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April 16, 2012

Pamela Creedon
Joe Karkoski
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Dear Ms. Creedon and Mr. Karkoski:

As we have indicated in recent conversations, the East San Joaquin Water Quality Coalition (Coalition) is currently struggling financially to maintain its current surface water monitoring obligations. Our annual dues are \$2/acre plus \$50 per grower. Of the approximately 1.1 million irrigated acres in the Coalition region, 540,000 acres are enrolled. Non-enrolled acres include some dairy land enrolled in the dairy program, landowners who believe they do not discharge and landowners who are deliberately avoiding enrollment in the Coalition. Previously, our annual dues were able to cover the cost of the program. However, our budget for 2012 projects a net income loss of ~\$600K as a consequence of increased State Water Board fees, increased responsibilities of the Coalition, and increased monitoring expenses for additional watersheds. Further, there will soon be a new groundwater program, which as of yet will have an uncertain financial impact for 2013. Moreover, actual financial performance for the Coalition in 2011 was a \$105K loss, which was covered by reserves.

Based on current discussions with the Central Valley Regional Water Quality Control Board (RWB) staff, we understand that even though we have requested that new permit requirements be delayed until almost full enrollment has been reached for the remaining growers in the region, it is the staff's position the Coalition will be required to initiate the new WDR program as soon as it is adopted. This is of course at least six months prior to other Coalitions being subject to a new, expensive groundwater program.

The Coalition is proud of its efforts to date, and the improvements in water quality that the Coalition has been able to achieve. To date, the Coalition has been able to maintain an efficient, cost effective implementation of the ILRP regulations (as demonstrated by the discussion below) due to its ability to attract competent independent contractors. One reason we can attract these individuals and their organizations is that we pay our bills on time.

With respect to raising dues to cover the additional costs, the Coalition has determined that it is not feasible because it will put pressure on maintaining the current membership and would penalize those who comply, putting them at a competitive disadvantage.

The Coalition respectfully requests that the Coalition's Monitoring and Reporting Program Plan (MRPP) be amended with the following changes that would be effective from April 2012 until the new order has been approved by the RWB.

1. Eliminate monitoring at core sites.

The Coalition monitors six core sites under its current MRPP. These sites have been monitored by the Coalition as early as 2004 and include Dry Creek @ Wellsford, Prairie Flower Drain @ Crows Landing Rd, Highline Canal @ Hwy 99, Merced River @ Santa Fe Rd, Duck Slough @ Gurr Rd and Cottonwood Creek @ Rd 20. These six sites were last monitored for Assessment Monitoring constituents in 2011 and returned to Core Monitoring in 2012. In addition, Dry Creek @ Wellsford and Prairie Flower Drain @ Crows Landing Rd have been monitored for high priority management plan constituents for three full years (October 2008 to present). Highline Canal @ Hwy 99, Cottonwood Creek @ Rd 20 and Duck Slough @ Gurr Rd have been monitored for high priority management plan constituents for two full years (January 2010 to present). The Coalition has conducted focused outreach in these five core monitoring locations, demonstrated improvements in water quality and evaluated the effectiveness of newly implemented management practices. The Coalition is aware of water quality issues within these subwatersheds and continued monitoring for core constituents will not increase its understanding of water quality issues in the watersheds.

2. Reduce constituents to be monitored at assessment sites.

The Coalition is monitoring six assessment sites under the current MRPP. The Coalition is requesting to remove the following constituents from the Assessment Monitoring list of constituents: organochlorines, paraquat, glyphosate, all metals except copper and zinc, Total Kjeldahl Nitrogen, total phosphorus, and E. coli.

The following organochlorines are analyzed for by the Coalition: DDD, DDE, DDT, dicofol, dieldrin, endrin, methoxychlor. Of the organochlorines, only dicofol is registered for use by agriculture. The last reported use of any Group A pesticide was in 2006 for lindane in Stanislaus County and endosulfan in Madera, Merced and San Joaquin Counties. In 2005 there were 30 records of reported use of endosulfan, lindane and toxaphene within the Madera, Merced and Stanislaus Counties. There has been no reported use since 2006 of any of the Group A pesticides.

The current water quality trigger limits (WQTL) for glyphosate and paraquat dichloride are 700 and 3.2 µg/L respectively. Since 2006, the Coalition has not had a single exceedance of the WQTL of either chemical.

