

Tulare Lake Basin Water Storage District
Boyett Farms
Gilkey Five
Hansen Ranches
J.G. Boswell Company
Newton Brothers
Proctor Farms

Tulare Lake Drainage District
McCarthy Family Farms
Westlake Farms, Inc.
Sandridge Partners
White Ranch Land Company
John Valov Farms

August 9, 2012

Ms. Pamela C. Creedon
Executive Officer
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA. 95670

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SECTION

Re: Comments: Draft ILRP General Order for the Tulare Basin

Dear Ms Creedon:

On behalf of growers in the Tulare Lake Bed, the Tulare Lake Basin Water Storage District (TLBWSD) and the Tulare Lake Drainage District (TLDD), we appreciate the opportunity to provide comments on the proposed General Order for irrigated lands in the Tulare Lake Basin. TLBWSD provides surface water to its growers. TLDD collects and manages the disposal of sub-surface drain water for its growers.

Lake Bed growers have been active participants in the Southern San Joaquin Valley Water Quality Coalition (Coalition) that was formed to address surface water issues under the Conditional Waiver for irrigated agriculture. The Districts have represented these growers in Coalition meetings and discussions regarding the proposed General Order with Board staff. However, due to the unique characteristics of the Tulare Lake Bed that do not exist in any other area within the Tulare Lake Basin, we are providing comments that are particular to Lake Bed growers. We have provided general comments on the General Order and those specific to the Lake Bed to the Coalition.¹

A. Summary of Issues & Recommendations

The draft General Order includes a requirement to develop a Surface Water Monitoring Plan for new monitoring sites that include constructed conveyance structures. The definition of constructed conveyance structures includes the Homeland Canal, Lakeside Ditch and Westside Canal. Due to broadness of the definition, we are concerned that it could be inappropriately

¹ Please refer to our Attachment 1 & 2 for our specific and general comments on the proposed General Order.

applied to the canals in the Lake Bed. All of the canals within the Lake Bed are man-made facilities on private property with restricted access that function as an integrated system used for the delivery and recirculation of irrigation waters. Additionally, the canal system overlies poor quality shallow groundwater that exceeds the State Board Sources of Drinking Water Policy.

The Lakebed canal system is operated as a shared pool that serves multiple growers. Due to the closed nature of the Lakebed, the layout and operation of the system evolved out of necessity over the past 100+ years. It is a highly efficient system in which irrigation water and salt loading are effectively managed. Although the water of growers is co-mingled, the integrated canal system should be viewed similarly to a single on-farm canal system because no water leaves the area served by the canal system – virtually all of the water in the system is beneficially used for irrigation purposes and no water is discharged into natural water bodies. The alternative of prohibiting the use of the existing canal system to recirculate tail water would require that each grower develop an extremely costly on-farm recirculation system that would not provide any meaningful water quality benefits and could lead to pockets of water with elevated salt levels.

We therefore recommend the inclusion of a new definition, *On-Farm Conveyance Structures*, in Attachment E of the General Order. This definition would clarify that integrated delivery and recirculation canal systems similar to those in the Tulare Lake Bed overlying poor quality shallow groundwater would be regulated similarly to a single on-farm system.²

B. Unique Characteristic of the Lake Bed

The Tulare Lake Bed is an intensively farmed area, with approximately 200,000 acres in production that was reclaimed from the former Tulare Lake. It is the terminal end of four major natural streams: the Kings, Kaweah, Tule and Kern Rivers; and historically was subject to flooding in wet years. However, due to development of upstream irrigated agriculture and the construction of flood control reservoirs on each stream, only in extreme flood events are lands in the Lake Bed at risk to flooding from these sources.

