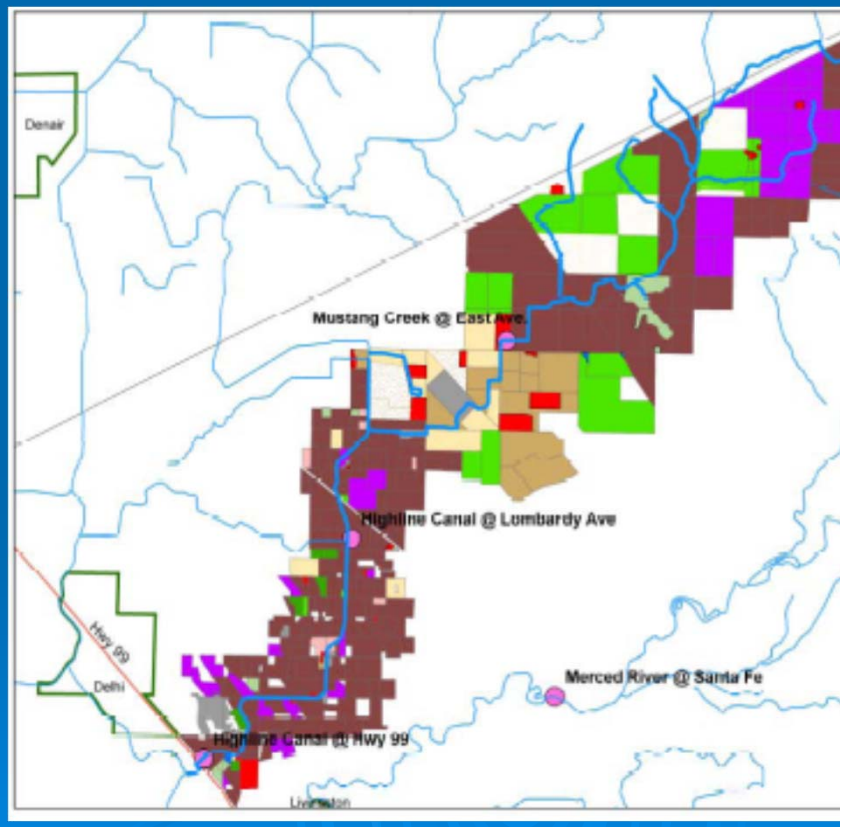


ESJ Management Plan Process

- Over 25 waterways with MPs in the ESJ region
- "Priority" Subwatersheds
  - 2 year focused approach
  - Outreach and monitoring
- 65 grower visits by ESJ staff

Focused Outreach Approach

- Identify members with parcels adjacent to waterways
- ESJ – individual member meetings
  - Management practices survey
- Monitoring
- Follow up
  - Document changes in management practices
- Evaluate progress



Progress in Priority Management Plan Waterways

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1st and 2nd Priority Watersheds (2008-2012)

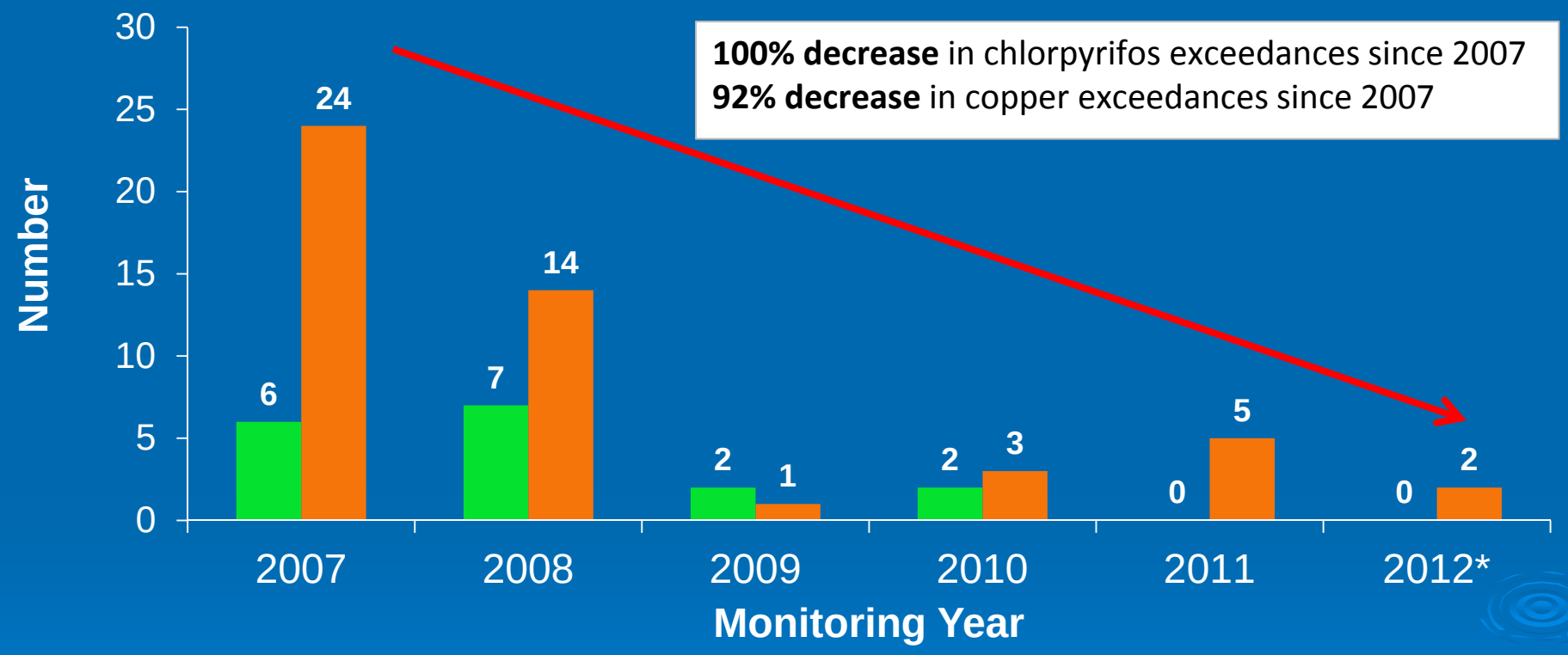
- Completed focused outreach strategy
- Several new management practices implemented
- Large decrease in exceedances following outreach

