Staff Report

Central Valley Regional Water Quality Control Board

Irrigated Lands Conditional Waiver Program

Joint State-Regional Board Meeting

13 September 2007

Kelly Briggs, Compliance and Outreach Unit

Margie Read, Monitoring and Assessment Unit

Joe Karkoski, Policy and Planning Unit

On 17 May 2007 the State Water Resources Control Board (State Water Board) dismissed several petitions in the matter of the *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* (Conditional Waiver). Subsequently on 18 May 2007 the State Water Board announced its intent to hold a joint public meeting of the State Water Board and the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) to receive a response to several questions posed by the Executive Director of the State Water Board with respect to implementation of the Conditional Waiver. This Information Report provides the State Water Board, the Regional Water Board, and the public a response to those questions

The Irrigated Lands Program was established in 2002 in response to amendments to California Water Code section 13269, which required the termination of a waiver of Waste Discharge Requirements that had applied to irrigated land discharges for decades. The scope of the Program is enormous given any regulatory approach – the current Program addresses all surface-water water quality issues associated with irrigation and stormwater runoff from over five million acres of irrigated lands, from near-desert to temperate rainforest climates, hundreds of crop types, and tens of thousands of individual farming operations. The current Program is in its infancy and is rapidly growing and evolving. Such a large-scale regulatory program for irrigated agriculture has not been attempted before, and the Regional Water Board, agricultural industry, and all stakeholders are learning a lot as the Program progresses.

Much as been done during these four plus years:

- An extensive regulatory program has been put in place. Conditional waivers that establish requirements, provisions, and monitoring and reporting have been developed for Coalition Groups and for Individuals, providing an efficient mechanism for farmers to comply with the Water Code.
- Coalition Groups have been formed to coordinate activities within their areas, addressing local conditions, providing education and outreach, conducting monitoring, and providing technical evaluation of data and development of corrective actions to address water quality problems.
- After much controversy and litigation, Coalition Group participant lists are now being received, removing a major obstacle to Regional Water Board outreach and enforcement efforts.
- Monitoring programs are in place and collecting large amounts of data for constituents and locations never before monitored. Exceedances are being identified and reported.
- Education and outreach programs have been developed.
- Much of the irrigated agriculture acreage of the Central Valley Region has been enrolled under a Conditional Waiver.
- Management Plans are being developed, and management practices are being implemented.

- Non-filers are being identified and notified of potential legal obligations under the California Water Code.
- Enforcement for not responding to 13267 Orders and other non-compliance is being pursued.

There is yet much to do:

- A long-term regulatory program is being evaluated and developed to address both surface and ground waters.
- A revised Monitoring and Reporting Program is being developed and will be adopted to improve upon the existing monitoring program and to address evolving issues in the Irrigated Lands Program.
- Processes and procedures to improve the timeliness and completeness of data evaluation are being established.
- Management practices are continuing to be developed and implemented to address identified water quality problems. Studies are being developed to determine the effectiveness of the practices.
- Continue to identify growers not covered by a conditional waiver need to be identified and enrolled in the Program.
- For the growers already in the Program, additional outreach and enforcement ensures that water quality protection becomes routine in all farming operations.
- Implement measures to increase compliance and enforcement efforts.
- Resources to respond to a lawsuit by environmental interests challenging the Conditional Waivers must be allocated.

The following are responses to questions posed by the State Water Board.

