



# East San Joaquin Water Quality Coalition

**Parry Klassen**  
Executive Director

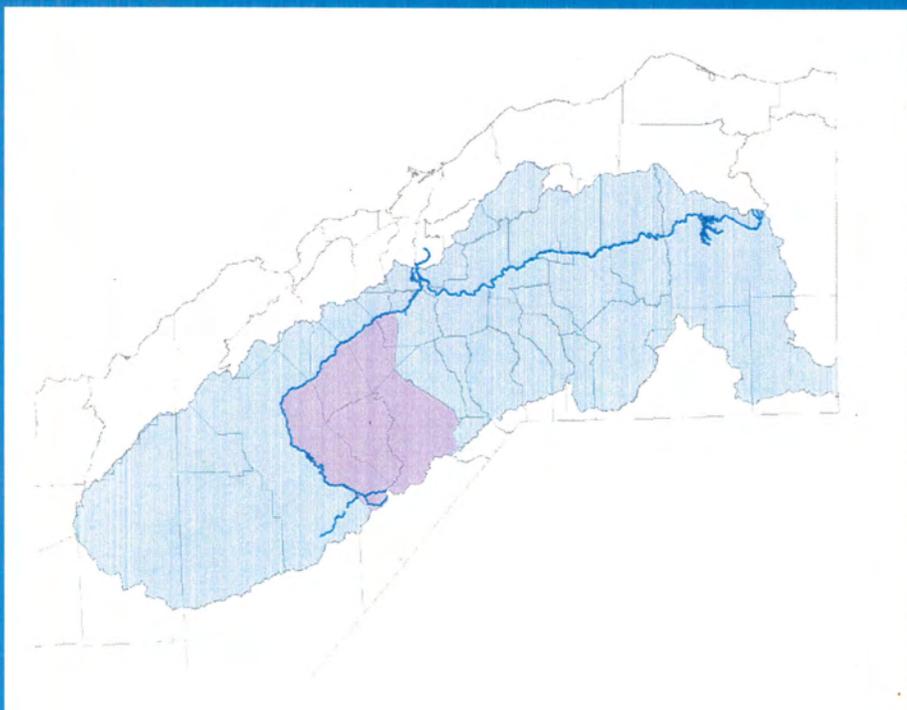
**Tess Dunham**  
Legal Counsel

**Rob Mikkelsen, IPNI**

*Merced River*



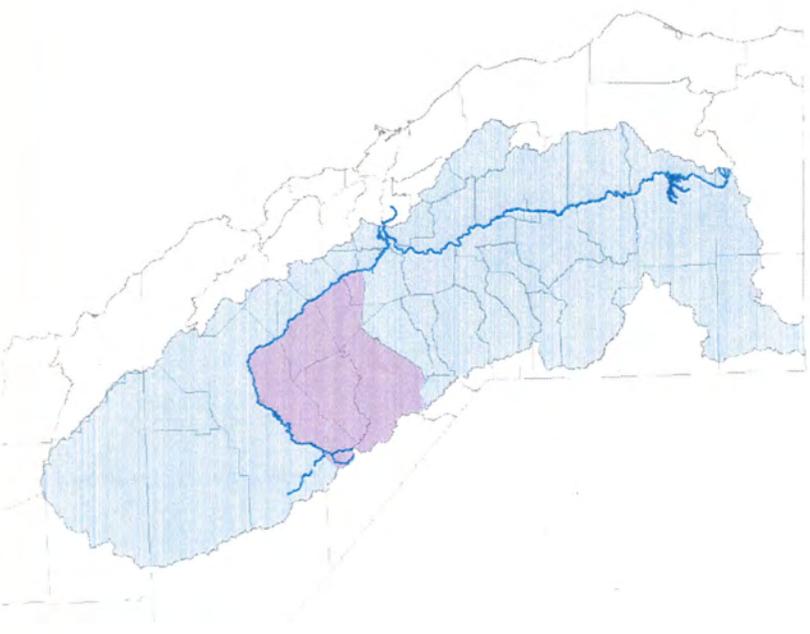
- Coalition Overview
- Surface water successes
- WDR Comments