The Lake Bed is a closed basin with no natural outlet. The background groundwater water quality is extremely poor and has limited potential for any beneficial use, particularly the perched shallow groundwater. The soils are uniformly clayey with limited permeability and present challenges to growers on crop selection. Most areas are limited to annual crops due to the soil conditions that preclude perennial tree fruits and nuts and the threat of flooding in extremely wet years. The existing integrated canal system was developed out of necessity many

² See Attachment 1. The new definition reads as follows: “29. On-Farm Conveyance Structures. - Structures constructed to deliver water for solely for irrigation purposes on the Member property. On-Farm Conveyance Structures also include constructed facilities as a part of an integrated delivery and recirculation network serving Members provided the network has no discharge to natural waters and is located within a low vulnerability groundwater basin.”

years ago to effectively and efficiently manage applied irrigation water and salt loading in a closed based with the clay soils.

The Lake Bed has shallow clay layers that prevent the downward movement of applied irrigation water, resulting in shallow perched groundwater that typically has very high EC levels. These conditions can impair the crop productivity. To mitigate for these conditions, landowners install shallow tile drain systems that lower the water table and allow salts to be flushed out of the crop root zone. TLDD operates systems that collect and dispose of the tile water.

C. Tulare Lake Bed: Coordination with CV-SALTS

The Lake Bed growers have been fully engaged in the CV-ALTS process, participating through TLBWSD and TLDD. The growers fully appreciate the issue of salt management and disposal since it is a significant issue in the Lake Bed and are active participants in the *Municipal Beneficial Use* groundwater study in the Lake Bed.

D. Constructed Conveyance Structures

The Tulare Lake Bed integrated irrigation water delivery and recirculation canal system is operated as a single pool for multiple growers in the area. These canals are man-made structures not former or modified natural river channels. They were constructed and have been operated for the sole purpose of effectively and efficiently delivering and recirculating irrigation water in the Lake Bed. There are no spills or returns to natural water bodies. Due to the closed or bowl shape of the Lake Bed all water delivered thru the canal system is used within the area. TLBWSD does not own or operate any of the canals; it simply manages and delivers water to the growers.

As a result of routine maintenance performed to preserve canal capacity, maintain stable side slopes, and control agronomical noxious weeds, the canals are devoid of vegetation. The sole intended beneficial use of the water delivered thru the canal system is *Agricultural Supply*. Other uses that are strictly incidental to irrigation operations may occur; however maintenance activities, including the periodic dewatering of canals, limit the extent of such incidental uses.

E. Proposed Order - Potential Mis-Application of Constructed Conveyance Structures Definition to Tulare Lake Bed Integrated Canal System

As discussed previously, the draft General Order's overbroad definition of constructed conveyance structures could include the Tulare Lake Bed integrated irrigation water delivery and recirculation canal system.

Attachment A to the General Order, the Information Sheet, at Page 7 provides specific examples such as the Friant-Kern Canal, Homeland Canal, Lakeside Ditch and Westlake Canal as

constructed conveyance structures. Other canals as depicted in Figure 1 of the Information Sheet such as the Kings and Tule Canals could possibly be included. Based upon these illustrated examples, the definition of constructed conveyance structures could be applied to most of the canals within the Lake Bed integrated canal system.

The draft General Order references constructed conveyance structures as being built or constructed for the purpose of delivering high quality water to other sub-areas within the Tulare Lake Basin. While we agree that some structures that convey high quality water to sub-areas within the region are appropriate for inclusion, it is inappropriate to include the Tulare Lake Bed canal system. The Tulare Lake integrated canal system does not deliver high quality water to other sub-areas outside of the Tulare Lake Bed; it only delivers and recirculates irrigation water to Lake Bed growers.

Water in the Tulare Lake Bed is described in Table II-1 of the Plan as a Valley Floor Water with multiple uses including *AGR Supply* and *WARM*.

In 1974, during the initial development of the Tulare Lake Basin Plan, Valley Floor Waters were specifically addressed³. At page II-11-58 it states: "The fish resources are limited in most streams because of little or no flow as a result of water diversions. The canals do not generally provide good water habitat because most are dewatered when the irrigation demand is minimal." (Emphasis Added.)

Reconstruction, modification, or dewatering of the integrated canal system could effectively eliminate the incidental WARM use. It is the delivery of irrigation water in the Lake Bed that provides the incidental beneficial uses.