I Monitoring and Reporting Program (MRP)

1. **What revisions do the Regional Water Board intend to make to the MRP?**

   There are three major goals for the revised MRP:
   - Fill in identified data gaps needed to improve the existing program and enhance continued program implementation
   - Prioritize identification of pollutant sources and evaluation of BMPs
   - Improve the communication of that data to the Regional Water Board and public

   The proposed MRP, like the current MRP, provides a framework under which each Coalition Group develops its own monitoring plan that is submitted for staff approval in a Monitoring and Reporting Program Plan (MRPP). It has long been recognized that attempting to specify in detail in a single document the sampling

sites and constituent monitoring for millions of acres of irrigated agriculture is not practical. The document would be unwieldy and would lack the flexibility to allow Coalition Groups to account for local site characteristics and conditions, and respond to new data as it is developed. Coalition Group monitoring for its first few years has generally not deviated significantly from the prescribed requirements of the current MPR. In drafting the new MRP, staff is trying to better define the circumstances when Coalition Groups should further customize their monitoring plans to more effectively and efficiently evaluate water quality issues, or to assess the effectiveness of the Coalition Group's program.

The Regional Water Board has been working to revise the Coalition Groups Monitoring and Reporting Program since March 2005. The Regional Water Board and stakeholders have identified and worked to address a number of policy and technical issues utilizing a Policy Advisory Group (consisting of Coalition Group managers, agency executives, and other interested parties), and a Technical Issues Committee (TIC, consisting of Coalition Group members, researchers, environmental interests, and laboratory representatives), and a broader Stakeholder Group. Proposed revisions to the MRP have been made, and a working draft has been circulated for stakeholder review and comment. The draft MRP is currently undergoing independent review by the Southern California Coastal Water Research Project (SCCWRP). Brock Bernstein with SCCWRP is working with the TIC stakeholder group to refine the draft MRP.

The process and mechanisms by which monitoring data is communicated and submitted by the Coalition Groups to the Regional Water Board needs to be improved. Under the current MRP, improved methods of data transfer have been developed that are more efficient for both Coalition Groups and the Board, and that will expedite Board evaluation of the data. The current MRP, however, has a multi-step process for identifying and communicating water quality exceedances, intended to alert staff to potential problems as quickly as possible and to keep the Board aware of Coalition Group follow-up. The process has proven to be cumbersome and paper-intensive, resulting in a lot of time being spent on low priority water quality issues. The revised MRP would improve this process.

The details of proposed revisions to the MRP are not finalized. The independent review is in progress, and then the tentative MRP will be circulated for formal public review and comment before final staff recommendations are prepared. Regional Water Board consideration of the revised MRP is currently planned for the December 2007 Regional Water Board meeting.

2. **What questions does the Regional Water Board believe will be answered by the revised MRP?**

   The fundamental purpose of the MRP will probably not change with the upcoming revision. Details of the program will evolve as our understanding of the water quality issues improves, and as we develop experience in how to effectively monitor discharges from millions of acres of land. The intent of the MRP is not to define water quality conditions in every stretch of every water body, but to provide enough information to identify pollution problems and sources, and then evaluate the effectiveness of corrective actions. The Monitoring Data Workshop held in August 2007 is part of the effort to identify data gaps that should be filled – geographic areas without adequate monitoring sites, constituents that are not adequately characterized, and runoff from specific crop types or farming practices that need further study. As these data gaps are filled in, Coalition Groups can appropriately respond to correct any identified problems. As Management Plans are implemented, monitoring will need to be modified to provide a more detailed assessment of the effectiveness of corrective actions.

3. **Does the Regional Water Board intend that the revised MRP will require submissions that are compatible with the State Water Board's Surface Water Ambient Monitoring Program (SWAMP)?**

   Yes, as does the current MRP. Most data are already in a SWAMP-compatible format. The rest of the data should be in SWAMP format and ready for upload into SWAMP this Fall. Data have routinely been posted and available to the public on the Regional Water Board website. Since the beginning of the Conditional Waiver Program in 2003, the Regional Water Board has stated its intent that data be SWAMP compatible, and ensures that the data collected under the program by the Regional Water Board, Coalition Groups, water districts, individual growers, and other third parties are of high quality. The data are also to be managed so they are either contained within the SWAMP database and publicly available, or are in a SWAMP comparable format that is public accessible. This is critical to the Regional Water Board's commitment to ensure that this program is accessible to the public and is transparent. The program has dedicated data management staff that meet and coordinate with Regional Water Board and State Water Board SWAMP program data managers and the State Water Board's SWAMP contractors. The Regional Water Board has lead staff assigned to each Coalition Group. These lead staff work closely with internal data managers and with the two Coalition Groups that use the same SWAMP compatible data management system. This process has helped to expedite Coalition Group data reviews and greatly increased data and report quality.