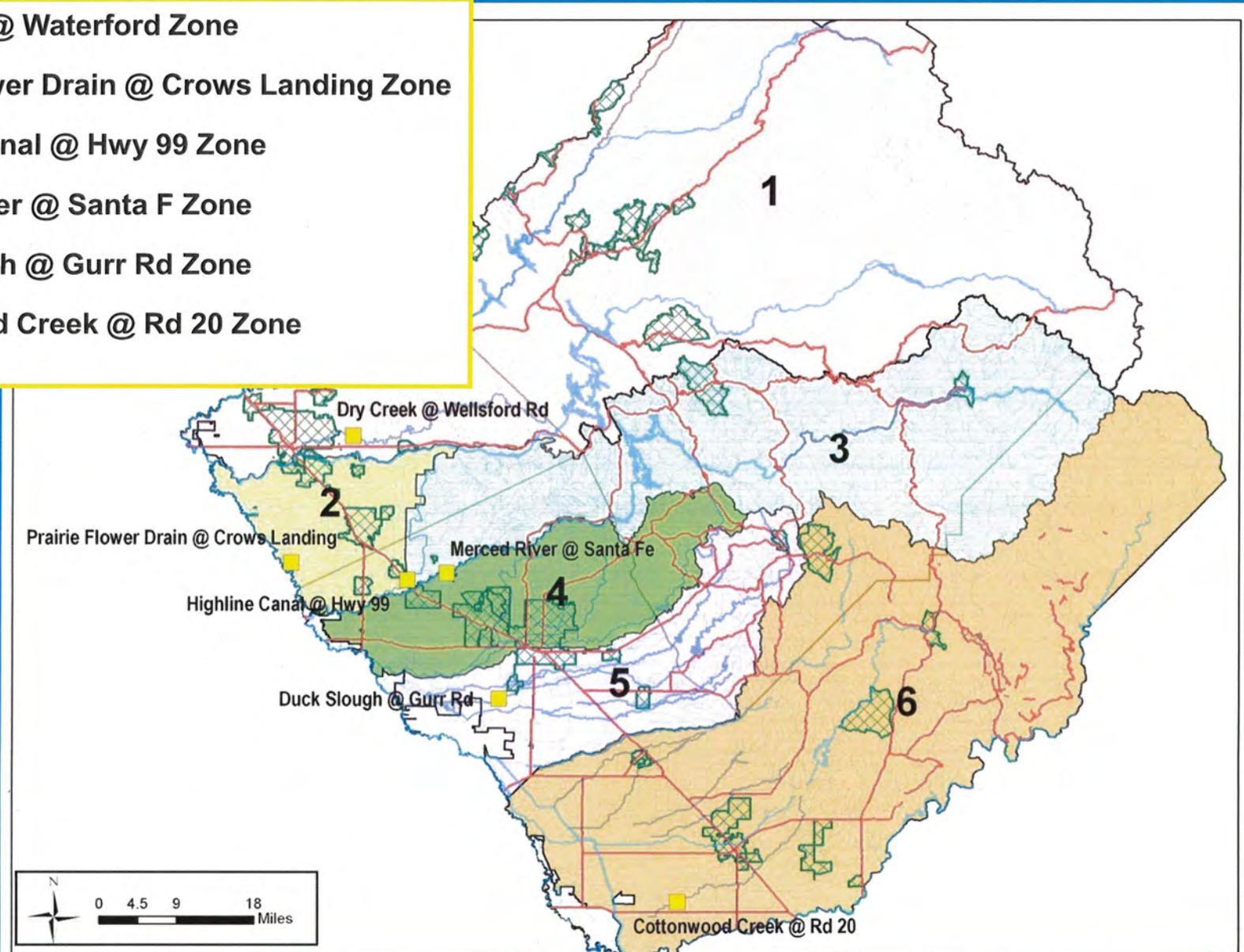
# Coalition Overview

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



# ➤ 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



# ESJWQC Management Plan Process

- Over 25 waterways with MPs in the ESJ region
- “Priority” Subwatersheds
  - 2 year focused approach
  - Outreach and monitoring
- 200 grower visits by ESJWQC staff