The integrated canal system should be considered as a single on-farm network. The system is operated effectively as one system that serves multiple growers and is indistinguishable from a single on-farm system.

F. Agricultural Water Task Force (AWTF) and Current Basin Planning Efforts

The Agricultural Water Task Force (AWTF) was developed in response to the Board's adoption of the Inland Surface Water Plan⁴. The Task Force recognized the unique characteristics of systems similar to the constructed conveyance and recirculation canal system in the Lake Bed⁵.

³ See Water Quality Control Plan Report (5D) Part II, September 1974.

⁴ The Inland Surface Water Plan addressed all surface waters including canals in the Central Valley but was later rescinded due to procedural irregularities and was never readopted.

⁵ See part 4 of the 1995 Reports of the Public Advisory Task Forces to the State Water Resources Control Board.

The AWTF recommended Basin Plan amendments occur to encourage their implementation and address incidental beneficial uses. Although the AWTF recommendations were not acted upon, Board staff is currently revisiting these issues and recommendations in its Basin Planning activities through the "Appropriate MUN Beneficial Use for Agricultural Dominated Water Bodies" workgroup.

We believe that these Board staff activities are appropriate. The Tulare Lake Bed integrated irrigation water delivery and recirculation canal system should be considered as an example of *integrated Ag water closed recirculation system supplying irrigation water to farms and incidental beneficial use system.*

G. Reasonableness of Potential Control Measures for the Lake Bed Integrated Delivery Recirculation Canal System

In enacting the Porter-Cologne Act, the Legislature laid out specific goals and objectives for the State's waters. The Regional Boards must conform to all such statutory mandates, including the Legislature's objective:

"The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality this is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." (Water. Code, § 13000.)

The California Supreme Court discussed the Legislature's intent, confirming its goal "to attain the highest quality which is reasonable." (*City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 619.)

The use of the term "reasonable" and the "reasonableness" standard is not limited to the express goals laid out in Water Code section 13000. Rather, the Porter-Cologne Act expressly calls for reasonable actions throughout. (See Water Code § 13241 and Water. Code, § 13050(h).)

Thus, when analyzing impacts to water quality and adopting a General Order, the Regional Board must comply with and conform to the Legislative intent of the Porter-Cologne Act by applying the "reasonableness standard"; that is, evaluate if the activity or control limit will reasonably protect the beneficial uses.

In our preliminary review, the draft General Order requirement of potentially significant modifications to our existing closed basin integrated irrigation water delivery and recirculation canal system does not meet the reasonableness standard. Preliminary estimates indicate that infrastructures costs could be approximately \$1200/acre with annual costs of \$340/acre. The existing system promotes high irrigation water use efficiency, efficient energy utilization and

effective salt management, while serving multiple growers in a closed basin that has poor quality shallow groundwater.

As mentioned previously, any control measure that prohibits the use the existing canal system to recirculate tail water would require that each grower develop extremely costly on-farm recirculation system that would not provide any meaningful water quality benefits and could lead to pockets of water with elevated salt levels. Such control measures would have significant impacts on growers in the Lake Bed and potentially make farming infeasible, without producing any quantifiable benefits. This potential outcome warrants consideration by Board staff and the Board of adoption of the proposed definition of *On-Farm Conveyance Structures*.

Conclusion

The Tulare Lake Bed Integrated Irrigation Water Delivery and Recirculation Canal System, with a documented 98% irrigation use efficiency, is a truly unique characteristic.⁶ This canal system can deliver water throughout the Lake Bed without any ever leaving the area.

We commend the Board staff in revisiting the issues raised by Agricultural Task Force and in particular the Agriculturally Dominated Water Bodies Initiative. We are particularly interested in closed recycling systems and intend to be an active participant in this Initiative.