4. **What actions does the Regional Water Board expect to take to ensure that the revised MRP will be fully implemented by the Coalition Groups?**

   Lead staff has primary responsibility to ensure that the Coalition Groups fully implement the requirements of the Conditional Waiver, the Coalition Group MRP, and approved MRP Plans. Lead staff review all required reports and discuss any concerns they might have with the Coalition Group. Regional Water Board staff's review is documented in the case files in numerous phone calls, emails, memos, letters, and staff reports. Regional Water Board and Coalition Group staffs have been developing standardized reporting formats and electronic data submission protocols to expedite data submittal and review processes. Lead staff and management continue to meet with most of the Coalition Groups on a quarterly basis to address any comments or concerns any of the parties might have in implementing the existing MRP. This process has been effective in working with the Coalition Groups to address education, compliance and implementation of monitoring activities under the existing MRP and Conditional Waiver. This is an ongoing and evolving process and no specific additional actions are being considered after the Regional Water Board's adoption of a revised Coalition Group MRP.

II Discharger Participation

1. **Is current participation by growers in the irrigated lands program at satisfactory levels?**

   The intent of the Program is to assure that 100 percent of growers with discharges of pollutants from irrigated lands to surface waters are in compliance with the Water Code. September 2006 Coalition Group participant lists indicated approximately 4 million acres of land were covered by the Coalition Group Conditional Waiver. July 2007 lists indicated the acreage enrolled under the Conditional Waiver had increased to more than 5.1 million acres, with more than 28,000 enrollees. The number of irrigated acres of land and number of farming operations that discharge to surface waters is not precisely known. The California Department of Conservation estimated that there were 7.3 million acres of agricultural land in the Central Valley Region in 2004, some portion of which is not irrigated and/or has no runoff to surface waters, and would not be required to seek coverage under the Conditional Waivers. It is our understanding that some growers who are not required to enroll have enrolled either out of caution or to support the water quality improvement efforts of the Coalition Group. The vast majority of the acreage that should be in the Program is in the Program. Since December 2006 new participants cannot join Coalition Groups

without verification by staff of compliance with criteria prescribed in the 2006 Conditional Waiver. More than 140 applications for new Coalition Group participation covering 41,000 acres have been submitted since December 2006, so there is a continuing increase in enrollees under the Coalition Group and Individual Conditional Waivers.

The level of participation is satisfactory considering that this is a new and evolving program regulating a large, diverse class of dischargers not previously regulated. Regional Water Board enforcement actions directed at recalcitrant dischargers and outreach efforts to increase understanding of the Program are continuing and are expected to increase compliance with the Water Code.

2. What actions, if any, does the Regional Water Board plan to take to increase levels of participation?

The Regional Water Board has implemented a number of actions that have been effective at increasing program participation. These actions will continue and will be modified to become more effective and to match program evolution. These actions include:

a. Deadline for joining Coalition Groups. In developing the June 2006 Conditional Waiver, the Regional Water Board was concerned that large numbers of farmers were aware of their need to comply with the Water Code, but were holding back from joining a Coalition Group. A deadline for joining a Coalition Group was set at 31 December 2006, after which new participants could only join a Coalition Group if certain criteria were met. It is clear that this deadline was a major contributor to the large increase in the enrolled acreage between 2006 and 2007. There was a dramatic increase in contacts with the Coalition Groups and the Regional Water Board as the deadline approached, and Coalition Groups reported large numbers of applications arriving right around the deadline.