Station Code	Sample Date	Chlorpyrifos	Dimethoate	Bifenthrin	Diuron	Methomyl	Simazine
<b>Black Rascal Creek @ Yosemite Rd</b>	<b>24/July</b>	<b>3.7</b>		<b>0.014*</b>	<b>0.51</b>		
Deadman Creek @ Hwy 59	24/July						
Bear Creek @ Kibby Rd	24/July	<b>0.049</b>					
Deadman Creek @ Gurr Rd	24/July	<b>0.005*</b>					
** Dry Creek @ Wellsford Rd	17/July	<b>0.021</b>	<b>0.66</b>				
Duck Slough @ Gurr Rd	24/July	<b>0.007*</b>					
Duck Slough @ Hwy 99	24/July	<b>0.011*</b>					<b>0.17*</b>
Highline Canal @ Lombardy Ave	17/July	<b>0.017*</b>					
Highline Canal @ Hwy 99	17/July	<b>0.015*</b>					
Highline Canal @ Hwy 99	17/July	<b>0.017*</b>					
Hilmar Drain @ Central Ave	17/July	<b>0.015*</b>	<b>0.35</b>				
Jones Drain @ Oakdale Rd	17/July	<b>0.055</b>					
** Livingston Drain @ Robin Ave	17/July	<b>0.011*</b>					
Miles Creek @ Reilly Rd	24/July	<b>0.01*</b>				<b>0.21</b>	
Merced River @ Santa Fe	17/July	<b>0.018*</b>					
** Prairie Flower Drain @ Crows Landing Rd	17/July	<b>0.009*</b>					
** Silva Drain @ Meadow Dr	17/July	<b>0.031</b>					



# Progress in Priority Management Plan Waterways

## 1<sup>st</sup> and 2<sup>nd</sup> Priority Watersheds (2008-2012)

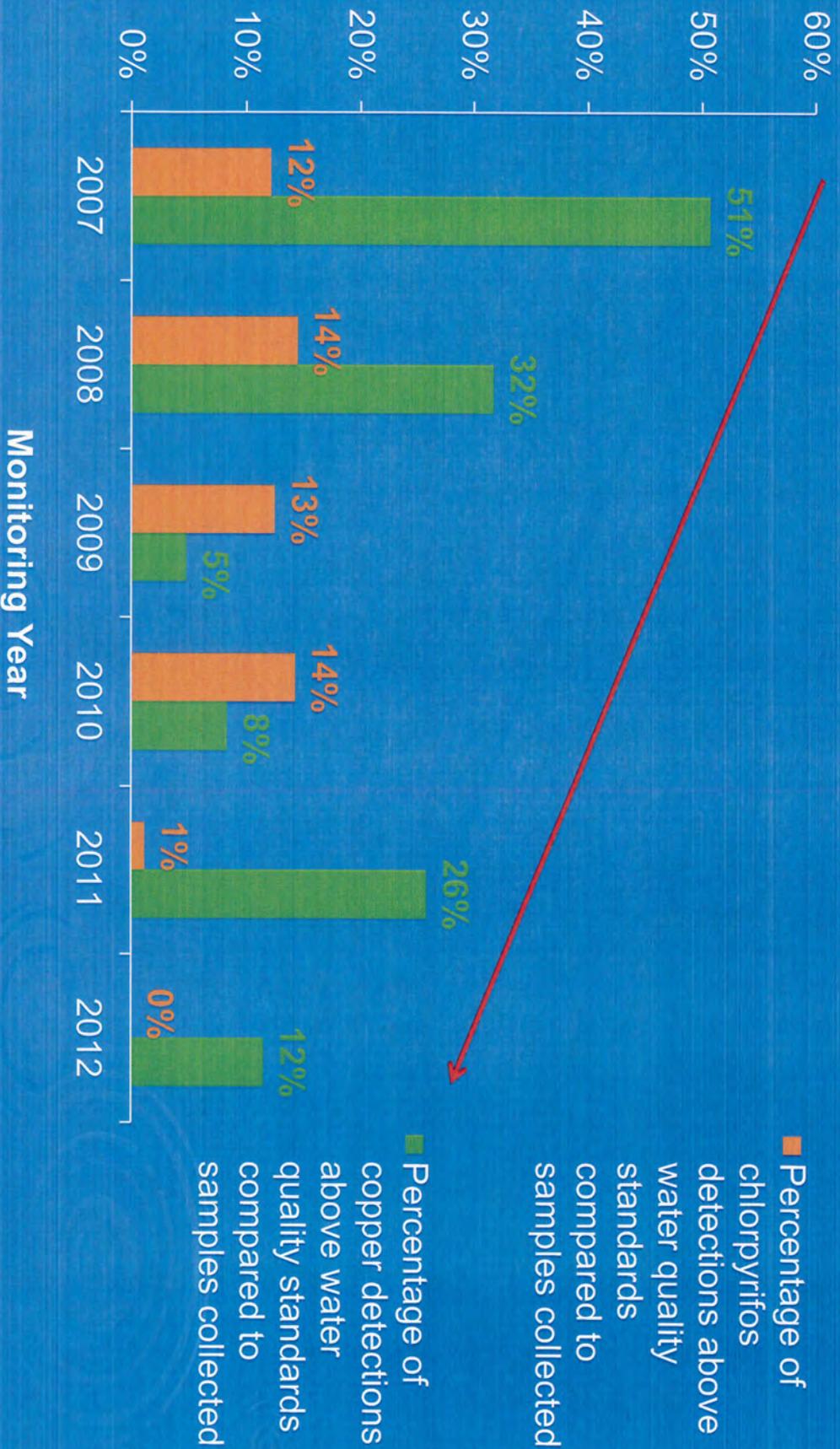
- Completed focused outreach strategy
- Several new management practices implemented
- Large decrease in exceedances following outreach