3rd Priority Watersheds (2011-2013)

- Completed individual meetings; follow up meetings ongoing
- 1 Chlorpyrifos exceedance in 2011; address during outreach
- 20 Copper exceedances in 2011; factors besides ag?
- No toxicity, no other pesticide exceedances in 2011

Continue until cover all 26 management plan waterways

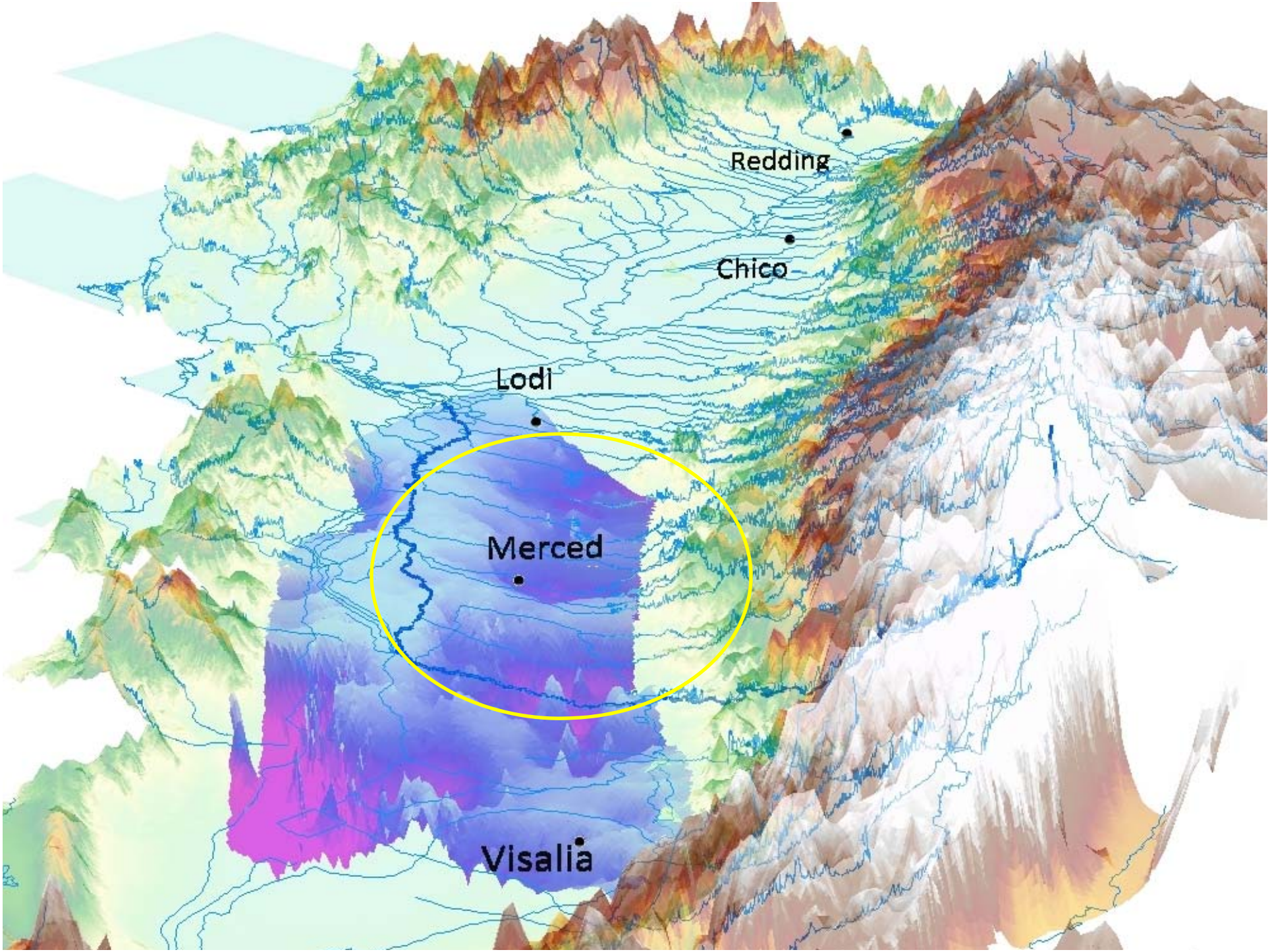
Exceedances In 1st and 2nd Priority Subwatersheds