b. Enforcement. Regional Water Board staff has been directly contacting farmers to determine whether they should be in the Irrigated Lands Program, and whether they have complied with the Water Code. These direct contacts serve a number of purposes: 1) They let the discharger community know the State considers water quality to be a high priority, encouraging Coalition Group signups; 2) they start the process of developing enforcement cases for dischargers not complying with the Water Code; and 3) they validate participant lists submitted by Coalition Groups. More than1400 California Water Code (CWC) section 13267 Orders have been sent to recipients in 19 out of the 38 counties within the Central Valley Water Board boundaries, accounting for 6,683 parcels and

more than 930,000 parcel acres. Recipients are required to complete a two page technical report describing their agricultural operation(s), state if they have obtained regulatory coverage, and, if they have not, state the reason for not doing so. In late 2006, 429 Notices of Violation (NOVs) were issued to recipients that failed to comply with the Water Code section 13267 Orders. Coalition Groups report a significant increase in contacts and applications when 13267 Orders are sent to a geographic area.

To date, 85 recipients have still failed to respond to these Orders. Failure to comply with a Water Code section 13267 Order is a misdemeanor and Water Code section 13268(b)(1) authorizes Water Boards to issue Administrative Civil Liabilities (ACLs) in the amount of up to a $1000 per day for each day the violation occurred. Staff is preparing cases for consideration of issuance of ACL complaints.

Note that these cases are for failure to submit reports required under the Water Code, they are not for discharging waste in violation of the Water Code. A number of cases are being examined for possible enforcement in which discharges are occurring from lands enrolled in a Conditional Waiver but are causing water quality problems, and the responsible parties are failing to take appropriate action to address the problems.

Staff intends to continue issuing 13267 Orders to growers, and is developing a number of tools to better focus those Orders on the growers most likely to be dischargers. These tools include more complete evaluation of Pesticide Use Reports to identify active farming operations using pesticides; GIS evaluation of cropping, soil types, topography, rainfall, and the location of surface waters to identify lands with a high potential for surface water discharges. More efficient means of identifying growers already participating in a Coalition Group are being developed.

c. Public Outreach and Education. For the first few years of the Program staff has engaged in a significant level of outreach, with staff participating in or giving presentations at many grower and industry meetings, providing information on the website, providing flyers to groups to distribute at meetings, fielding grower phone calls, mailing information to growers, answering emails sent to the Irrigated Lands Program email account, and staffing an agency booth at the World Ag Expo in Tulare in February 2006. Over time the public outreach effort is being scaled back and staff time is being increasingly devoted to enforcement-related activities, although public outreach and education will always remain an important element of the Irrigated Lands Program.

III Water Quality / Management Plans

1. **Does the Regional Water Board have good data on exceedances of water quality objectives in surface water bodies within the Central Valley that receive agricultural discharges?**

   Yes. Staff of the Regional Water Board recently prepared a review of the first three years of surface water monitoring data generated for the Irrigated Lands Program (ILP). The report entitled "*2007 Review of Monitoring Data* (Review)" incorporated almost three years of results from eight Coalition Groups, and five individual discharger monitoring and reporting programs. Also included was an extensive amount of data from Regional Water Board contracts with UC Davis designed to investigate agricultural drainages in the Central Valley Region. Additionally, some monitoring by Regional Water Board staff from the Irrigated Lands Program and from the Surface Water Ambient Monitoring Program (SWAMP) was also utilized in the Review.

   All of the monitoring data that were incorporated into the Review were collected under program plans designed to characterize water quality effects from all types of irrigated agriculture activities during both irrigation and storm seasons. The Review also evaluated the results to identify exceedances of both numeric and narrative objectives in the Sacramento San Joaquin and Tulare Lake Basin Plans. A copy of the Review is available at the Irrigated Lands web page:

   http://www.waterboards.ca.gov/centralvalley/programs/irrigated_lands/monitoring_activity/index.html

   Sources of additional surface water monitoring data are being collected by Jones and Stokes, the contractor that is developing an Environmental Impact Report (EIR) for the Program. A list of 120 sources of surface water quality data has been generated for the development of the Existing Conditions Report of the EIR, although the issue of exceedances is not necessarily addressed directly.