However, we are concerned about the overbroad definition of *constructed conveyance structures*, and the potential inappropriate application of that definition to the Tulare Lake Bed integrated canal system. Such an application would raise issues related to the reasonableness of standards that could potentially make the use of the existing highly efficient integrated canal system impracticable or infeasible. As an alternative, we request adoption of the proposed definition of *On-Farm Conveyance Structures* and application of it to the Tulare Lake Bed canal system. These actions would allow the Lake Bed canal system to be considered an on-farm facility.

Should you have any questions regarding this letter, please contact Mark Gilkey at (559) 992-4127 or via email at mgilkey@tlbwsd.com.

Sincerely,



Mark Gilkey, General Manager
Tulare Lake Basin Water Storage District



Gary K. Rose, General Manager
Tulare Lake Drainage District

⁶ Water Management Plan for Tulare Lake Basin Water Storage District, State of California, Department of Water Resources, December 1982.

Ms. Pamela C. Creedon
August 9, 2012
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Tulare Lake Bed Growers

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White Ranch Land Company

Attachment 1

Tulare Lake Basin General Order

Tulare Lake Basin Water Storage District Suggested Specific Revisions & Comments Applicable to the Lake Bed

1. At pages 21 to 23 in VII. Required Reports and Notices-Members
 - D. Annual Nitrogen Budget at page 23 modify as follows:
 - By 1 March of each year, following the year the Executive Officer provides the Annual Nitrogen Budget Worksheet Template, all Members **except those in areas without MUN beneficial** use must prepare a Proposed Annual Nitrogen Budget Worksheet Template ...

B. Information Sheet

“Attachment A”

1. At page 3, under **Description of the Tulare Lake Basin Area**, after 1st paragraph add the following:
 - **The Tulare Lake Bed is unique and may be distinguished from the remainder of the Tulare Lake Basin. The Lake Bed is the terminal point of four major streams that once entered the former Tulare Lake. The Lake Bed consists of an integrated network of water delivery and recirculation facilities to maximize water use efficiencies. Water delivered to the Lake Bed is contained and only in flood events is there a possibility of water exiting. No irrigation water returns to any natural or body. Applied irrigation water in excess of crop requirements is collected and transported for disposal by the Tulare Lake Drainage District. The EC in groundwater (first waters encountered) exceeds the State Board Sources of Drinking Water Policy. The Tulare Lake Bed is a fully coordinated water delivery, recirculation and salt recovery area.**

Definitions

Attachment E

Add and modify the following definitions:

7. **Constructed Conveyance Structures (New) - Structures constructed to deliver high quality waters to various sub regions within the Tulare Lake Basin for irrigation purposes.**

Constructed Conveyance Structures do not include On-Farm Conveyance Structures as defined in Section 29 of this Attachment.

29. **On-Farm Conveyance Structures. (New)-** Structures constructed to deliver water for solely for irrigation purposes on the Member property. On-Farm Conveyance Structures also include constructed facilities as a part of an integrated delivery and recirculation network serving Members provided the network has no discharge to natural waters and is located within a low vulnerability groundwater basin.

42. **Surface Water-** Water pooled or collected at or above ground level. Surface waters include, but are not limited to, natural streams, lakes, wetlands, creeks, constructed agricultural drains, agricultural dominated waterways, irrigation and flood control channels, or other non-stream tributaries. Surface water includes all waters of the United States and their tributaries, interstate waters and their tributaries, intrastate waters, all impoundments of their water. For the purpose of this Order, surface waters do not include water in agricultural fields or waters contained in On-Farm Conveyance Structures.