## 3<sup>rd</sup> 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

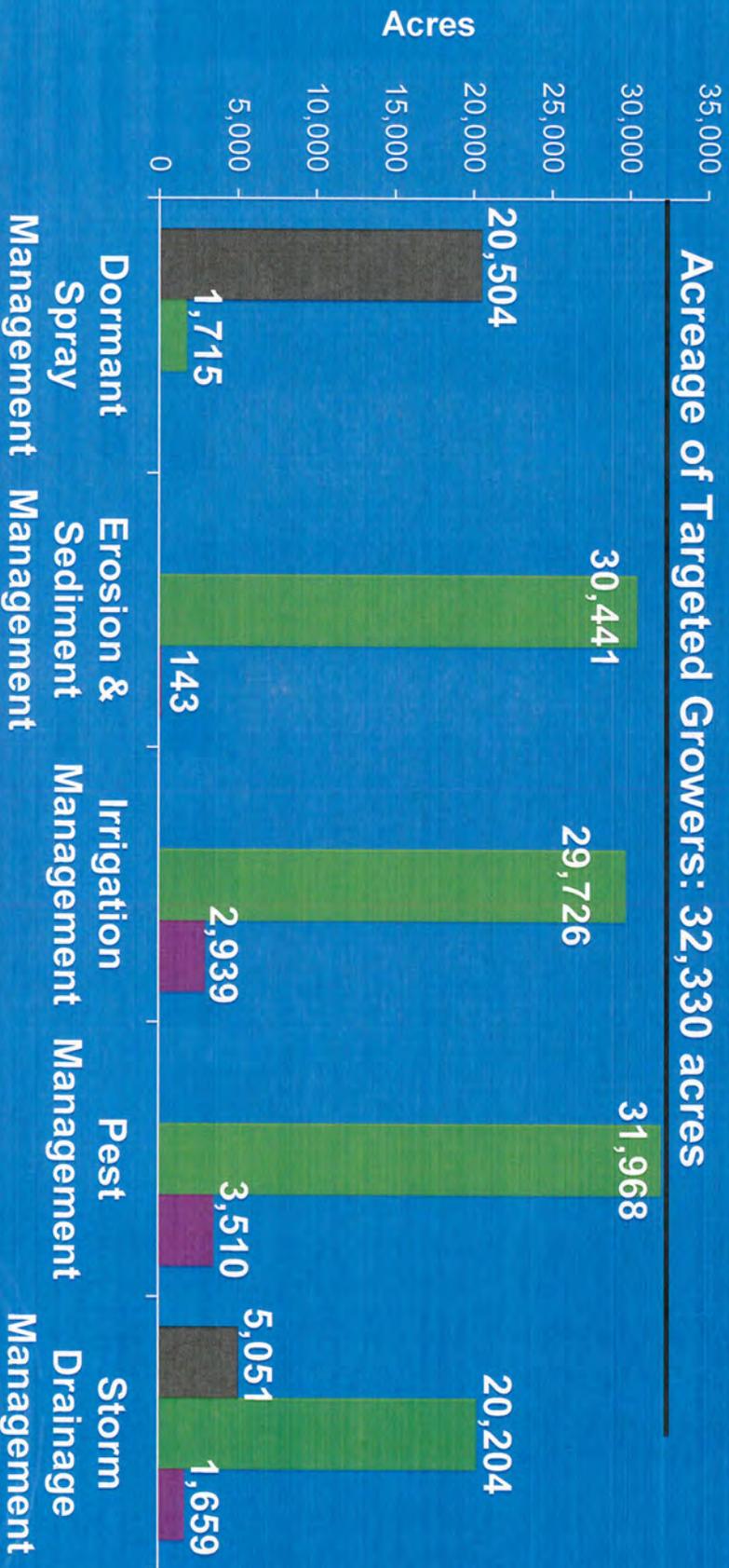
Continue until cover all 26 management plan waterways