2. **Does the Regional Water Board have good data on exceedances of water quality objectives in groundwater within the Central Valley that receive agricultural discharges?**

   Monitoring for the Irrigated Lands Conditional Waiver does not currently include groundwater. However, sources of groundwater information are being collected by Regional Water Board staff and provided to Jones and Stokes, the contractor that is developing an EIR for the Program. A list of 57 sources of groundwater data has been generated for the development of the Existing Conditions Report of the EIR, although the issue of exceedances is not necessarily addressed

directly. Where monitoring data is provided, however, an evaluation of exceedances could be generated. The scopes of the Existing Conditions Report and Environmental Impact Report are being modified to include groundwater data and alternatives for the long-term regulatory program to address groundwater quality exceedances.

3. **What actions do the Regional Water Board and the Coalition Groups plan to take to address any violations or exceedances that are found?**

The existing Monitoring and Reporting Program requires that Coalition Groups report exceedances to the Regional Water Board by submission of an Exceedance Report. Follow-up Communication and Evaluation Reports are required to address corrective actions taken in response to the exceedance. These reports allow the Regional Water Board to be aware of water quality concerns as the data are being collected and assessed, and to provide an opportunity for Program staff to engage with the Coalition Group, if necessary, to better address the concerns. The reporting process is a key element of the Program and has greatly improved over the past few years. Communication Reports and follow-up on actions taken or proposed to ensure that the conditions of the Conditional Waiver are being met are tracked to ensure that exceedances are being address in a timely manner.

Management plans are technical reports that evaluate the effectiveness of existing management practices in achieving water quality standards, identify additional actions that are proposed to be implemented to achieve applicable water quality standards, and identify how the effectiveness of those additional actions will be evaluated. The 2006 Coalition Group Conditional Waiver made changes to the requirements for submission of management plans. When a Coalition Group determines that discharges have caused or contributed to exceedance of an applicable water quality standard, the Coalition Group is required to promptly notify the Regional Water Board. The Coalition Group Conditional Waiver requires that a Management Plan be developed when an exceedance occurs more than once in a three year period, unless the Executive Officer determines the exceedance is not likely to be remedied by a Management Plan. Further, the Executive Officer may require the Coalition Group to submit a Management Plan to address any exceedance, even if the data does not exceed a standard more than once in a three-year period, when necessary to protect water quality. The Executive Officer has exercised this option previous to the 2006 Conditional Waiver updates.

4. **Will the Regional Water Board require the preparation and implementation of more management plans in response to violations that are found?**

   The Executive Officer can and has requested Coalition Groups to submit management plans to address any water quality concerns as prescribed in the Coalition Group Conditional Waiver.

   Lead staff are working directly with the Coalition Groups to improve the overall quality of the management plans and to address concerns with management plan submittal timelines and implementation schedules. A number of Coalition Groups have developed management plan submittal strategies. These strategies consider various parameters such as, but not limited to, priority waterbodies, number of water quality concerns, and the ability to implement effective management practices, implementation timelines, and implementation resources. Due to the number of exceedances in some watersheds, these strategies are critical to ensure that the Coalition Group(s) and its members are working to address the most critical water quality concerns in an efficient and timely manner.

5. **Does the Regional Water Board expect that the use of such management plans will fully address the elements of the State Water Board non-point source policy?**

   The use of management plans to address identified water quality concerns is a key element of the Coalition Group Conditional Waiver. The management plan and the plan's minimum requirements, other conditions required by the Conditional Waiver, and other activities conducted by the Irrigated Lands Program have been designed to address the goals and five-year implementation plan objectives the State Water Board's *Non-point Source Compliance and Enforcement Policy*.