Attachment 2

Tulare Lake Basin General Order

Tulare Lake Basin Water Storage District Suggested Revisions & Comments

1. At page 6, revise Finding 24, second paragraph as follows:
 - Where regional monitoring does not allow the Central Valley Water Board to determine potential sources of water quality problems, identify whether management practices are effective, or to determine whether there are individuals causing exceedances of water quality objectives, this **Order requires the Member to provide technical reports**, which may include field specific special studies, at the direction of the Executive Officer. Such technical reports are needed to determine compliance when regional monitoring or other available information is not sufficient to determine compliance or the effectiveness of management practices.
 - Comment: The original wording requires the third party to perform monitoring to evaluate effectiveness of individual member action. The proposed change requires the Member not the third party to provide technical reports.
2. At pages 9 to 10, Finding 40.
 - *Comment:* The cost estimate for compliance for growers in the Tulare Lake Basin is confusing if not incorrect. Finding 13 indicates there are approximately 1.65 million acres in the Coalition boundary that subject to the new general order. Using the estimated cost of \$119 per acre would provide a total cost of approximately \$200 million not the \$100 million per year. Furthermore, the cost estimates should be based upon the number of irrigated lands that are subject to the Order and not be based on all irrigated lands in the Central Valley as stated in footnote 13, page 10.
3. At page 13, Finding 58, replace finding with the following:
 - **The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2004 (Basin Plan)* designates beneficial uses, establishes narrative and numerical water quality objectives, contains implementation plans and policies for protecting all waters of the Basin, and incorporates, by reference, plans and policies of the State Water Board. In accordance with Water Code section 13263, these requirements implement the Basin Plan.**
4. At page 15, **III. Discharge Limitations**, modify as follows:
 - A. Surface Water Limitations
 1. **Except as allowed or permitted under this order**, wastes discharged from Member operations shall not cause or

contribute to an exceedance of applicable water quality objectives in surface water, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

B. Groundwater Limitations

1. **Except as allowed or permitted under this order**, wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

5. At page 16, **IV. Provisions, B. Requirements for Members of the Third-Party Group**, adds a new requirement as follows:

- **Each Member that terminates a leasehold interest in any lands covered under this Order shall provide to the Property Owner notice of its intent to terminate coverage.**
 - Comment: This requirement is intended to protect the landowner if a leasee under coverage of the General Order decides to terminate coverage.

6. At page 17, **B. Requirements for Members of the Third-Party Group**, modify as follows:

- **16. Newly constructed and/or modified settling ponds, basins, and tail water recovery systems shall be constructed to minimize infiltration to the extent feasible and to prevent slope failure or erosion**
 - Comment: The findings or Information sheet do not address settling ponds, basins or tail water recovery systems as a threat to water quality. The standard of no degradation will either require a Title 27 compliant surface impoundment or a ground water investigation to determine background water quality to assess the potential for degradation. The order should address the rationale for this requirement and provide a safe harbor provision similar to the dairy general order. The requirement should be amended to require that impoundments be constructed to minimize infiltration to the extent feasible.

7. At page 18 & 19, **C. Requirements for the Third-Party Group**.

9. Work cooperatively with the Central Valley Water Board to ensure all Members are providing required information and taking necessary steps to address exceedances or degradation identified by the third-party or board. As part of the Annual Monitoring Report, provide an annual list to the Central Valley Water Board of growers who have: (1) *failed to implement improved water quality management practices within the timeframe specified by an applicable SQMP/GQMP*; (2) *failed to respond to an*

information request associated with any applicable SQMP/GQMP; (3) failed to participate in third-party site-specific or representative monitoring studies for which the third-party is the lead; or (4) failure to submit required fees to the third-party.

- Comment: This requirement appears to be in excess of working cooperatively with the Board. The requirements in # 9 are factors within the authority of the 3rd party to revoke Member coverage under the Order.

11. Collect any fees from Members required by the State Water Board pursuant to the fee schedule contained in Title 23 CCR. Such fees shall then be submitted to the State Water Board.

- Comment: The Coalition maybe the depository for fees; but should not be the collection agency for the State Board. The Member is responsible for paying the fee.

8. At pages 21 to 23 in **VII. Required Reports and Notices-Members**

A. Notice of Confirmation/Notice of Intent/Membership Application modify as follows:

- 3. Beginning 121 days **after the Executive Officer issuance of a NOA to the third party**, any growers within this Order's boundaries that are not yet Members of the third-party or a Coalition governed by the Coalition Group Conditional Waiver must submit...