# Exceedances in 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Priority Subwatersheds



# Management Practices in 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Priority Subwatersheds

Acreage of Targeted Growers: 32,330 acres



- Acreage of member parcels where the specific category of management practice is not applicable
- Acreage of member parcels with management practices (before Coalition outreach)
- Acreage of member parcels with additional management practices (after Coalition outreach)

# Results with Current Program

- Education & Outreach Work
- Real Water Quality Improvements Have Occurred
- Third-Party Coalitions Are Effective
- Long-Term Program Needs To Build on Current Program – Not Replace Current Program

# Comments on Tentative WDR

- Major New Program
  - Administrative Burden
  - Cost
- Includes Major New Elements
- Nitrogen Management Approach Needs to Be...
  - Logical
  - Scientifically Sound

# Overall Impact

## New program will .....

- Increase costs by 50% - 70%
- Current surface water program \$1.4 million per year
- Create Massive new paperwork
- New member potential: 1000-2000 additional growers
- Farm Evaluation compilation and reporting
- Nitrogen management plan summary compilation and reporting

# Major New Key Components

- Farm Evaluations
- Nitrogen Management Plans & Summaries
- Sediment and Erosion Control Plans
- Groundwater Trend Program
- Management Practice Effectiveness Program

# Nitrogen Management Plans & Summaries

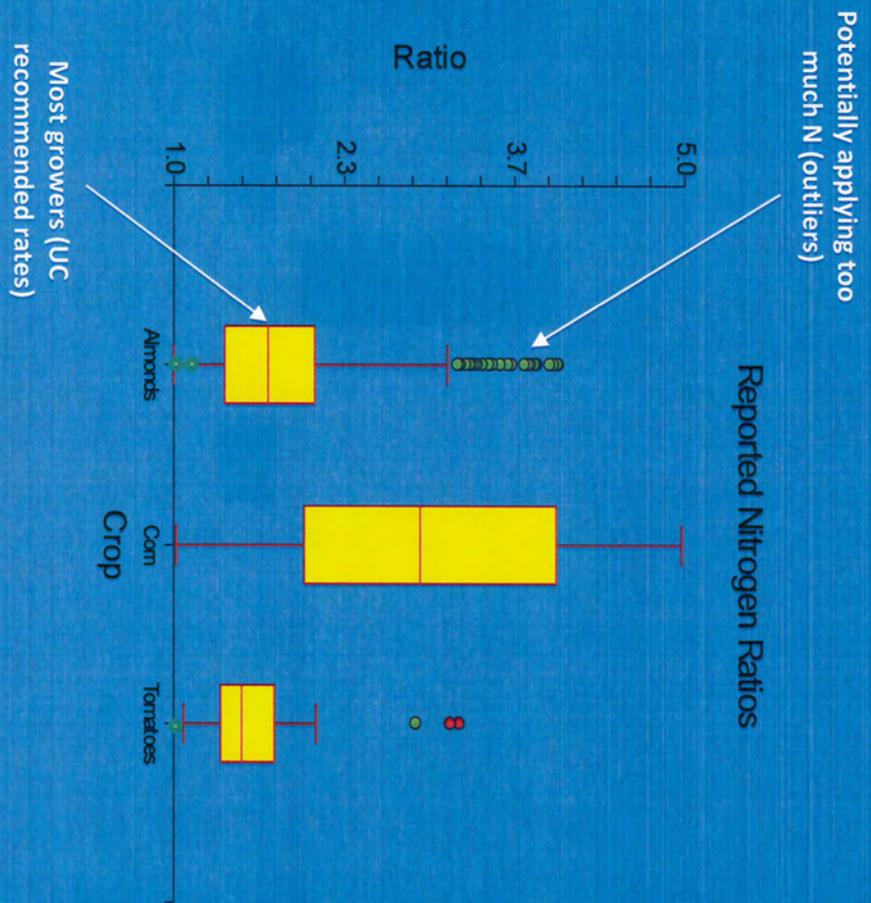
- Goal is working toward improvements in Nitrogen management (when/if needed)
  - Helps growers understand their use in context with like crops
  - Will evolve into better management of nitrogen as information is developed
  - Helps to identifies outliers
  - Focuses on crop needs – not total applied

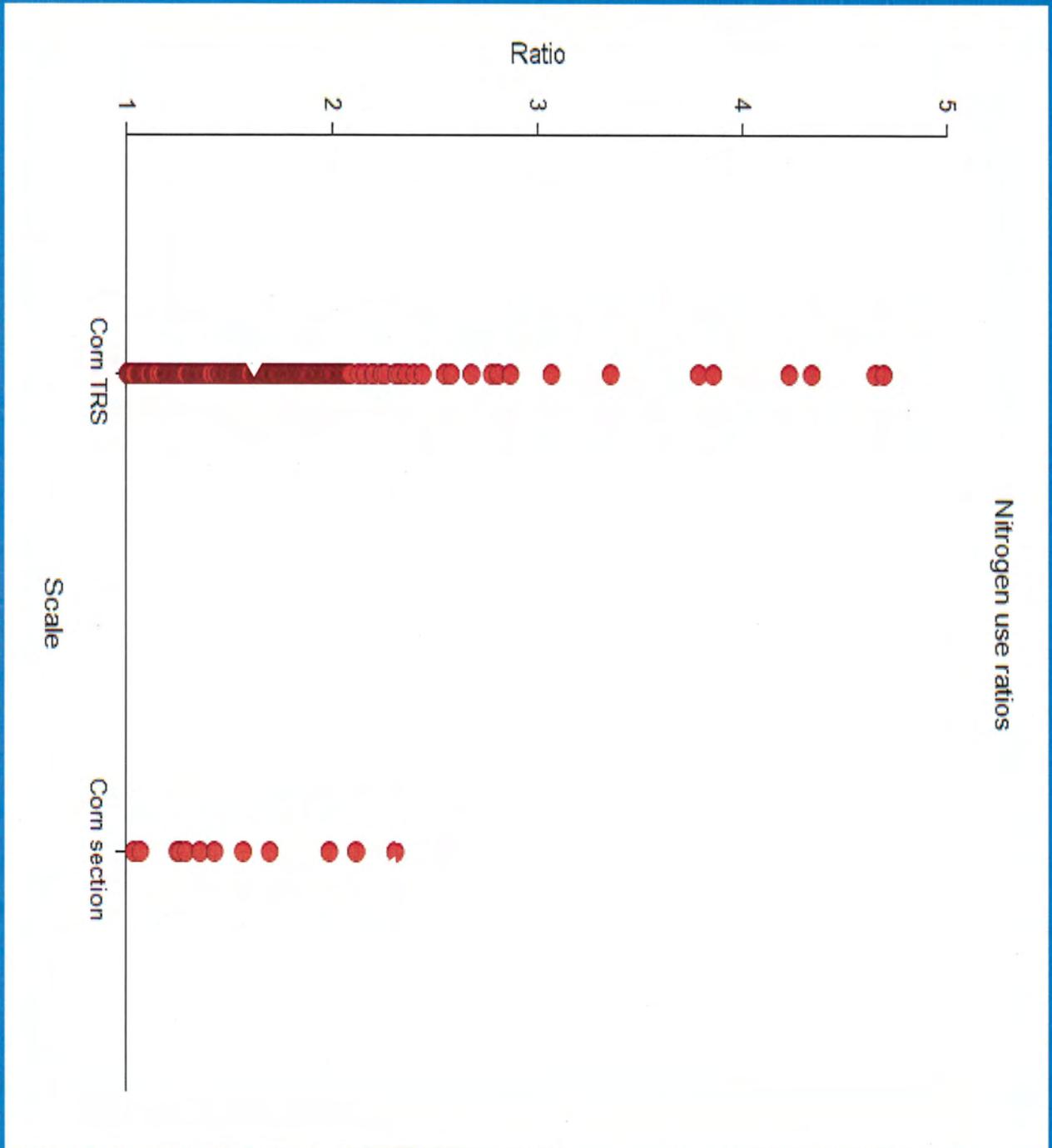
# Management Practice Effectiveness Program