   The requirements for a Management Plan are as follows:

   a. The Management Plan shall evaluate the effectiveness of existing management practices in achieving applicable water quality standards, identify additional actions, including different or additional management practices or education outreach that the Coalition Group and/or its Participants propose to implement to achieve applicable water quality standards, and identify how the effectiveness of those additional actions will be evaluated.

b. The Management Plan shall include a waste specific monitoring plan and a schedule to implement additional management practices to achieve applicable water quality standards.

c. The Management Plan shall designate the person(s) who will implement, assess and evaluate the Management Plan and each person's area(s) of responsibility.

d. The Coalition Group and/or its Participants shall submit any modifications to the Management Plan required by the Central Valley Water Board and address the Central Valley Water Board's comments within 30 days of written notification, unless otherwise directed by the Executive Officer.

e. The Coalition Group and/or its Participants shall make Management Plan available to the public upon written request. The Central Valley Water Board may provide the public an opportunity to review and comment on submitted Management Plans.

IV Coordination with Other Agencies

1. What is the Regional Water Board currently doing to coordinate with other agencies involved in agriculture, including the Department of Pesticide Regulation, Department of Food and Agriculture, County Agricultural Commissioners, and the U.C. Extension Farm Advisors?

From the beginning of the Program in 2003, staff has coordinated with many federal, state and local agencies involved with agriculture, and continues to do so. These agencies include, but are not limited to, the United States (US) Environmental Protection Agency, the US Department of Agriculture Natural Resources Conservation Service, the US Department of Fish and Wildlife, the California Department of Pesticide Regulation, the California Department of Fish and Game, the California Department of Food and Agriculture, the California Department of Conservation, the University of California (UC) and UC Cooperative Extension, County Agricultural Commissioners, County Resource Conservation Districts, and water districts and associations. Industry groups such as the California Association of Certified Crop Advisors and commodity groups have also been included in coordination efforts. Coordination activities are regularly reported in the Regional Water Board's Executive Officer's Report in the Irrigated Lands Program status report and Public Outreach sections. The following are some highlights of recent coordination activities.

Technical Issues Committee. The Technical Issues Committee (TIC) has been chaired by Regional Water Board Chair, Dr. Karl Longley, since it's first meeting in 2004. The attendees at the meetings vary somewhat depending on the issues being addressed. The following is a list of parties that attended the August 14, 2007 TIC meeting:

- Regional Board Members: Karl Longley and Dan Odenweller
- Regional Board Management: Ken Landau and Margie Read
- Regional Board Staff
- Coalition Group Representatives
    - California Rice Commission (CRC)
    - Sacramento Valley Water Quality Coalition
    - San Joaquin County & Delta Water Quality Coalition
    - South San Joaquin Water Quality Coalition
    - Westside Coalition
- Individual Conditional Waiver Enrollees
    - Merced Irrigation District
    - Modesto Irrigation District
    - South San Joaquin Irrigation District
    - Turlock Irrigation District
- Agency Representatives:
    - California Department of Food and Agriculture
    - California Department of Pesticide Regulation
    - Kern County Water Agency
    - Kings River Conservation District
    - Sacramento County RCD
    - Merced Planning Commission
    - State Water Resources Control Board
    - Sutter County RCD
    - University of California at Davis
- Consultants:
    - G. Fred Lee, G. Fred Lee & Associates
    - Joel Miller, Environmental Consulting
    - Larry Walker and Associates
    - Lenwood Hall, University of Maryland
    - Pacific EcoRisk (analytical lab)
- Other interested parties
    - Rod Schuler, Retired, Public Works
    - Western Plant Health Association

Subgroups of the TIC, known as Focus Groups, are formed to address specific issues related to water column and sediment toxicity, laboratory procedures, bioassessment and nutrients. Through regularly scheduled meetings and Focus

