Central Valley Water Board Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report (PEIR)
Meeting Summary, Tulare Public Workshop

September 8, 2010, 5:00 p.m. – 8:00 p.m.
Southern California Edison Agricultural Technology Application Center
4175 S Laspina Street, Tulare, CA 93274

Attendees: 81

Baker, John	Rural Water Association
Bamben, Lawrence	General Public
Bauer, Lauren	KCWA
Bechara, Antoine	
Blakely, Bob	Ca Citrus Mutual
Blattler, Robert	JDW
Bommely, Steve	Provost & Pritchard
Brogan, Dave	DE Irrigation District
Castillo, Romelia	COUSD
Castillo, Ronnie	OPUD
Chambers, Ed	TB Irrigation District
Cone, David	SSJVWQC / KRCD
Cononl, Ernest	young wooldridge
Creamer, Casey	CA Cotton Growers Association
De Anda, Susana	Community Water Center
Firestone, Laurel	Community Water Center
Francis, Rose	Community Water Center
Fuicuda, Aaron	Tulare Irrigation District
Galleges, Masen	Youth for A.G.U.A
Garcia, Richard	Sierra Club
Gatti, Nick	SSJVWQC / KRCD
Gianquinto, Jason	Semitropic Water Storage District
Gregory, Jim	
Guinn, Dewain	TB Irrigation District
Hampton, David	Buena Vista Water Storage District
Hangrano, Terry	J & S Farms
Herrera, Maria	Community Water Center
Hoelzel, Rick	Kings River Conservation District
Hutchings, Warren	IAS
Ishida, Allen	Board of Supervisors
Kahn, David	Kahn, Soares, & Conway, LLP
Karkoski, Joe*	Central Valley Water Board
Kouacovich, Michael	WM Bolthouse Farms Inc
Kraft, Scott	LA Times
Laputz, Adam*	Central Valley Water Board
Larsen, Mark	Kaweah & St. Johns Rivers Association
Lemoine, Paul	General Public
Lessel, Dennis	TB Irrigation District
Lombrand, Guido	Portlwells Irrigation District

Love, Christal *	Center for Collaborative Policy
Magana, Adolfo	Agua
Magana, Maria	Agua
Magill, Sam*	Center for Collaborative Policy
Majana, Simous	Agua
Martin, John	Tehachapi-Cummings County Water District
Martinez, Esther	Agua
McKinnis, Orvil	Westlands Water District
Medellin, Luis	EQS
Mendoza, Joanna	Youth for A.G.U.A
Mendoza, Veronica	Vecinos Unidos Agua
Meraz, Sandra	Central Valley Water Board Member
Muhar, Jeevan	Arvin-Edison Water Storage District
Needham, Edward	
Nieto, Josie	Agua
Orezed, Elena	Agua
Orth, David	SSJVWQC / KRCD
Osterling, Eric	SSJVWQC / KRCD
Plevin, Rebecca	General Public
Pritznr, Doug	TR Water District
Queuelo, Josie	Vecinos Unidos Agua
Quintana, Becky	Stone Corral School
Roberson, Lynda	Burr Sunny Slope
Roberson, Mark*	Economic Analysis Consultant
Roberson, Waymon	Burr Sunny Slope
Rodgers, Clay	Central Valley Water Board
Rushton, Mike*	ICF International
Sally, Dale	Exeter Irrigation District / Ivanhoe Irrigation District
Scedt, Redes	
Schaefer, Sam	GEI Consultants / Peso Creek Irrigated Regional Water Management Plan
Schafer, Z.L.	
Seaton, Phoebe	CRLA, Inc
Simmons, George	SC Irrigation District
Sloan, Linda	Provost & Pritchard
Smith, Megan*	ICF International
Soria, Veronica	Agua
Stan, Noble	Deer Creek / Tule River Authority
Stever, Tricia	Tulare County Farm Bureau
Suggs, Thomas	Wheeler Ridge - Maricopu Water Storage District
Tashno, Dennis	Kings County
Teran, Ernesto	Agua
Tharp, Niicheaz	RL Schafer & Associates
Thomas, Bill	
Tzou, Dick	Madera Irrigation District
VerSteeq, Jim	Buckeye Ranch
VonBeck, Art	El Monte Dairy

Wegis, Robert	Grinaway ENT
Westra, JJ	TCB Water Storage District

* Workshop team

This summary only includes the presentation and comments made during the PEIR workshop. An agenda and summary of the long-term program were also provided to workshop participants and can be found here:
http://www.swrcb.ca.gov/rwqcb5/water_issues/irrigated_lands/long_term_program_development/index.shtml#ilrppeir
Written comments and responses will be available for public review in the Final PEIR, scheduled to be released early 2011.

Welcome and Opening Remarks

Joe Karkoski, Central Valley Regional Water Quality Control Board (Board) Staff welcomed the workshop participants, stated the workshop purpose and asked the Board Members, Board Staff and consultants present to introduce themselves. Sam Magill, Center for Collaborative Policy Facilitator, reviewed the meeting room logistics, agenda and workshop materials. Ms. Smith clarified the PEIR public comment process requirements.