The Coalition has provided several analyses of the use of applied metals in its Management Plan and in a letter addressed to the RWB submitted on May 14, 2009. In those reports, the Coalition analyzed Pesticide Use Reports to determine that no products containing metals with the

exception of copper and zinc are being used in the Coalition region. Arsenic and lead have been used in agriculture in the past however use has not occurred since before 1998.

The only exceedances of dissolved metals in the Coalition region are copper and molybdenum, and RWB reports indicate that molybdenum is a common natural constituent in surface waters in the Coalition region (Pratt et al. 1988, Westcott et al. 1988, Westcott and Beldon 1989, Westcott et al. 1990a, Westcott et al. 1990b).

The Coalition has been detecting E. coli in water samples since 2004. The Coalition invested resources into doing additional source monitoring using an indicator species, Bacteroides, and also worked with Agricultural Commissioners to conduct creek walks investigating inputs that may be contributing to bacteria within agricultural drains. E. coli continues to be present in samples collected throughout the Coalition region despite outreach and additional implementation of management practices to reduce irrigation water and sediment runoff. The Coalition will participate in the focus group developed as part of the Technical Issues Committee (TIC) for the Irrigated Lands Regulatory Program to address E. coli management plans.

Continued monitoring for E. coli in 2012 does not provide additional information in determining a consistent and technically sound approach for addressing E. coli management plans. The Coalition will work with the other coalitions within the Central Valley to develop a Work Plan to identify and characterize potential agricultural source of E. coli and identify appropriate management practices to prevent discharges to surface waters (if required).

3. Eliminate Management Plan Monitoring with the exception of Bear Creek @ Kibby Rd

The Coalition began Management Plan Monitoring (MPM) in 2007 and has continued MPM for the past four years. Starting in 2008, the Coalition developed a MPM strategy that prioritized constituents and subwatersheds. Monitoring was coupled with focused grower outreach and extensive documentation of management practices. The Coalition demonstrated improvements in water quality in high priority subwatersheds and has submitted requests for the removal of specific constituents/site combinations from the ESJWQC Management Plan. The Coalition is proposing to postpone MPM in all subwatersheds except for Bear Creek @ Kibby Rd. The postponement of MPM would start in April 2012 and resume in 2013. MPM will continue in 2012 at Bear Creek @ Kibby Rd because the monitoring is used as a cost share and to provide information regarding the efficacy of management practices implemented under the Prop 84 project managed by CURES. The Coalition will continue to conduct outreach and education with growers and will use 2013 MPM data to assess the effectiveness of implemented management practices.

As explained previously, the Coalition is facing extreme financial hardship between now and the end of 2012. The cost of the monitoring and reporting program for the current year, even with the reductions being requested, is estimated to reduce operating funds to almost zero by October 2012. Without the

changes requested above, the Coalition will be forced to stop conducting business as early as the November 2012.

By amending the MRPP to eliminate core site monitoring in 2012, reduce required constituents at assessment sites, and postpone 2012 MPM until 2013, the Coalition can utilize those resources for outreach to growers in watersheds with demonstrated water quality problems. Outreach has been demonstrated to be extremely effective in changing grower practices and eliminating water quality problems. Given a choice of expending funds on monitoring or outreach, the Coalition believes that improved water quality will be achieved if the funds are spent on outreach. The Coalition will continue to conduct surface water monitoring within each of its six zones with Assessment Monitoring for priority constituents such as organophosphates, nutrients and metals.

Nevertheless, implementing the new groundwater program is not feasible unless the majority of growers in the Coalition region become members and share the financial burden of complying with new regulations being promulgated by the RWB. The Board of the Coalition believes that it has demonstrated the ability to implement effective programs to comply with the aforementioned regulations.

On a final note, we have requested that the Draft WDR include language that provides a mechanism for the Coalition to notify the RWB that it is no longer able to function and will terminate its responsibilities as specified in the Draft WDR. Unfortunately, if the WDR is not set up in a manner that ensures enrollment from all growers prior to application of new, expensive groundwater requirements, then the Coalition may be forced to terminate its obligations under the WDR. Please be assured that the Coalition truly wants to assist the RWB in working with the irrigated agriculture community in the East San Joaquin geographic area to work towards improving water quality. However, as a volunteer, public benefit corporation, the Board of Directors to the Coalition must make all decisions recognizing its need to conduct itself lawfully, and with an understanding of its fiduciary duties. We hope that we can work with you and your staff to resolve these primary issues.

Sincerely,



Parry Klassen
Executive Director



Wayne Zipser
Board Vice Chairman