Groups that are facilitated by Regional Water Board staff, many technical issues have been discussed, and recommendations made regarding various Irrigated Lands topics. Recommendations include suggestions varying from the use of appropriate triggers to require Toxicity Identification Evaluations, to appropriate end points for sediment toxicity analyses, to guidance for measurement of stream flows when samples are collected. Most significantly, the TIC has been involved in evaluating the Coalition Group Monitoring and Reporting Program and in making recommendations on draft revisions to the MRP. This has been a two-year process, and many of the TIC recommendations are incorporated into the most recent working draft of the MRP.

Memorandum of Understanding. The Memorandum of Understanding is a signed agreement between the State Water Board, the Regional Water Board, the Department of Pesticide Regulation (DPR), and the Agricultural Commissioners of Butte County and Glenn County (Commissioners). Since January 2006, staff has been working with the Commissioners on the MOU Pilot Program that supports the Irrigated Lands Program. Through the MOU Pilot Program, the Commissioners have informed growers and other agencies, including Resource Conservation Districts, the Natural Resources Conservation Service, and water and irrigation districts, of the goals of the Program and the actions necessary to comply with the Conditional Waivers.

University of California Cooperative Extension. Irrigated Lands Program staff began coordination efforts with the University of California Cooperative Extension (UCCE) in 2004 and met again with UCCE Farm Advisors in May 2007. Meetings were conducted at the Kearney Agricultural Center in Parlier and at the University of California campus at Davis. Staff met with Farm Advisors to provide an update on the Program (including the waivers adopted in June 2006, the development of a new Monitoring and Reporting Program Order, water quality monitoring results, grower participation, and enforcement efforts), and to discuss potential roles for UCCE Farm Advisors in supporting the work being undertaken by growers and Coalition Groups in the Irrigated Lands Program. One Farm Advisor shared an approach he had recently taken in following up on a pesticide exceedance. He identified the potential commodity and localized areas where the pesticide had been applied, and met with the growers in those areas to discuss the exceedance and steps that could be taken to prevent offsite movement of the pesticide to surface waters. This is a promising approach for some types of exceedances and staff plans to work with Farm Advisors and Coalition Groups to expand the use of this approach and further evaluate it.

Grant Funded Projects. Irrigated Lands Program staff work as grant managers on Proposition 50 water quality grants. Currently staff is working with the following agency grantees:

- Contra Costa County Resource Conservation District
- El Dorado County Resource Conservation District
- Goose Lake Resource Conservation District
- San Joaquin County Resource Conservation District
- University of California, Davis Cooperative Extension
- University of California, Davis in coordination with the California Rice Commission
- Yolo County Resource Conservation District

The associated water quality grants cover a range of activities in the Sacramento Valley and the Sacramento-San Joaquin Delta regions. Much of the work being conducted is to support efforts in the Irrigated Lands Program and includes water quality monitoring; identifying, implementing and monitoring the effectiveness of best management practices; and outreach for introducing best management practices to grower communities.

2. **What does the Regional Water Board plan to do to coordinate with these agencies in the future?**

The Regional Water Board will continue to use the TIC, focus groups and stakeholder meetings to coordinate with these agencies and the public. General updates to the Regional Water Board using Information Reports and Executive Officer Reports is a common practice and will continue. Additional efforts have been implemented to provide opportunities for agencies and program staff to meet and address common goals and concerns. As an example, regular meetings every six months with UC Corporative Extension have been very helpful to address issues regarding specific management practices, problematic watersheds, staff education and training and improving technical support for Coalition Groups. The Policy Advisory Group and larger Stakeholder Group will start meeting again in 2008.