Add the following new requirement at page 22:

- 5. **Any landowner or grower that either regains control or acquires control through a leasehold interest for land previously covered by this Order may be covered by providing within 120 days a completed membership application to the third party containing the information and certifications required in Section VII A. 2.**

F. Notice of Termination at page 23 revise the first sentence as follows:

- If the Member wishes to terminate coverage under this Order and withdraw its membership from the third-party, the Member shall submit a complete notice of termination (NOT) **including if applicable a certification that the Member has provided notice to the landowner of its intent to terminate coverage under the Order** to the Central Valley Water Board and the third-party.

9. At page 24 & 25, under **VIII. Required Reports and Notices – Third-Party**

B. Farm Evaluation Template at page 24 revise as follows:

- **The Central Valley Water Board staff shall develop a draft Farm Evaluation Template upon consultation with the third party and appropriate agencies and entities.**

D. Annual Nitrogen Budget Worksheet Template at page 25 revise as follows:

- **The Central Valley Water Board staff shall develop a draft Annual Nitrogen Budget Template upon consultation with the third party and appropriate agencies and entities.**

E. Sediment and Erosion Control Plan Template at page 25 revise as follows:

- **The Central Valley Water Board staff shall develop a draft a Sediment and Erosion Control Plan upon consultation with the third party and appropriate agencies and entities.**

G. Surface Water Exceedance Reports at page 25, change to **G. Surface Water Reports in Excess of Trigger Limits**, revise as follows:

- **The third-party shall report surface water monitoring results in excess of trigger limits approved by the Executive Officer, which are based on interpretations of narrative water quality objectives.**
 - Comment: The General Order provides a mechanism for development of trigger limits based upon narrative objectives. These limits are approved by the Executive Officer. This revision clarifies that only the Regional Board establish enforceable numerical limits for narrative objectives.

10. At page 25, 26 & 27, under **I. Surface Water/Groundwater Quality Management Plan (QMP/GQMP)**.

2. Conditions Requiring Preparation of SQMP/GQMP (page 26).

Surface Water Quality Management Plan (SQMP) revise paragraph as follows:

- **3) The Executive Officer upon substantial evidence provided to the third party determines that irrigated agriculture may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses**

Groundwater Quality Management Plan (GQMP) (pages 26 & 27) revise the paragraph as follows:

- **4) The Executive Officer upon substantial evidence provided to the third party determines that irrigated agriculture may be causing or contributing to a trend of degradation of surface water that may threaten applicable Basin Plan beneficial uses.**

3. SQMP/GQMP Not Required, (page 27), add the following sentence at the end of the paragraph.

- **A GQMP may also not be required if the Executive Officer determines that ambient background water quality exceeds water quality objectives or the beneficial uses has been de-listed through the Basin Plan amendment process.**

11. At page 27 under **J. Technical Reports** change as follows:

- **Where monitoring required by this Order is not effective in allowing the board to determine the effects of irrigated agricultural waste discharge on State waters or the effectiveness of water quality management practices being implemented, the Executive Officer may require the Member to submit technical reports to determine the effects of irrigated agricultural operations or implemented management practices on surface water or groundwater quality.**

12. At page 30, under **XII. Time Schedule for Compliance**, second sentence in paragraph revise as follows:

- **Future Basin Plan Amendments or TMDLs with accompanying time schedules established through the CV-Salts process or any other Plan amendment process may require the Board to reopen and amend the general order.**

B. Information Sheet

“Attachment A”

1. At page 26, under **Farm Evaluations**, at the end of the first paragraph add the following:

- **The public disclosure of service wells location may be restricted by homeland security concerns. The Board staff will ensure prior to public disclosure that this information is not prohibited.**

2. At page 31, under **Implementation of Water Quality Objectives** at page 31, Second paragraph, Second Sentence. Delete the entire sentence.