- Need to work with experts
  - Public and private agronomists already examining how to improve use efficiency, minimize movement past root zone
- Need to develop additional information
  - Commodity studies will take time
- Need to evaluate additional information
  - Studies need to occur over multiple years

# Township Level Reporting

- Need Adequate Scale for Comparisons
- Individual Farm Level Creates Massive Paper - But No Context
- Sections are too small for context, could be a single grower





# Value of ESJ Coalition

- Best suited to collect information on farm practices & nitrogen management info from growers
- Board is run by growers & those involved with agriculture
- ESJ has proven it can make a difference

# Concepts to Remember

- Encourage you to be flexible, as you have committed to be.
- What is good for ESSJ doesn't mean its good for other regions.
- Other regions should be able to adjust programs based on their conditions.



**Tess Dunham**  
**Legal Counsel**

# General Legal Concerns

- Significant changes with no opportunity for written public comment
- Significant LATE changes with no opportunity for written public comment
- Significant Litigation Developments with no opportunity to evaluate impacts
  - Administrative Record Issues in Litigation over EIR

# Farm Management Performance Standards

Tentative Order proposes:

- Implementation of farm management water quality practices that
  - Minimize waste discharge offsite
  - Minimize percolation of waste to groundwater
  - Prevent pollution and nuisance
  - Achieve and maintain water quality objectives
  - Protect well heads from surface water intrusion

# Typically ...

- Performance type standards are required to maintain current levels while working towards compliance with water quality standards
- Are not related to complying with water quality standards
- Are associated with effluent limitations – not management practices

# Concerns with Inclusion in WDR

- Duplicative of other requirements
    - E.g., see Provisions IV.A.3, and IV. B.6Members required to implement management practices to achieve compliance with water quality standards
  - Not based on current performance
  - Open to subjective interpretation
  - Creates additional liability
- Request: Delete Inclusion of WQS from Performance Standards

# Open Ended Request for Individual Member Information

- Provision X would allow Regional Board to request “individual member information used by the third-party to prepare required reports....”
- No qualifications for when such request can be made
- Should be limited to same circumstances as would be justified under section 13267

# Requested Revision

## ➤ Revise as follows:

“The maintained reports or records, including electronic information, shall be made available to the Central Valley Water Board upon the written request of the Executive Officer. The written request shall include an explanation with regard to the need for the reports and the Executive Officer’s justification for the information.”

# Additional Reasons Against Farm Level Fertilizer Use Reporting

- Statewide Legislative Issue – Not Individual Regional Boards
  - Legislature likely to consider this year
- Similar Central Coast Requirements
  - Under review by State Water Board
  - Stayed in the Interim



# Questions?

**Parry Klassen**

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**[www.esjcoalition.org](http://www.esjcoalition.org)**