Overview of Proposed Modifications to the Irrigated Lands Regulatory Program (ILRP) and Draft PEIR

Mr. Karkoski stated the mission of the Board and outlined the following goals of the workshop:

- Review project background of the Irrigated Lands Regulatory Program.
- Provide an overview of the Draft PEIR.
- Hear questions and comments from workshop participants.

Mr. Karkoski explained that the Board has the responsibility to implement the water quality laws, specifically the federal Clean Water Act and the State Porter-Cologne Water Quality Act. In addition to regulating irrigated lands, the Board also regulates storm water from cities, construction sites, industry, dairies, treated wastewater and contaminated sites. Mr. Karkoski added that unlike other programs, the discharger to staff ratio for the irrigated lands program is relatively high: approximately 1,500 dischargers to every 1 Board Staff member.

Mr. Karkoski provided the following overview of the ILRP background:

- 2003 the Board adopted a conditional waiver for discharges from irrigated agricultural lands. The waiver was considered an interim program set to expire in 2006.
- 2006 the Board adopted a new conditional waiver that extended the interim program until 2011. An EIR on the ILRP was required.
- There are 8 coalition groups working directly with the growers under the current program:
    - Goose Lake
    - Sacramento Valley
    - California Rice Commission

- San Joaquin County and Delta
- East San Joaquin
- Westside San Joaquin River
- Westlands Water District
- Southern San Joaquin Valley

Mr. Karkoski showed a map of the number and location of water quality management plans currently required based on monitoring results. He explained that a management plan is required when there have been two or more surface water pollutant exceedances at a particular site within a three year time period.

Adam Laputz, Board Staff, provided a summary of the ILRP development and the accomplishments of the Stakeholder Advisory Workgroup.

- Staff was directed to prepare an EIR for the long-term irrigated lands program as part of the 2003 waiver program.
- A draft Existing Conditions Report (ECR) was developed using water quality data collected by the Board. The ECR was circulated for public review in 2006 and finalized in 2008.
- Board Staff conducted a series of California Environmental Quality Act (CEQA) public scoping meetings during March and April of 2008. Many stakeholders expressed a desire to be actively involved in the ILRP development.
- The first long-term program stakeholder advisory workgroup meeting was held on October 9, 2008.

Mr. Laputz then reviewed the ILRP goals and objectives that were developed by the stakeholder advisory workshop and board staff.

Goals

- Restore and/or maintain the highest reasonable quality of state waters, considering all the demands being placed on the water.
- Minimize waste discharge from irrigated agricultural lands that could degrade the quality of state waters.
- Maintain the economic viability of agriculture in California's Central Valley.
- Ensure that irrigated agricultural dischargers do not impair Central Valley communities and residents access to safe and reliable drinking water.

Summarized Objectives

- Restore and/or maintain beneficial uses by ensuring that all State waters meet applicable water quality objectives.
- Encourage implementation of management practices that improve water quality.
- Provide incentives for agricultural operations to minimize waste discharges to State waters.
- Promote coordination with other regulatory and non-regulatory programs to minimize duplicative regulatory oversight while ensuring program effectiveness.

Mr. Laputz summarized the five programmatic alternatives that are evaluated in the Draft PEIR and the Draft Economics Report. Mr. Laputz explained that in response to the request of the

Stakeholder Advisory Workgroup, Board Staff evaluated all five alternatives at an equal level of detail. He added that the Stakeholder Advisory Workgroup did not vote for a single alternative, but rather, felt that the five alternatives represented the best range of options that should be evaluated in the PEIR.

Board Staff created a recommended alternative using a combination of elements from the five programmatic alternatives. The recommended alternative includes the following components:

- Including groundwater in addition to surface water discharges within the program scope.
- Third-party or coalition group lead entity, rather than the Board.
- 8-12 geographic and/or commodity-based orders.
- A specified timeframe for implementation.
- Prioritized requirements.
- Regional surface and groundwater quality management plans as opposed to individual water quality management plans.
- Regional surface and groundwater quality monitoring rather than individual or no water quality monitoring.

Ms. Smith presented a synopsis of the PEIR process, the types of management practices that were analyzed, and the potential impacts of the ILRP. She explained that the analyzed management practices are a sample of those most likely to cause an environmental and economic impact. While all CEQA-recognized environmental resources were analyzed in the PEIR, potentially significant impacts could result to each of these resources: cultural resources, noise, air quality, climate change, vegetation and wildlife, fisheries, hydrology and water quality and agricultural resources. Ms. Smith then described the mitigation measure process and provided an example.

Mr. Karkoski presented an overview of the cost analysis; stating that the Board decided to go beyond the level of cost analysis required by the Porter-Cologne Water Quality Act. The expansion of the cost analysis was necessary in order to evaluate whether alternatives were consistent with the program goal to “maintain the economic viability of agriculture in California’s Central Valley.” The cost analysis focused on the compliance costs, net income effects on growers and landowners, potential impacts on regional farm economies, and effects on government entities associated with the program.