- **With respect to narrative objectives, the Regional Water Board must establish limitations using one or more of three specified sources, including: (1) USEPA’s published water quality criteria, (2) a proposed state criterion (i.e., water quality objective) or an explicit state policy interpreting its narrative water quality criteria (i.e., the Regional Water Board’s “Policy for Application of Water Quality Objectives”), (40 CFR122.44(d)(1)(vi)(A), (B) or (C)), or (3) an indicator parameter.**

- Comment: The cited reference for determining effluent limitations is for establishing Water Quality Based Effluent Limitations (WQBELs) for NPDES permits for surface water dischargers subject to Section 402 of the Federal Clean Water Act. The General Order acknowledges that it is an NPDES permit. Non point sources are not subject to permitting requirements of the Clean Water Act.

3. At page 31, under **Implementation of Water Quality Objectives**, Third paragraph, change as follows:

- Implementation of numeric and narrative water quality objectives under the Order involves an iterative process. The Order's MRP establishes management plan trigger limits that are equivalent to the applicable Basin Plan numeric water quality objectives. For constituents that are not assigned Basin Plan numeric water quality objectives, board staff will develop trigger limits in consultation with the Department of Pesticide Regulation (for pesticides) and other agencies as appropriate. Board staff will provide interested parties, including the third-party representing Members, with an opportunity to review and comment upon the trigger limits. The Executive Officer will then provide the trigger limits to the third- party. In locations where trigger limits are exceeded, water quality management plans must be developed that will form the basis for reporting which steps have been taken by growers to achieve compliance with numeric and narrative water quality objectives.
- Comment: Deleted the sentence: "Those trigger limits will be considered the numeric interpretation of the applicable narrative objectives". The deleted phrase suggest that the Executive Officer has the authority to establish enforceable numerical limitations.

4. At page 39, under **Waters that are Not High Quality: The "Best Efforts" Approach** second paragraph line 2, replace **should** with **may**.

- Comment: The sentence as worded misstates State Board Order WQ 81-5. The Order states that when a constituent in a groundwater basin is already at or exceeding the water quality objective, the Regional must set limitations no higher than the objectives set forth in the Basin Plan. The Tulare Lake Basin Plan indicates that where naturally occurring constituents exceed the objective the discharger is not required to improve the receiving water.

The State Board indicated that the Regional should set limitations more stringent than the water quality objectives provided that the discharger could do so using best efforts. This is a case by case and constituent basis considering multiple factors in evaluating best efforts. To state that the Regional Board should in all cases without evaluating each individual situation is in excess of the State Board order. Even in cases where best efforts are utilized, it may not be possible to met limitations more stringent than quality objectives.

C. Monitoring and Reporting

Attachment B

1. At page , under **4. Special Project Monitoring** , second paragraph change to the following:
 - In accordance with Water Code section 13267, the Executive Officer may require the **Member** to conduct local or site-specific monitoring, in addition to the Core and Assessment monitoring, where monitoring identifies a localized water quality problem. Core sites and Assessment sites located in areas where management plans are required will also be considered Special Project sites.
2. At page 13, under **IV. Groundwater Quality Monitoring Requirements, A. Groundwater Vulnerability Designations**, second full paragraph, change to the following:
 - Vulnerability designations for groundwater are required by this MRP as part of the Groundwater Assessment Report identified in section IV.B below. Vulnerability designations may be refined/ updated periodically during the Monitoring Report process. **The Executive Officer will provide the 3rd party the rationale and basis for determining vulnerability designations.**
3. At page 17, under **2. Representative Groundwater Monitoring Program, c. Summary Representative Monitoring Report**, second paragraph change as follows:
 - ... the third-party in conjunction with commodity groups and/or other experts (e.g., University of California Cooperative Extension, Natural Resources Conservation Service) shall propose and **the Member shall** implement new/alternative management practices to be subsequently evaluated at monitored farms.
4. At page 24, under **VI. Water Quality Triggers for Development of Management Plans**, first paragraph, third sentence change as follows:
 - **The Executive Officer shall provide to the third party the basis for determining the final trigger limits.** Any trigger limits proposed by the third-party or determination of appropriate trigger limits by the Executive Officer must be consistent with applicable Basin Plan policies governing the interpretation of narrative water quality objectives.