Chlorpyrifos Detections Above Water Quality Standards

Copper Detections Above Water Quality Standards

* Exceedance data only available through April 2012


Redding
Chico
Lodi
Merced
Visalia

Comments on our WDR

Irrigated Lands Regulatory Program

New Groundwater program will ….

- Increase costs by 50% - 70%
- Massive paperwork increase
  - New members: 1000-2000
  - Farm Evaluation
  - Nitrogen budget
- Comments directed to make the program doable

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Legal Counsel

Comments on our WDR

Irrigated Lands Regulatory Program

- Member sign up: owner vs operator
- Determination of member compliance
- Surface Water
  - Adding chronic toxicity to surface water testing
  - New surface water pesticide monitoring process
- Groundwater
  - Reporting of member nitrogen budget information
  - Representative monitoring expectations

Owner v. Operator

- Draft WDR would require both to be members of the Third-Party
- Not necessary – Should be either/or
  - Operator has primary responsibility
  - Many owners not in California
- When Third-Party member is not the owner, require member to provide notice to landowner and certify that notification was given

Member Compliance

- Draft WDR would require Third Party to inspect & monitor individual Member discharges
- Draft WDR would require Third Party to conduct individual site-specific monitoring of a member's operation
- Draft WDR would require Third Party to determine if individual is in compliance with water quality objectives

ESJWQC's Concerns

- Role of Third-Party is to assist Members – not inspect & monitor individuals
- Third-Party is not a *discharger* subject to 13267 – except as agreed upon by Third-Party
- Third-Party *may* conduct site-specific monitoring to determine effectiveness of management practices – but only at Third-Party's discretion

Surface Water Concerns: Toxicity Testing

- Draft WDR would require chronic toxicity testing
- Current requirement is acute toxicity testing
- No technical justification for the change
- Would increase cost of toxicity testing
  - From $381,000 to $690,000 annually
- Defer to Technical Issues Committee

Surface Water: New Pesticides

- Draft WDR would require monitoring of all – unless exemption warranted
- Would cost estimated $128,000 for ESJWQC in first year to comply with requirement
- DPR has extensive information through registration process
- Regional Board needs to work with and defer to DPR to develop process and appropriate list for consideration

Surface Water: Trigger Limits

- Draft WDR would require ESJWQC to interpret narrative objective & provide technical justification
- Legal responsibility belongs to Regional Board
- For pesticides, DPR & U.S. EPA has extensive product information of *significant adverse effects*
- Regional Board should coordinate with DPR

Groundwater: Reporting of Annual Nitrogen Budget

- Draft WDR would require reporting *to at least the square-mile level*
- Would result in public reporting of individual nitrogen use: ESJWQC opposes
- ESJWQC proposes aggregate reporting of nitrogen use
- Individual information available to Regional Board staff at farm, or ESJWQC offices

Groundwater: Representative Monitoring

- Draft WDR allows for collaboration with other coalitions/commodities – but ESJWQC would be required regardless of future collaboration
- Staff expectations are unrealstic!
- Valley-wide approach needs thorough vetting

Needed Changes

- Owner or Operator – not both
- Remove Third-Party inspection role
- Remove Chronic Toxicity Testing
- Remove New Pesticide Monitoring & Trigger requirements - replace with process to coordinate with DPR
- Remove one-square mile reporting – replace with aggregate reporting
- Remove Groundwater Representative Monitoring – develop separate Central Valley wide MRP

East San Joaquin Water Quality Coalition

Questions?

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www.esjcoalition.org