Mr. Karkoski closed the presentation by reviewing the following next steps:

- Comments on the draft PEIR are due by September 27th, 2010.
- Final ILRP and PEIR early 2011.
- Board consideration of final ILRP and PEIR no later than March 31, 2011.
- Orders to implement long-term ILRP developed during year following board certification of the PEIR.

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Open House to Discuss Staff Report, Cost Estimates, and Draft PEIR for the ILRP and Report Back

Small group discussion comments on the cost estimates for the ILRP

- Participant suggested adding the per acre cost based on total costs into the analysis.
- Participant asked for more information regarding the basis for deciding which practices to implement when and where.
- Participant requested more information regarding how the ILRP will address current groundwater nitrate clean up costs and environmental justice issues.
- Participants asked why costs do not significantly increase between alternatives 1 and 2.
- Participant voiced a concern that communities cannot drink their water because of high water pollution levels.
- Participants asked why groundwater well contamination in wells currently being drilled is not addressed in the ILRP.
- Participant suggested analyzing existing costs to drinking water users with contaminated water.
- Participants asked if the costs to school districts with contaminated water were considered in the cost analysis.
- Participant suggested that the Economic Report underestimated the cost of assessment monitoring.
- Participants would have preferred the recommended ILRP alternative to include the same level of analysis as alternatives 1-5.
- Participants requested clarification regarding what net vs. gross production means.

Small group discussion comments on the Draft PEIR

- Participants asked why the Board staff recommended alternative was not included in the Draft PEIR as one of the program alternatives.
- Participants would have liked a more thorough description of some of the potential management practices recommended in the PEIR; specifically, nutrient management and irrigation efficiency were mentioned. A more thorough economic evaluation would be possible with a more detailed description of what the Board feels would be needed in these areas.
- Participant voiced a concern over the cost local communities must bear to maintain groundwater as a community water supply source. Contamination from agricultural operations is a significant issue.
- Participants asked for more detail on what would be required for groundwater monitoring; the major concern was cost of a new monitoring program.
- Participant questioned the conclusion in the Draft PEIR that the program effects on climate change and greenhouse gas emissions were significant and unavoidable. It was pointed out that there are currently no approved significance criteria for this issue from the State. In most cases, the determination of significance is being left up to the decision-maker.
- Participant felt that the indirect environmental effects of losing low value cropland needed more discussion.
- Participant stated that there were other ways to deal with agricultural operation effects on community water supplies besides regulation of agricultural discharges to groundwater. Development of community water supply programs that either treat domestic water supplies or find other sources of drinking water for communities should be considered. This might be more cost-effective than increasing the costs to agriculture through better control of discharges to groundwater. Removing drinking water as a beneficial use for some groundwater basins was also mentioned as a potential remedy.

Small group discussion comments on the Staff Report Recommendations

- Participant asked for more explanation on what will be approved in March 2011.
- Participants wanted to know more about how the need for potential future EIR work will be determined.
- Participants requested a definition of “discharger”.
- Participants asked what the groundwater standard will be based on.
- Participant wondered if the ILRP will determine sources of nitrogen in the Tulare region.
- Participants requested more information regarding how pollution sources will be mitigated.
- Participant stated that county roads are a major source of runoff and asked if they would be regulated as a discharger in the ILRP.
- Participants asked why the preferred alternative is in the appendix rather than the main part of the PEIR. Suggested adding it to the PEIR and calling it alternative 6.
- Participants expressed concern regarding the level of analysis of the preferred alternative.
- Participant asked for an example of an implementation mechanism.
- Participants expressed concern that the Board Staff assume all irrigation impacts groundwater.

- Participant requested clarification regarding whether agricultural drainage will still be considered a beneficial use in the ILRP.
- Participant suggested addressing the salt level issue in the program.
- Participant pointed out that not all soil types have the same potential to impact groundwater.
- Participant expressed frustration that the burden of proof regarding whether harm is being done to groundwater is assigned to the discharger rather than the Board.
- Participants asked for more information regarding the scale of the groundwater monitoring program.
- Participant expressed concern regarding the amount of time it will take to implement the program.
- Participant asked if growers would be required to provide nutrient data / nutrient reports to the Board.
- Participant asked how the Board would proceed if coalition groups no longer existed.
- Participants asked for more information regarding how the sources of groundwater contamination will be determined.
- Participant suggested that the Board switch to an electronic data reporting system.
- Participants asked whether the Board planned to develop monitoring guidelines.

Meeting Recap and Next Steps

Mr. Karkoski thanked the workshop participants, requested that comments be submitted in writing, and invited anybody with questions regarding the ILRP to contact Mr. Laputz:
Email: awlaputz@waterboards.ca.gov
Phone: (916) 464-4848

Adjourn