V Coalition Group Compliance with Conditional Waivers Conditions

1. **How will the Regional Water Board track failure to comply with waiver conditions?**

Lead staff are responsible for reviewing all submittals received by the Regional Water Board to determine if all of the conditions of the Conditional Waiver are being met. The Program has developed various checklists to ensure that Regional Water Board staff reviews are consistent between Coalition Groups, lead staff, and Regional Water Board offices. There are regularly scheduled

meetings held by program management with lead staff to discuss the status of Coalition Group oversight, compliance issues, emerging issues, policy issues or needs, and coordination with program compliance and enforcement staff. Each lead staff member maintains a tracking system for each Coalition Group. In addition, the program is in the process of developing written program manuals to further improve review of Coalition Group activities and tracking compliance with Conditional Waiver conditions. Staff resources are focusing on follow-up on exceedance reports, communication reports, and management plans, and inspections related to complaints.

2. **Does the Regional Water Board plan to issue notices of violations when a waiver condition, such as a failure to submit a report, is not met?**

   Yes, although not every individual violation will warrant issuance of a Notice of Violation (NOV). The Regional Water Board has issued NOVs to both Coalition Groups and individual dischargers for failing to submit timely technical reports. The program continues to process grower information, Coalition Groups membership data, and water quality related information to determine compliance with the program's requirements and Conditional Waiver conditions. The Regional Water Board will continue to address issues related to compliance with programs and waiver conditions using the State Board's tiered enforcement policy, including the issuance of NOVs, 13267 letters, Cleanup and Abatement Orders, etc.

3. **Does the Regional Water Board intend to decertify Coalition Groups that engage in a continuing series of violations?**

   Yes. To date, the Regional Water Board has not decertified a Coalition Group. Development and implementation of the Conditional Waiver has focused on various aspects during the last four years. The Regional Water Board has focused significant efforts on educating the regulated community on requirements of the California Water Code, the State Water Board's and the Regional Water Board's plans and policies, and the Irrigated Lands Conditional Waiver Program requirements. The Regional Water Board staff has addressed, and continues to address, questions and concerns from growers, agencies, Coalition Groups, Water Districts, special interests, and the general public. More recently, program staff has put additional focus on compliance of both individual growers that do not appear to be engaged in the Program (and should be), and the performance of Coalition Groups. The Program has set participation/non-participation as a high priority for compliance and enforcement activities.

VI Long Term Program

1. **What is the current status of the Regional Water Board's plan to develop a long-term program to address agricultural discharges including threats to groundwater?**

   Alternatives for the long-term program are to be developed and evaluated through the EIR process. One of the first steps in development of the EIR is completion of an Existing Conditions Report (ECR), which provides foundational water quality information to be used in the EIR. A draft ECR was prepared and circulated for public comment in early 2006. Several public workshops were held to solicit comments on the ECR and substantial written comments were received. Two major changes resulted from debate on the draft ECR. First, it was concluded that the draft ECR did not contain all of the surface water data that should be considered in the EIR process. Second, it was decided that the scope of the EIR should include alternatives for regulating impact on groundwater from irrigated agricultural activities, so the scope of the ECR needed to be expanded to include existing groundwater quality conditions. Program staff has completed their review of public and internal comments on the ECR, and is in the process of revising the ECR scope of work to address these comments, the consideration of additional surface and ground water quality data, and the refocus on the impact of agriculture on all waters of the State. Once the revised scope of work is completed and approved, it will be transmitted to the contract unit so a revised budget can be developed. After review of the budget, the EIR contract will need to be revised to address the new scope of work and revised budget. Due to the nature of the ECR comments and the redirection to address ground water more fully, a new timeline will need to be developed and considered by the Regional Water Board. At a minimum, the timeline for completing the EIR process will need to be extended until July 2009.

2. **What is the schedule for adopting the final program?**

   The EIR should include sufficient detail of long-term program alternatives to allow the selected alternative(s) to be implemented upon completion of the EIR process by July 2009. It is possible, however, that the selected alternative could require additional public review. This additional public review could take up to six months to develop the specific alternative, circulate the alternative and present it to the Regional Water Board for consideration.